Senator from Washington (Mr. JACKSON) be added as a cosponsor of S. 364, the Uniform Services Retirement Pay Equalization Act.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 687

Mr. SPONG submitted an amendment, intended to be proposed by him, to the bill—H.R. 15628—to amend the Foreign Military Sales Act, which was ordered to lie on the table and to be printed.

(The remarks of Mr. SPONG when he submitted the amendment appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 674

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Colorado (Mr. ALLOTT), I ask unanimous consent that, at the next printing, the name of the Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor of amendment No. 674 to S. 3112, to require an investigation and study, including research, into possible uses of solid wastes resulting from mining and processing coal.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 55 minutes p.m.) the Senate took a recess until tomorrow, Thursday, June 11, 1970, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, June 10, 1970*

The House met at 12 o'clock noon.

Rev. Jack Vibbert, First Methodist Church, Greensburg, Ky., offered the following prayer:

Almighty God, our Father, we praise Thee for the dawn of this new day which has come from the breath of Thy divine love. In the midst of life's feverish ways, lead our steps and help us not to falter in our search to find peace and unity, which come to those led by Thy merciful hand.

Through our waiting hours direct us in Thy wisdom; may we be free from spiritual and intellectual neglect, ever mindful that our place may be fulfilled only with stout hearts and deep convictions. Work strong in us, O God, and guide us in all our labors; and should disappointment come, grant that it minister to our greater strength. Help us to realize that what we do will always be determined by what we are.

Let us continue the day in Thee—

"To lean our arms awhile
Upon the window-sill of heaven,
And gaze upon the Lord,
Then, with vision in our hearts,
Turn strong to meet the task."

In the name of Christ. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

EULOGIES TO THE LATE HONORABLE GLENARD P. LIPSCOMB, OF CALIFORNIA, AND JAMES B. UTT, OF CALIFORNIA

Mr. FRIEDEL. Mr. Speaker, I am calling to the attention of the House membership that the closing date for eulogies to the late Congressmen Glenard P. Lipscomb, of California, and James B. Utt, of California, has been set for Friday, June 19, 1970. This has been set as the cutoff date for all insertions that will make up the compendiums of eulogy to these two Members of Congress who, but for their untimely passing, would now be serving in the 91st Congress.

PLANS FOR FLAG DAY CELEBRATION

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BROOKS. Mr. Speaker, as chairman of the Flag Day Committee, I have the honor to report that your committee met Monday and plans are going forward for the ceremony honoring our flag at noon next Monday, June 15.

With the able assistance of the members of your committee, we have made arrangements for the Naval Air Training Command Flag Pageant, band, and choir, to take part in the program. The pageant is most informative and inspirational and we feel it will be a worthy highlight to the ceremony. Invitations to join us, as our special honored guests, have been extended to the Joint Chiefs of Staff and the Commandant of the Coast Guard.

I urge my fellow Members to join with us next Monday in this tribute to our national emblem. This will be a particularly timely expression of our allegiance and an appropriate show of our national unity.

APPOINTMENT OF CONFEREES ON H.R. 12858, DISPOSITION OF FUNDS AWARDED TO TLINGIT AND HAIDA INDIANS, ALASKA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12858) to provide for the disposition of certain funds awarded to the Tlingit and Haida Indians of Alaska by a judgment entered by the Court of Claims against the United States, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. HALEY, EDMONDSON, TAYLOR, SAYLOR, and BERRY.

PROVIDING FUNDS FOR SELECT COMMITTEE CREATED BY HOUSE RESOLUTION 976

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–1173) on the resolution (H. Res. 1071) to provide funds for the select committee created by House Resolution 976, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 1071

Resolved, That effective June 8, 1970, the expenses of conducting the studies and investigations authorized by H. Res. 976, Ninety-first Congress, incurred by the select committee to investigate current aspects of the United States involvement in Southeast Asia, not to exceed $50,000, including expenditures for the employment of clerks, experts, consultants, technicians, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House, on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 2. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

With the following committee amendment:

On page 1, line 5, strike out "$50,000," and substitute in lieu thereof "$30,000,".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THOSE OF US IN THE MIDDLE

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

Mr. KOCH. Mr. Speaker, last night a bomb exploded at police headquarters in New York City. At least four persons were reported to have been injured. Fortunately, no one was killed. The aimless, senseless violence rocking and shocking our country must not be tolerated.

Those who say they are opposed to the inequities in our society and then seek to right them by the use of violence in fact wrong every one of us. Hurling epithets at policemen and firemen and degrading them by calling them pigs is part of the dehumanizing process that gives the bombthrower his criminal li-

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cense to kill. No one can question that wrongs have been committed upon fellow citizens by individual policemen and in such cases those guilty of violating the law must be held accountable for their acts even where they wear an official uniform. Similarly citizens who burn, snipe, and exhort others to violence on the campuses or in the streets must be held accountable and punished.

We who believe in the democratic process, who believe it is that process which permits us to reform our society and remove the many inequities that exist, cannot—indeed must not—stand silently by while the militants on the left and the right seek to destroy this country.

Violence in this country no matter how described and in support of whatever goal must never be condoned. Those of us in the middle have a duty to speak out, express our condemnation, and act accordingly.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, on Monday, June 8, I was in Buffalo on official business. Had I been present, I would have voted "nay" on rollcalls Nos. 154, 155, 156, and 157. Earlier I missed rollcall No. 149. Had I been present, I would have voted "aye" on rollcall No. 149.

NEED FOR ACTION ON EMERGENCY HOME FINANCE ACT

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

Mr. WIDNALL. Mr. Speaker, 55 days have now elapsed since the other body enacted the Emergency Home Finance Act—S. 3685—by a unanimous vote of 72 to 0. Forty-five of those days were consumed first in attempting to induce the chairman of the Banking and Currency Committee to hold a meeting to consider the bill and then in bickering over the proposed inclusion of highly controversial proposals of the ranking majority members.

Ten days have now elapsed since the committee resolved its differences and filed its report. Still we cannot get a rule to bring this badly needed emergency legislation to the floor for a mere 3 hours of debate.

This bill has the support of the administration—the unanimous backing of the other body, the prayers of the housing industry and the hopes of thousands of homeless Americans.

How do we impress on the majority leadership of this body the great need for action?

IMMEDIATE ACTION REQUIRED FOR HOME CONSTRUCTION

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

Mr. WYLIE. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from New Jersey, Mr. WIDNALL. The housing situation in our country today has reached the critical stage.

The demand for better housing for our middle-income and low-income families is now at the highest level since the period immediately after World War II. Furthermore, this demand promises to grow rapidly over the next few years.

Yet, the unhappy fact is that we are not even meeting our current housing needs, let alone making any progress toward providing for our future requirements.

This decline in housing production has seriously hurt the well-being of our people and the health of our vital homebuilding industry. Both have suffered primarily because of one reason—the scarcity of mortgage credit.

I believe it is obvious that the national interest urgently requires immediate action to achieve a turnaround in home construction. And I believe it is equally obvious that the surest way to accomplish this—to get housing starts moving up again—is by generating additional housing credit by passing immediately the Emergency Home Finance Act.

FIVE SUB-4-MINUTE MILERS AT THE UNIVERSITY OF OREGON

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

Mr. DELLENBACK. Mr. Speaker, on the balmy evening of June 5, 1970, in Eugene, Oreg., the University of Oregon held its annual "Twilight Track Meet." Eighty-four hundred people came to watch the meet held in perfect weather conditions at Eugene, a city called by many the "track capital of the world."

One of the highlights of the meet was the mile run. Eight runners started this race and, almost unbelievable as it may seem, five of them ran the full mile in less than 4 minutes.

I would like to pay tribute to these five young men, four of them present or former students at the University of Oregon, who accomplished this extraordinary feat, and also to the University of Oregon's extraordinary coach, Bill Bowerman, who has coached more sub-4-minute milers than any other man in the world. A total of 10 University of Oregon runners have now run sub-4-minute miles.

I list the men in the order of their finish:

Runner	Time	Hometown
Roscoe Divine	3:56.3	Vancouver, Wash.
Steve Prefontaine	3:57.4	Coos Bay, Oreg.
Dave Wilborn	3:58.2	Albany, Oreg.
Norm Trerise	3:59.1	Vancouver, British Columbia.
Steve Savage	3:59.2	Florence, Oreg.

I take special personal pleasure in emphasizing that two of these athletes come from cities—Coos Bay and Florence—in Oregon's Fourth Congressional District.

EMERGENCY HOME FINANCE ACT PASSAGE IS URGENT

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

Mr. BLACKBURN. Mr. Speaker, a widely circulated housing industry newsletter starts off this week's issue with this tale.

In a Scandinavian folktale, a farm maid carries a large, full basket of eggs atop her head, toward market. She envisions selling them all, and investing and reinvesting the proceeds in an ever more glorious future. As she dreams, she trips.

The editor then draws the parallel between our great hopes for housing and the sorry results. He does not overlook the fact, nor will our constituents, that prompt passage of the Emergency Home Finance Act would be helpful and notes that we managed to vote $290 million for the SST last week.

Mr. Speaker, is the leadership of this body so lacking in perspective, that it cannot differentiate between legislation which will have an immediate beneficial effect on our citizens and that which will not. Is another week to be lost while we consider postal reform? It is admittedly important, admittedly urgent—but not so important or urgent that we cannot set it back a few hours to consider the Emergency Home Finance Act.

EMERGENCY HOME FINANCE ACT WILL BE STEP IN RIGHT DIRECTION

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

Mr. WILLIAMS. Mr. Speaker, I would like to urge prompt consideration of the Emergency Home Finance Act of 1970 which has already been approved by the other body without a dissenting vote.

This bill (H.R. 17495) which is now before the Rules Committee, is an emergency response to a national situation that is distressing to the housing industry and the American public. Many thousands of our families want and need to purchase their own homes, or rent better housing, but are prevented from so doing because of inflated costs and high interest rates.

We can do something about these high interest rates and the slowdown in home construction by passing this legislation now before us. While the bill is no panacea to the many ills of our homebuilding industry, it is clearly a step in the right directon.

I ask my colleagues to join me in giving their strong support to this legislation.

EMERGENCY HOUSING BILL

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

Mr. HANNA. Mr. Speaker, as I listened to the presentations of my colleagues from the Committee on Banking and Currency this morning I would have been led to assume that they were trying to make it appear as if they did not have bipartisan support for the emergency housing bill which was before our committee or that they solely entertained

concern for the housing industry. I am sure they did not mean to give that impression, and I am sure that they would agree that without the help of a substantial portion of the Democrats on that committee that bill would not have come from the Banking and Currency Committee.

As it now stands, the bill is before the Rules Committee, and the implications now are that there is no concern in the Rules Committee or that the leadership of this House is holding this particular legislation back. I believe the chairman of the Rules Committee would certainly give a different aspect to that situation than the one which has been drawn here this morning.

There are a number of emergencies in this land, of which the housing industry emergency is one. I am sure the Rules Committee is attempting to address itself to the emergencies brought before it as quickly, effectively and efficiently as it can. I would presume they will bring prompt and immediate attention to the housing industry legslation, and they have so assured me.

The chairman of the housing subcommittee, the gentleman from Pennsylvania (Mr. BARRETT) is giving his full efforts toward seeing that this House gets an early opportunity to vote on this legislation.

I hope the comments we heard this morning mean that we will have full support for that legislation on the opposition's side of the aisle, and I believe we can be assured we will have support on the Democratic side of the aisle, and this bill will become law promptly.

SCHEDULING OF BILLS BEFORE THE COMMITTEE ON RULES

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

Mr. COLMER. Mr. Speaker, I just came down from a committee meeting. I did not hear the speeches that were made down here a few minutes ago, but I did hear the gentleman from California (Mr. HANNA), and I assume from that that some charge has been made here against the Committee on Rules of holding up the housing bill. I just want to say in response to that that there has been no effort whatsoever on the part of the chairman of that committee or any member of that committee to withhold action on the housing bill. The committee has been trying to cooperate with the various members in getting matters before this House that have some emergency nature. I might say that I am just as much interested in getting the housing bill out as anyone in this Chamber is. I have spoken to the chairman of the Committee on Banking and Currency on two or three occasions about bringing this bill up. He told me that he had to be out of town part of this week and that he would be back Monday. We cannot consider everything at one time. This committee was in session all day yesterday and it will be in session all day today on the postal reform bill. We cannot comply with the requests or the desires of every individual Member of the House in programing these bills. We will get to it just as soon as we can.

EMERGENCY HOME FINANCE ACT

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

Mr. HUNT. Mr. Speaker, I do not think there is a Member in this House, or a citizen in any of our districts who would not agree that we need to control inflation. But there are a whole lot of people who are having to tighten their belts as we fight against it. One of the problems is that inflation hurts everyone but the fight against it has a much more severe impact on selected people.

It is nothing new to recognize that the housing market is hardest hit in times like these but it is certainly revealing to note the callousness of the majority toward legislation designed to relieve some of these selective problems.

The Emergency Home Finance Act is a uniquely different bill which would serve to relieve the problems of people who need housing now; the problems of unemployed carpenters, plumbers, bricklayers, and others; and do all this without fanning the fires of inflation.

Unless we pass this bill soon it will be too late to help before this year's building season is over. Delays in getting this bill to the floor are unconscionable.

PERMISSION FOR SUBCOMMITTEE ON HOUSING, COMMITTEE ON BANKING AND CURRENCY, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Housing of the Committee on Banking and Currency may sit during general debate today.

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

There was no objection.

AMENDING WAR CLAIMS ACT OF 1948

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 4204) to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 23, strike out "$1" and insert "$2".

Page 3, line 23, strike out "$1.50" and insert "$3".

Page 4, line 7, strike out "$1.50" and insert "$3".

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

Mr. HALL. Mr. Speaker, reserving the right to object, I wonder if the distinguished chairman of the Committee on Interstate and Foreign Commerce would give the Members an explanation of this, before we allow it to go by unanimous consent, particularly as to whether the Senate amendments are germane in view of the House rules and what the additional cost would be.

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

Mr. HALL. I am glad to yield to the chairman.

Mr. STAGGERS. In trying to answer the gentleman, in taking the question of germaneness, they are germane. As you know, they apply to our prisoners of war. This will cost about a half a million dollars a year additional for those men who have been imprisoned by the enemy during wartime. That is the sort of thing it applies to. The fact is that when we passed the bill in this body we had just taken what had been carried through for many, many long years. The Senate thought, due to additional cost, that they should recognize this a bit more, and I can assure the gentleman it has not been changed by any amendments. We were in consultation with the minority, and we agreed this compromise was all right.

Mr. HALL. I appreciate the explanation of the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. STAGGERS. I am happy to yield to the distinguished gentleman from Illinois.

Mr. SPRINGER. Mr. Speaker, I think this is good legislation and that it should be passed and that the unanimous-consent request is in order.

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

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 11102, MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS OF 1970

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 11102) to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from West Virginia the same questions that the gentleman from Missouri (Mr. HALL) addressed to him with respect to the preceding bill. Are the amendments germane and did the conference boost the cost?

Mr. STAGGERS. Mr. Speaker, if the gentleman will yield; yes, I will say in reply to the gentleman from Iowa. However, we expect to explain these matters as we consider the conference report when we take it up for the consideration of the House.

Mr. GROSS. Then time will be taken by the gentleman from West Virginia to explain it?

Mr. STAGGERS. Yes.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 9, 1970, pp. 18960–18967, CONGRESSIONAL RECORD.)

Mr. STAGGERS. Mr. Speaker, the conference report before the House today provides a 3-year extension of the Hill-Burton hospital construction program, with a number of amendments designed to improve and strengthen the program. The conferees met on numerous occasions, and I come before you with the program which we unanimously recommend for your approval.

The House bill would have authorized a total in grants of $937 million over a 3-year period; the Senate bill provided a 5-year program, at a total cost of $3,305,000,000.

The conference substitute is a 3-year program authorizing a total of $1.202 million, plus whatever amounts are required for interest subsidies over that period.

In addition, the House bill would have established a program of guaranteed loans for public or private nonprofit health facility construction and modernization, with an interest subsidy payable only in the case of guaranteed loans for private nonprofit facilities. The House bill authorized $900 million in guaranteed loans over a 3-year period, whereas the Senate bill authorized $2.5 billion in guaranteed loans over a 5-year period, plus an additional $750 million in appropriations for direct loans for public facilities.

The conference substitute is a 3-year program of guaranteed loans, at a total of $500 million a year, which will cover both guaranteed loans with an interest subsidy for private nonprofit groups, and a program of direct loans from a revolving fund established with $30 million in initial capital for public facility construction, with the loans for public facilities being sold by the Secretary subject to an interest differential payment sufficient to recover the full principal amount of the loan to obtain capital for further public facility loans.

There has been a great deal of interest expressed in a feature of the Senate bill providing retroactive application of the loan guarantee program to cover projects on which construction or modernization was begun after January 1, 1968. The Senate bill authorized this type of retroactivity without restriction, subject to determination by the State agencies; however, the conferees learned that approximately 1,150 projects were potentially eligible for this retroactive guarantee, which would have been sufficient to use up the total authorization nationwide for several years, thereby in effect, severely restricting the availability of this program for future construction or modernization projects.

The conferees therefore agreed to a severely limited form of retroactivity, limited to a total of not more than two projects in any one State, and requiring that the State agency determine that unless refinancing is obtained through this new program, it will be impossible to complete construction or modernization of the project, or its continued operation after completion. The intent is not to provide operating funds, but rather to provide for those situations where the schedule of repayments of the loan principal, together with payments of interest annually are at such high levels that the project is no longer a feasible one unless refinancing is obtained under the more generous terms that will be available through this legislation.

One of the more difficult problems facing the conferees was the question of the method by which grant funds would be allotted among the States. This problem was debated at great length in our Subcommittee on Public Health and Safety, was extensively considered by our full committee during its executive session consideration of the bill, was the subject of floor amendments when the bill was considered in the House, was debated at considerable length during Senate committee consideration, and was the subject of floor amendments in the Senate.

The formula set out in the report before the House today is the same as that contained in the bill as initially passed by the House. Grant funds for modernization will be allotted according to a formula which takes into account population, per capita income, and need for modernization. This formula benefits the more urban States relatively more than it does the more rural States. Loan guarantees are to be allotted among the States according to this same type formula, thereby benefiting the urban States relatively more than the rural. Grant funds for new construction are to be allotted according to the traditional Hill-Burton formula which is based upon population and the square of a State's allotment percentage. This formula benefits the States having low per capita income relatively more than it does States having a higher per capita income, which, in general, are the more urban States.

In order to obtain agreement, however, the House conferees agreed to adding to the measure now under consideration, a requirement that the Secretary of Health, Education, and Welfare conduct a study of the operation of the existing construction grant formula, with recommendations to be made to the Congress on Monday, May 15, 1972, for the Congress to consider in connection with the necessary legislation providing for renewal of this program.

There are a number of other revisions contained in the conference report which in general reflect improvements that experience has shown to be necessary or desirable.

The bill authorizes a substantial increase in funds for construction of outpatient facilities, while requiring that adequate provision be made for hospital care for patients at these facilities who require hospitalization. Where these facilities are located in a rural or urban poverty area, the Federal share of construction costs for these facilities may be as much as 90 percent of these costs. In addition, a priority is given for construction of projects of this type.

Another provision in the Senate amendment which we agreed to, but with some modifications, was a proposal to prevent administratively imposed budgetary freezes, reduction, and rollbacks from applying to a number of health programs. The House conferees agreed to this provision, with the proviso that it is to be limited to funds appropriated for fiscal years ending before July 1, 1973, and applies only to programs under the Public Health Service Act, the mental retardation legislation, and the community mental health centers legislation.

Mr. Speaker, the conference on this legislation was somewhat more difficult than most conferences and it was necessary to have a number of meetings to resolve all the points in dispute. We feel that we have brought to the House a good bill, and we recommend the adoption of the conference report.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman from West Virginia yield?

Mr. STAGGERS. I yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I should be remiss if I failed to take this opportunity prior to final congressional action on H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1970, to pay a few words of tribute to the chairman and members of the Committee on Interstate and Foreign Commerce for the outstanding job they have done in connection with this measure. H.R. 11102 is almost solely the product of the labors of our Committee on Interstate and Foreign Commerce. Legislation to extend and liberalize the Hill-Burton Act was introduced by the gentleman from Florida (Mr. ROGERS), and others, on February 18, 1969. Proposed hearings were delayed several times on request of the administration. When the administration finally did appear to present its views late in March it was able to offer only a few exceedingly broad and general suggestions as to proposed changes in the existing law. No draft bill or specific amendments were given the committee. In executive session, the administration's proposals were rejected in toto and H.R. 11102, a clean bill, was reported on May 20 embodying modifica-

tions in the hospital construction legislation developed by members of the committee and perfected in the give and take of the committee's deliberations. It passed the House on June 4, 1969, by a rollcall vote of 351 to 0.

President Nixon in his proposed budget for 1971 submitted to the Congress last January, recommended the termination of the Hill-Burton hospital construction program. I am delighted that the conferees have rejected the President's proposal. The conference report, as did the House-passed bill, provides for a 3-year extension of the Hill-Burton program. Wisely, the Congress recognizes that this program has been highly beneficial and successful. And by our actions today, we will be serving notice on the President that we expect it to be continued and funded at a level to assure its continued successful operation.

My congratulations once again to the gentleman from West Virginia (Mr. STAGGERS), and his colleagues on the Interstate and Foreign Commerce Committee for a job well done.

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

Mr. STAGGERS. I am happy to yield to the distinguished ranking minority member of the committee.

Mr. SPRINGER. Mr. Speaker, a bill extending the authorities and authorizations for the Hill-Burton program was passed by the House last fall. It retained the traditional grant programs with which we are all familiar and which have been building hospitals for a quarter of a century. In addition there were new forms of assistance for nonprofit hospitals in the form of guaranteed loans with interest subsidies. The total package was to cost just under $900 million for the 3-year period.

Today we bring to you for consideration, and we hope approval, the results of a long, arduous and sharply divided conference with the other body. The differences between House and Senate versions of the bill were major. The money to be authorized in the Senate version was roughly three times that of our bill. Allocation formulas would have been changed and site acquisitions included had the Senate version prevailed.

The conference report embodies several compromises but we feel that the essential elements of the House bill have been preserved. The authorizations now come to $1.244 million which constitutes a major victory for our approach. The present formula for allocating funds to the States was retained from the House bill and after great travail is also retained in the conference-reported measure. Site acquisition is not included.

Public hospitals were not included as eligible applicants for loan guarantees or interest subsidies because of the municipal and Federal fiscal implications. Since the House bill was passed the Treasury and the Budget Bureau have worked with Senate staff and eventually found a way to minimize the dangers. An amendment to the bill by Senator DOMINICK included public hospitals and the machinery was devised to make it workable. It was necessary to revise these provisions further in the conference but when everyone was satisfied that loans could be made to public hospitals without jeopardizing bond issues the arrangement was agreed to and is included in the conference report.

A requirement in the Senate bill that all money appropriated for health programs of all sorts be spent within the year was considered a dangerous incursion into executive prerogatives by your conferees. In order to come back with a bill it was finally agreed to retain the requirement for three programs only. They are Hill-Burton, mental health, and mental retardation.

Most of the other provisions in the conference report are no more than modifications of things that were included in the House bill and the essential elements of which have not been tampered with.

I recommend that the House approve the conference report.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

Mr. DICKINSON. 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 Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 378, nays 0, not voting 51, as follows:

[Roll No. 161]

YEAS—378

Abbitt	Brown, Mich.	Culver
Abernethy	Brown, Ohio	Cunningham
Adair	Broyhill, N.C.	Daniel, Va.
Adams	Broyhill, Va.	Daniels, N.J.
Addabbo	Buchanan	Davis, Ga.
Albert	Burke, Fla.	Davis, Wis.
Alexander	Burke, Mass.	de la Garza
Anderson, Calif.	Burleson, Tex.	Delaney
	Burlison, Mo.	Dellenback
Anderson, Ill.	Burton, Calif.	Denney
Andrews, Ala.	Burton, Utah	Dennis
Andrews, N. Dak.	Bush	Derwinski
	Button	Devine
Annunzio	Byrne, Pa.	Dickinson
Arends	Byrnes, Wis.	Diggs
Ashley	Cabell	Dingell
Aspinall	Caffery	Donohue
Baring	Camp	Dorn
Barrett	Carey	Downing
Beall, Md.	Carter	Dulski
Belcher	Casey	Duncan
Bell, Calif.	Cederberg	Dwyer
Bennett	Celler	Eckhardt
Berry	Chamberlain	Edmondson
Betts	Chappell	Edwards, Ala.
Bevill	Chisholm	Edwards, Calif.
Biester	Clancy	Edwards, La.
Bingham	Clark	Eilberg
Blackburn	Clausen, Don H.	Erlenborn
Blanton		Eshleman
Blatnik	Clawson, Del	Evans, Colo.
Boggs	Cleveland	Evins, Tenn.
Boland	Cohelan	Fallon
Bolling	Collier	Farbstein
Bow	Collins	Fascell
Brasco	Colmer	Feighan
Brinkley	Conable	Findley
Brock	Conte	Flood
Brooks	Conyers	Flowers
Broomfield	Corbett	Flynt
Brotzman	Corman	Foley
Brown, Calif.	Crane	Ford, Gerald R.
Ford, William D.	Long, La.	Roberts
	Long, Md.	Rodino
Foreman	Lowenstein	Roe
Fountain	Lujan	Rogers, Colo.
Frelinghuysen	Lukens	Rogers, Fla.
Frey	McClory	Rooney, Pa.
Friedel	McCloskey	Rosenthal
Fulton, Pa.	McClure	Rostenkowski
Fulton, Tenn.	McCulloch	Roth
Fuqua	McDade	Roybal
Galifianakis	McDonald, Mich.	Ruppe
Gallagher		Ruth
Garmatz	McEwen	Ryan
Gettys	McFall	St Germain
Giaimo	McKneally	Satterfield
Gibbons	Macdonald, Mass.	Saylor
Gilbert		Schadeberg
Goldwater	MacGregor	Scherle
Gonzalez	Madden	Schneebeli
Goodling	Mahon	Scott
Gray	Mann	Sebelius
Green, Oreg.	Marsh	Shipley
Green, Pa.	Martin	Shriver
Griffin	Mathias	Sikes
Griffiths	Matsunaga	Sisk
Gross	May	Skubitz
Grover	Meeds	Slack
Gubser	Melcher	Smith, Calif.
Gude	Michel	Smith, Iowa
Hagan	Mikva	Smith, N.Y.
Haley	Miller, Calif.	Snyder
Hall	Miller, Ohio	Springer
Halpern	Mills	Stafford
Hamilton	Minish	Staggers
Hammer-schmidt	Mink	Stanton
	Minshall	Steed
Hanley	Mize	Steiger, Ariz.
Hanna	Mizell	Stokes
Hansen, Idaho	Mollohan	Stubblefield
Harrington	Monagan	Sullivan
Harsha	Montgomery	Symington
Harvey	Moorhead	Taft
Hastings	Morgan	Talcott
Hawkins	Morse	Taylor
Hays	Morton	Teague, Calif.
Hébert	Mosher	Teague, Tex.
Hechler, W. Va.	Moss	Thompson, Ga.
Heckler, Mass.	Murphy, Ill.	Thompson, N.J.
Helstoski	Myers	Thomson, Wis.
Henderson	Natcher	Tiernan
Hicks	Nedzi	Tunney
Hogan	Nelsen	Udall
Holifield	Nichols	Ullman
Horton	Nix	Van Deerlin
Hosmer	Obey	Vander Jagt
Howard	O'Hara	Vanik
Hull	O'Konski	Vigorito
Hungate	Olsen	Waggonner
Hunt	O'Neal, Ga.	Waldie
Hutchinson	O'Neill, Mass.	Wampler
Ichord	Patten	Watkins
Jacobs	Pelly	Watson
Jarman	Pepper	Watts
Johnson, Calif.	Perkins	Weicker
Johnson, Pa.	Pettis	Whalen
Jonas	Philbin	Whalley
Jones, Ala.	Pickle	White
Jones, N.C.	Pike	Whitten
Jones, Tenn.	Pirnie	Widnall
Karth	Poage	Wiggins
Kastenmeier	Podell	Williams
Kazen	Poff	Wilson, Bob
Kee	Preyer, N.C.	Wilson, Charles H.
Keith	Price, Tex.	
King	Pryor, Ark.	Winn
Kleppe	Pucinski	Wold
Kluczynski	Purcell	Wolff
Koch	Quie	Wright
Kuykendall	Quillen	Wylie
Kyl	Railsback	Wyman
Kyros	Randall	Yates
Landgrebe	Rees	Yatron
Landrum	Reid, Ill.	Young
Langen	Reifel	Zablocki
Latta	Rhodes	Zion
Lennon	Riegle	Zwach
Lloyd	Rivers	

NAYS—0

NOT VOTING—51

Anderson, Tenn.	Esch	Ottinger
	Fish	Passman
Ashbrook	Fisher	Patman
Ayres	Fraser	Pollock
Biaggi	Gaydos	Powell
Brademas	Hansen, Wash.	Price, Ill.
Bray	Hathaway	Rarick
Clay	Kirwan	Reid, N.Y.
Coughlin	Leggett	Reuss
Cowger	McCarthy	Robison
Cramer	McMillan	Rooney, N.Y.
Daddario	Mailliard	Roudebush
Dawson	Mayne	Sandman
Dent	Meskill	Scheuer
Dowdy	Murphy, N.Y.	Schwengel

Steiger, Wis.	Stuckey	Wydler
Stephens	Whitehurst	
Stratton	Wyatt	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Biaggi with Mr. Reid of New York.
Mr. Dent with Mr. Coughlin.
Mr. Gaydos with Mr. Ayres.
Mr. Rooney of New York with Mr. Fish.
Mr. Leggett with Mr. Mailliard.
Mr. Stephens with Mr. Mayne.
Mr. Stratton with Mr. Pollock.
Mr. Daddario with Mr. Meskill.
Mr. Price of Illinois with Mr. Cramer.
Mr. Reuss with Mr. Esch.
Mr. Hathaway with Mr. Schwengel.
Mrs. Hansen of Washington with Mr. Cowger.
Mr. Dowdy with Mr. Bray.
Mr. Fisher with Mr. Ashbrook.
Mr. Patman with Mr. Robison.
Mr. Brademas with Mr. Roudebush.
Mr. Murphy of New York with Mr. Wydler.
Mr. Anderson of Tennessee with Mr. Steiger of Wisconsin.
Mr. Stuckey with Mr. Wyatt.
Mr. McMillan with Mr. Whitehurst.
Mr. Clay with Mr. Crane.
Mr. Scheuer with Mr. Rarick.
Mr. Kirwan with Mr. Powell.
Mr. Passman with Mr. Ottinger.
Mr. McCarthy with Mr. Dawson.
Mr. Dent with Coughlin.
Mr. Gaydos with Ayres.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

CLEAN AIR ACT AMENDMENTS OF 1970

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1069 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1069

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 (H.R. 17255) to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, 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, and all points of order against the provisions beginning on page 52, line 1 through page 53, line 4 of said committee substitute are hereby waived. 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 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 recommit with or without instructions.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1069 provides an open rule with 2 hours of general debate for consideration of H.R. 17255, Clean Air Act Amendments of 1970. The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment and that all points of order are waived against the provisions beginning on page 52, through line 4 on page 53 of the committee substitute. Points of order are waived against the specific language on pages 52 and 53 because of the question of germaneness.

The purpose of H.R. 17255 is to speed up, expand, and intensify the war against air pollution.

The Secretary of Health, Education, and Welfare will be authorized and directed to establish nationwide air quality standards and the States will be left free to establish stricter standards, if they so desire. Thus, the war against air pollution will be carried on throughout the Nation rather than only in particular geographical areas.

Within 60 days after promulgation of national ambient air quality standards, the Governor of a State may file a letter of intent that the State will, within 180 days and after public hearings, adopt a plan for the implementation and enforcement of such standards, and the Secretary may extend the 180-day time period for good cause shown but not to exceed an additional 180 days.

I commend the committee for reporting this legislation to eliminate the disgraceful pollution of the air, especially in industrial urban centers. The Calumet region of Indiana is making slow progress on air pollution. Steel mills, oil refineries, and other air polluters will welcome both Federal and State unity to join with local governments to solve this gigantic air pollution menace that is endangering the health of millions of helpless citizens over the Nation.

The bill authorizes appropriations for fiscal year 1971 in the amount of $200 million, for fiscal year 1972 in the amount of $250 million, and for fiscal year 1973 in the amount of $325 million.

Mr. Speaker, I urge the adoption of House Resolution 1069.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Indiana (Mr. MADDEN) has ably stated House Resolution 1069 makes in order consideration of the Clean Air Act Amendments of 1970, under an open rule, 2 hours of debate, the committee substitute is made in order as an original bill for the purpose of amendment, and points of order are waived against that part of the committee amendment which includes all of page 52 and the first 4 lines of page 53 of the bill. This language, which amends the Federal Aviation Act, is nongermane.

The purpose of the bill is to speed up, expand, and intensify the war against air pollution in the United States. A thorough review of the Clean Air Act as presently administered indicates an intensification is necessary.

The bill authorizes the Secretary of Health, Education, and Welfare to establish nationwide air quality standards with the States left free to establish even stricter standards in their own boundaries. No standards may be less vigorous than Federal standards. For the five pollutants which the Secretary already has established criteria—sulfur oxides, particulate matter, carbon monoxide, hydrocarbons, and photochemical oxidants—national standards would be issued within 30 days after the date of enactment. With respect to other pollutants, standards would be proposed within 30 days after the criteria has been established.

Each State must file a letter of intent, that the State will within 180 days adopt a plan to implement and enforce the standards. If a State fails to file a letter or implement the plan in 180 days, the Secretary himself may institute an acceptable plan. The bill authorizes the Secretary to test or require to be tested in a manner he deems appropriate any new motor vehicle or engine as it comes off the assembly line in order to determine whether the vehicle or engine conforms with national standards, already adopted. Further, he is authorized to establish limitations on ingredients of fuels in motor vehicles when he deems it necessary. The Secretary is given similar authority for air pollutants in aircraft and aircraft engines. Under present law, the Secretary does not have such authority. The bill authorizes appropriations for fiscal year 1971 of approximately $200 million; 1972, $250 million; 1973, $325 million. Of these amounts, $75 million for 1971, $100 million for 1972, and $125 million for 1973 are earmarked for research relating to controlling pollution resulting from the combustion of fuels in vehicle and aircraft engines.

There are no agency reports.

Mr. Speaker, I recently introduced a package of seven bills on air and water pollution control, a description of which I outline here.

H.R. 16024 amends the Land and Conservation Fund Act of 1965 to authorize the sale of surplus Federal real property to any State, county, municipality, or other political subdivision to be used as a public park or recreation area. Moreover, and moneys realized from these sales in excess of $54,700,000 a year will be placed in the land and water conservation fund which, in turn, will be used to provide additional park and recreational facilities.

This bill, when enacted, could transfer vast amounts of land from restricted Federal reservations to much-needed recreational and park land available to all the people.

H.R. 16025 is concerned with the burgeoning pollution problem. This bill recognizes that a pollutant might reasonably be considered as a resource out of place; indeed, the bill states clearly that pollution of air, water, and land can be ameliorated only by greater use of reclamation and recycling of material from solid wastes such as metals, plastics,

ceramics and glass, paper products, and the like.

Failure to reclaim and recycle materials not only causes pollution of all kinds but also contributes to the wasteful depletion of primary natural resources—squandering our heritage, so to speak. The reason for this failure is that we do not know how to make the reclamation of materials economically advantageous as compared with using up primary resources. The problem is especially serious in regard to scrap automobiles.

Thus, this bill has two purposes: First, to provide for investigations, studies, surveys and research into the development of methods for encouraging greater reclamation and recycling materials from solid wastes; and, second, to give special consideration to the problem of motor vehicle hulks.

Now, who is going to do these things and how are they going to achieve their goals? This program will be carried out by the newly created Council on Environmental Quality and they are going to develop a carrot and stick method—that is, they will study the relative effectiveness of various types of incentives, including financial and tax relief, along with regulatory measures to accelerate reclamation or recycling materials not presently competitive with primary resources. They will then make recommendations to the President for legislative proposals or executive actions which will insure attainment of the goals of this bill.

H.R. 16026 zeroes in on air pollution. This bill amends the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, and to establish standards applicable to dangerous emissions from stationary sources.

Briefly, this bill streamlines the implementation required to secure clean and healthful air. It facilitates direct action by the Federal Government and shortens the length of time between recognition of a source of air pollution and its abatement. Perhaps most significant, it establishes stiff penalties of $10,000 fine per day per violation rather than the previouly established fine of $1,000 maximum fine per violation.

H.R. 16027, H.R. 16028, and H.R. 16029 are each concerned with the abatement of water pollution. They constitute three separate amendments to the Federal Water Pollution Control Act, each of which deals with vital areas.

H.R. 16027 deals primarily with grants of money. The first portion of this bill updates and extends the authority of the Department of the Interior to support and encourage research relating to the causes, control, and prevention of water pollution. Grants may also be made for studies that will enhance or protect water quality, demonstrate advances in waste water reuse technology, or contribute to knowledge concerning associated problems. More specifically, the kinds of research this bill is designed to support are:

First, practical means of treating municipal sewage so as to maintain the maximum amount of the Nation's waters at a quality suitable for repeated reuse;

Second, methods and techniques of identifying the effects of pollutants upon water quality;

Third, methods and procedures for evaluating the effects of augmented streamflow on water quality;

Fourth, analyses of bodies of water with respect to water quality, waste disposal practices, water uses and needs, and water quality management;

Fifth, development of better methods of managing storm sewer discharges;

Sixth, development of advanced waste treatment and waste water renovation; and

Seventh, development of new and improved methods of managing industrial waste discharges.

The second portion of this bill authorizes increased moneys to the States for planning programs to prevent and control water pollution. The argumentation in the size of these grants available deserves special recognition. The original act authorized $3 million for each of the years 1957 to 1961. The amounts authorized for 1961 to 1967 were $5 million, and from 1967 to 1970 it was $10 million. This bill authorizes $12.5 million in 1971 $15 million in 1972; $20 million in 1973; $25 million in 1974; and $30 million in 1975. The tremendously augmented moneys speak eloquently for how important the State role is in water pollution abatement.

H.R. 16028 is especially significant. It broadens the scope of the Water Quality Act in several very meaningful ways by amplifying both the national policy and the waters subject to enforcement action by the Secretary of the Interior.

The national policy will now embrace not only the concepts of water pollution abatement and environmental quality enhancement, but will also provide for planning future water quality management in keeping with our Nation's population growth, industrial expansion, agricultural intensification, energy requirements, recreation and conservation uses, and environmental quality.

This bill broadens the scope of waters under protection to include not only interstate and navigable waters as before, but also ground waters.

These underground water resources are an important portion of our water supply formerly free from protection against pollution. This bill also protects against pollution of the territorial seas of the United States. The high seas beyond the contiguous zone are protected from pollution transported from or originating in areas over which the United States has sovereignty.

A third effect of this bill is to put sharper teeth into enforcement procedures. The existing Water Quality Act does not specify penalties for violation of water quality standards, leaving the appropriate abatement procedures to the discretion of the courts. This bill specifies that the court may enforce its judgment by issuing an injunction against activities which cause violation of the standards or by levying fines of up to $10,000 per day for each violation.

The third water pollution control bill, H.R. 16029, is designed to provide financial assistance for the construction of waste treatment facilities. The bill, when enacted, will make $4 billion of Federal moneys available to States and municipalities over the next 4 fiscal years. Further, it requires that by January 1973, the Congress shall receive from the President a report on the financial requirements for construction of waste treatment facilities for fiscal years 1975 through 1979, thus assuring program continuity throughout the next decade.

This bill also adds flexibility to the ways that these moneys can be made available by permitting the Federal Government to incur obligations in the form of grant agreements as well as by direct granting.

H.R. 16030 establishes an Environmental Financing Authority to assist in the financing of waste treatment facilities. The purpose of this bill is to assure that the inability to borrow necessary funds at reasonable rates does not prevent any State or municipality from constructing waste treatment works authorized and financed with the aid of grants provided by the Secretary of the Interior, as just described. This Authority will be a federally insured agency and occupy a statutory position parallel to that of the well-known Federal National Mortgage Association and the Government National Mortgage Association.

The impact of this Environmental Financing Authority is hard to overestimate because many municipalities, especially those with limited tax bases, are unable to supply their share of the money needed to construct waste treatment facilities. Bond issues in these days of high interest rates have met increasingly with failure. These forces have combined to frustrate achievement of the national goal of water free from pollution.

I take great pride in presenting a discussion of these administration bills to you. Each of them is a major step forward in the preservation and enhancement of our environment; together they are a dynamic, effective program of great value to the people of the United States.

Mr. Speaker, I have no further requests for time, but I reserve the balance of my time.

I urge the adoption of the resolution and the bill.

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Mr. Speaker, I want to thank the gentleman from Indiana (Mr. MADDEN) for yielding me this time.

Mr. Speaker, I rise in opposition to the rule on H.R. 17255, the Clean Air Act Amendments of 1970. I am opposing the rule because of the undue haste with which this bill is being brought to the floor of the House. Less than 24 hours' notice has been given and a committee hearing record is not yet available.

I am opposing the rule because I believe that the Members of this House should have had more than a few hours to consider a bill as complex and as vital to the Nation's health and welfare as this one. The number of ineffective pieces of environmental protection legislation at

the State, local, and Federal level, is legion. Given the complexity of such legislation, it is perhaps not surprising that so many legislatures have failed to keep their promises. I do not want this House to fail. I believe that a mere 24 hours' notice of such an important measure is totally inadequate. I urge the House to delay consideration of this bill until the Members have an opportunity to give it the careful thought and scrutiny it demands.

Hundreds of young men and women, and also many older people as well, intended to come to Washington at their own expense, many from great distance, to work within the system to let the Congress know of their concern that the blight of the internal combustion engine should be ended. The focus of their interest was to be H.R. 17255 and four amendments to be offered to the bill.

Unfortunately, through those actions which sometimes happen in the U.S. Congress, these fine people will not have their chance to speak their minds; nor will the Members of the House have the benefit of their thoughts and the opportunity to reflect on the many complex problems involved in this legislation.

The issues raised by these four amendments, whether one agrees or disagrees with them, are fundamental and have far-reaching implications for the Nation's environment and its transportation system. The amendments deserve careful scrutiny and enlightened and informed debate.

Mr. Speaker, the Nation is becoming accustomed to air pollution legislation so riddled with loopholes and delays as to be unworkable. Two and one-half years ago the House unanimously passed the Air Quality Act of 1967. Since that time not one smokestack has been cleaned up; and up to 80 percent of auto emission control devices fail to function properly after 11,000 miles of performance. As a result of inadequate legislation and administration, the pollution of our air has increased. This bill, as reported from committee, makes many small improvements to the present legislation. But none of these improvements is enough to curb the rising levels of environmental poison. I had hoped to strengthen at least one part of this bill, and help solve at least one-half the problem, the half, or rather 60 percent contributed by the automobiles. This does not mean that I am at all satisfied with the still too weak provisions for stationary sources, the factories and powerplants.

Mr. Speaker, I do not want to vote against air pollution control legislation. But we have already broken too many promises to the American people. I urge my colleagues to oppose the rule so that after due consideration, we may at least present the American people with half a solution.

One of the amendments would adopt as minimum national standards for auto emissions the standards already adopted and approved by California for 1971, 1972, and 1974 model cars.

A second would authorize voluntary testing of devices driven over 4,000 miles, with the Federal Government empowered to require the auto industry to correct patterns of defects uncovered.

A third would substitute the far superior fuel additive regulation provisions recommended by the administration for the almost totally unworkable provision in the committee bill.

The final amendment would establish auto emission standards beginning in 1975, based on the cleanest feasible propulsion system, rather than on what the internal combustion engine can achieve.

Should the House nevertheless vote to consider the bill today, I hope and trust that the Members of the House will make the sustained effort to consider these amendments and will then join with me in supporting their adoption on the floor.

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

Mr. FARBSTEIN. I yield to the gentleman.

Mr. MADDEN. Mr. Speaker, I think the gentleman overlooks the fact that this is an open rule and the gentleman can offer any amendment he desires during debate in the Committee of the Whole House.

Mr. FARBSTEIN. I appreciate that and that is the reason for my last statement. However, there was no notice given on this legislation; it was not programed. In addition, I am voting against the rule because I feel this bill should be put over in order that Members of Congress and the people of the United States might know what legislation is coming up.

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

Mr. FARBSTEIN. I yield to the gentleman.

Mr. MADDEN. As I understand it, it was the purpose of the leadership to call up the postal reform bill today on the floor. But yesterday the Committee on Rules, of which I am a member, was holding hearings from 10:30 a.m. to 4:30 p.m. and we were unable to get the bill reported out. We are still holding hearings upstairs on the postal reform bill and had it not been for the long Rules Committee hearing on postal reform this bill would not have been up for consideration today.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RYAN).

Mr. RYAN. Mr. Speaker, I believe the gentleman from New York is exactly right on this question.

The degradation and contamination of our environment and the consequent effects upon the health of our citizens is a paramount issue. Far-reaching legislation is essential to preserve the quality of our environment.

In 1967, the Clean Air Act was passed unanimously, I believe; it has not sufficiently reached the problems to which it was addressed. The reason that it has not been more effective is probably because it was too noncontroversial. It satisfied too many interests to the detriment of the public.

Strong legislation is necessary. The Secretary should be empowered to set national emission standards for all stationary sources and not just for new sources. H.R. 17255 applies only to new sources which endanger the public health and welfare—a far too restrictive test. The test should be whether or not any source—old or new—contributes to the deterioration of environmental quality.

I believe the Secretary should have the power to issue court enforceable cease and desist orders against polluters as my bill, H.R. 17113, provides.

Several of us had intended to offer strengthening amendments, which would have been circulated in advance to the Members of the House so that they would have an opportunity to consider them fully and to be prepared to discuss them and to debate them. I prefer the approach of my bill, H.R. 17113, and might want to offer it as a substitute.

The lateness with which this bill was scheduled, not having been programed until late yesterday afternoon makes that impossible.

I believe the procedure under which this bill is now being brought to the floor does a disservice to the Members of the House. We are entitled, it seems to me, at least to notice the previous week when the leadership intends to bring up a very important piece of legislation. If, in fact, the leadership found there were no other bills to schedule today, so be it. It is more important that we act thoroughly, with careful scrutiny, than simply programing a bill in order to have something to do. Members should have sufficient notice for the consideration of major legislation.

Public concern about air pollution is so great that there is a groundswell of support for strong legislation. There should be enough notice for the public to let Congress know their feelings.

Beyond that, I am informed that the hearings are not available.

Mr. SPRINGER. Mr. Speaker, will the gentleman from Indiana yield?

Mr. MADDEN. I yield to the gentleman from Illinois.

Mr. SPRINGER. I have in my hand a copy of the hearings. They have been on the desk for the Members of the House.

Mr. RYAN. The hearings were not available to my office this morning. They may be here now. I am glad they are.

Mr. VAN DEERLIN. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Speaker, I can well understand the problems that the Rules Committee and the leadership both encountered yesterday, and I concede it would not look well for the House on a Wednesday, in the month of June, to be virtually idle. However, both as a Californian and as a member of the Committee on Interstate and Foreign Commerce, I do somewhat resent the idea that this very important piece of legislation should be considered as a sort of stopgap activity, a backup piece of business for the House of Representatives—something to be considering on such short notice.

For that reason, for the first time in my 8 years in this body, I intend to observe the absence of a quorum when we come to a vote on the rule.

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

Mr. MADDEN. I yield to the majority leader.

Mr. ALBERT. Mr. Speaker, I certainly want to be among the first to recognize

the interest which the three gentlemen who have spoken in opposition to this rule have had over the years on this subject. The record speaks for itself. I am sure that no Member is more conscientious or devoted to clean air than they. I agree with them that this is an important subject, one of the most important confronting the human race.

I also agree that in all instances as much notice as possible should be given to the House. I must call to the attention of the House the fact, however, that we did take extraordinary caution in announcing the program last week. Not only did the whip notice contain the usual reservation that any further program may be announced later, but we did specifically point out that there had been programed, and that perhaps it would be brought up on Wednesday, the postal reform bill, but that in case a rule was not granted, we would announce another program for Wednesday. I at first considered the Emergency Housing Amendments, but the distinguished chairman of the committee was not ready to go to the Rules Committee on that matter.

The distinguished gentleman from Florida (Mr. SIKES) stated that he could be ready on the military construction authorization bill for today, but it was requested by a number of Members—and this was specifically brought to my attention before we had made any arrangements to change the program or to add to the program—to give an extra day on this bill because there was a highly controversial item in it. In order to accommodate Members who wanted that extra time, I decided to heed the petitions of the gentleman from West Virginia and the gentleman from Florida to program the clean air bill, particularly in view of the fact that they advised me that it had come out of the committee unanimously.

That is the reason the bill was programed. It was one bill that had come out unanimously and the committee chairman was seeking to have it programed. Whether I was right or wrong, that is what happened, and after I promised the gentleman from West Virginia that I would program the bill, and we did have this day free, I did it.

I hope my colleagues, even though they are entitled normally to more notice than this, will realize we did give special notice that the program might have to be changed. We did announce when we made the program announcement that any bill that had a rule would be eligible for substitution. To that extent I think I should rise in defense of the procedure which we have used.

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

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

Mr. GROSS. Mr. Speaker, perhaps the protesting gentlemen would prefer to meet on Friday or Saturday. We have not had a Friday or Saturday meeting for quite some time. Perhaps they would prefer to meet on Friday or Saturday.

Mr. ALBERT. So far as that is concerned, that would be immaterial to me. I was just trying to keep the business of the House moving.

Mr. VAN DEERLIN. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Speaker, I would like to advise the gentleman from Iowa that any Friday or Saturday during the entire month of June would be quite satisfactory to me.

Mr. GROSS. Except on my birthday.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. GRAY). The question is on the resolution.

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

Mr. FARBSTEIN. 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 pro tempore. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 336, nays 40, not voting 53, as follows:

[Roll No. 162]

YEAS—336

Abbitt	Cleveland	Gonzalez
Abernethy	Collins	Goodling
Adair	Colmer	Gray
Adams	Conable	Green, Oreg.
Addabbo	Conte	Green, Pa.
Albert	Corbett	Griffin
Alexander	Coughlin	Griffiths
Anderson, Ill.	Cramer	Gross
Andrews, Ala.	Crane	Grover
Andrews, N. Dak.	Culver	Gubser
Annunzio	Cunningham	Gude
Arends	Daniel, Va.	Hagan
Ashley	Daniels, N.J.	Haley
Aspinall	Davis, Ga.	Hall
Baring	Davis, Wis.	Halpern
Barrett	de la Garza	Hamilton
Beall, Md.	Delaney	Hammer-schmidt
Belcher	Dellenback	Hanley
Bell, Calif.	Denney	Hansen, Idaho
Bennett	Dennis	Harsha
Berry	Derwinski	Harvey
Betts	Devine	Hastings
Bevill	Dickinson	Hathaway
Biester	Diggs	Hays
Blackburn	Dingell	Hébert
Blanton	Donohue	Heckler, Mass.
Boggs	Dorn	Henderson
Boland	Dulski	Hicks
Bolling	Duncan	Hogan
Bow	Dwyer	Holifield
Brinkley	Eckhardt	Horton
Brock	Edmondson	Hosmer
Brooks	Edwards, La.	Howard
Broomfield	Eilberg	Hull
Brotzman	Erlenborn	Hunt
Brown, Mich.	Eshleman	Hutchinson
Brown, Ohio	Evans, Colo.	Ichord
Broyhill, N.C.	Evins, Tenn.	Jarman
Broyhill, Va.	Fascell	Johnson, Calif.
Buchanan	Feighan	Johnson, Pa.
Burke, Fla.	Findley	Jonas
Burke, Mass.	Fish	Jones, Ala.
Burleson, Tex.	Flood	Jones, N.C.
Burlison, Mo.	Flowers	Jones, Tenn.
Burton, Utah	Flynt	Karth
Bush	Foley	Kastenmeier
Byrne, Pa.	Ford, Gerald R.	Kazen
Byrnes, Wis.	Ford, William D.	Kee
Cabell	Foreman	Keith
Caffery	Fountain	King
Camp	Frelinghuysen	Kleppe
Carter	Frey	Kluczynski
Casey	Fulton, Pa.	Kuykendall
Cederberg	Fulton, Tenn.	Kyl
Chamberlain	Fuqua	Kyros
Chappell	Galifianakis	Landgrebe
Clancy	Gallagher	Landrum
Clark	Gettys	Langen
Clausen, Don H.	Gibbons	Latta
Clawson, Del	Gilbert	Lennon
	Goldwater	Lloyd
	Long, La.	O'Hara
	Long, Md.	O'Konski
	Lujan	Olsen
	Lukens	O'Neal, Ga.
	McClory	O'Neill, Mass.
	McCloskey	Patten
	McClure	Pelly
	McCulloch	Pepper
	McDade	Perkins
	McDonald, Mich.	Pettis
	McEwen	Philbin
	McFall	Pickle
	McKneally	Pike
	Macdonald, Mass.	Pirnie
	MacGregor	Poage
	Madden	Podell
	Mahon	Poff
	Mailliard	Preyer, N.C.
	Mann	Price, Tex.
	Marsh	Pryor, Ark.
	Martin	Pucinski
	Mathias	Purcell
	Matsunaga	Quie
	May	Quillen
	Meeds	Railsback
	Michel	Randall
	Miller, Calif.	Rarick
	Miller, Ohio	Reid, Ill.
	Mills	Reifel
	Minish	Rhodes
	Mink	Rivers
	Minshall	Roberts
	Mize	Robison
	Mizell	Rodino
	Mollohan	Roe
	Monagan	Rogers, Colo.
	Montgomery	Rogers, Fla.
	Moorhead	Rooney, Pa.
	Morgan	Rostenkowski
	Morse	Roth
	Morton	Ruppe
	Mosher	Ruth
	Moss	St Germain
	Murphy, Ill.	Sandman
	Murphy, N.Y.	Satterfield
	Myers	Schadeberg
	Natcher	Scherle
	Nelsen	Schneebeli
	Nichols	Scott
	Nix	Sebelius
		Shipley
		Shriver
		Sikes
		Sisk
		Skubitz
		Slack
		Smith, Iowa
		Smith, N.Y.
		Snyder
		Springer
		Stafford
		Staggers
		Stanton
		Steed
		Steiger, Ariz.
		Steiger, Wis.
		Stubblefield
		Sullivan
		Taft
		Talcott
		Taylor
		Teague, Calif.
		Teague, Tex.
		Thompson, Ga.
		Thompson, N.J.
		Thomson, Wis.
		Ullman
		Vigorito
		Waggonner
		Waldie
		Wampler
		Watkins
		Watson
		Watts
		Weicker
		Whalen
		Whalley
		White
		Whitten
		Widnall
		Wiggins
		Williams
		Wilson, Bob
		Winn
		Wold
		Wolff
		Wright
		Wylie
		Wyman
		Yatron
		Young
		Zablocki
		Zion
		Zwach

NAYS—40

Anderson, Calif.	Edwards, Calif.	Obey
Bingham	Farbstein	Rees
Brasco	Hanna	Reid, N.Y.
Brown, Calif.	Harrington	Rosenthal
Burton, Calif.	Hawkins	Roybal
Button	Hechler, W. Va.	Ryan
Carey	Helstoski	Stokes
Chisholm	Hungate	Symington
Clay	Jacobs	Tunney
Cohelan	Koch	Udall
Collier	Lowenstein	Van Deerlin
Conyers	Melcher	Wilson, Charles H.
Corman	Mikva	Yates
	Nedzi	

NOT VOTING—53

Anderson, Tenn.	Fisher	Price, Ill.
Ashbrook	Fraser	Reuss
Ayres	Friedel	Riegle
Biaggi	Garmatz	Rooney, N.Y.
Blatnik	Gaydos	Roudebush
Brademas	Giaimo	Saylor
Bray	Hansen, Wash.	Scheuer
Celler	Kirwan	Schwengel
Cowger	Leggett	Smith, Calif.
Daddario	McCarthy	Stephens
Dawson	McMillan	Stratton
Dent	Mayne	Stuckey
Dowdy	Meskill	Tiernan
Downing	Ottinger	Vander Jagt
Edwards, Ala.	Passman	Vanik
Esch	Patman	Whitehurst
Fallon	Pollock	Wyatt
	Powell	Wydler

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Wydler.
Mr. Giaimo with Mr. Pollock.
Mr. Biaggi with Mr. Ayres.
Mr. Price of Illinois with Mr. Bray.
Mr. Stratton with Mr. Saylor.
Mr. Garmatz with Mr. Whitehurst.
Mr. Friedel with Mr. Esch.
Mr. Fallon with Mr. Cowger.
Mr. Downing with Mr. Ashbrook.
Mr. Dent with Mr. Vander Jagt.
Mr. Celler with Mr. Smith of California.

Mr. Daddario with Mr. Meskill.
Mr. McMillan with Mr. Edwards of Alabama.
Mr. Patman with Mr. Roudebush.
Mr. Passman with Mr. Wyatt.
Mr. Leggett with Mr. Schwengel.
Mr. Brademas with Mr. Mayne.
Mr. Blatnik with Mr. Riegle.
Mr. Anderson of Tennessee with Mr. Tiernan.
Mr. Reuss with Mr. Powell.
Mr. Stephens with Mr. Vanik.
Mr. Fisher with Mrs. Hansen of Washington.
Mr. Dowdy with Mr. Kirwan.
Mr. Dawson with Mr. Fraser.
Mr. Stuckey with Mr. McCarthy.
Mr. Scheuer with Mr. Ottinger.

Mr. SYMINGTON changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

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 (H.R. 17255) to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17255) with Mr. GALLAGHER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 1 hour and the gentleman from Illinois (Mr. SPRINGER) will be recognized for 1 hour.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself whatever time I might require to explain the bill.

Mr. Chairman, first I would like to say there seems to have been some controversy over the rule. I do not believe there is going to be this kind of controversy over the bill, because the bill has been well considered, and it has been given ample hearings. Many amendments were offered. Those amendments were either adopted or voted down in the committee. The hearings started in December 1969 and proceeded through April of this year over a period of almost 4 months.

As I said, I do not believe there is any controversy over the bill itself. I know some amendments will be offered. We of the committee would be very happy for them to be offered and considered and in the proper way either voted up or voted down.

Air pollution in the United States is the result of pollution from numerous highly diversified sources. They range from millions of automobiles driven on city streets on interstate highways to a relatively limited number of facilities and plants which are large-scale polluters such as powerplants burning coal or fuel oil.

In fashioning effective strategies in the campaign for clean air in the United States, the different pollutants which affect our health and welfare in different ways and in varying degrees of severity, and the different sources from which they emanate must be controlled.

Every Member of this House knows we have had ample publicity not only in the newspapers and magazines, but also on TV and radio and through other media showing the dangers of the environment and to our health. That is one of the reasons this bill is before the House now, the fact that recognition has been given to these dangers.

The original act was enacted in 1955. It authorized research, and then in 1963, some beginning was made with regulation. Actually it was not until 1967, however, that the first bill of any consequence passed this House. So this program has been in operation for only 3 short years.

I would be the first to admit that not enough has been done under the present law. That is the reason why we have come here with a new bill changing the authority of the agencies, changing the procedures by which regulations will be adopted, and certainly cutting down on the time during which these things will be done.

Effective technologies to reduce or eliminate particular pollutants must be developed. Many people think these have already been developed and can be put into effect, but this is not true. That is the reason why almost half the money in this bill is for research and development. For instance, in checking on automobile air pollutants, it takes an average of about 9 to 13 hours to conduct checks to see whether a car meets the required standards. We are hopeful that under this bill there will be developed effective machinery to test cars within a very short time on the assembly lines or at test stations. That cannot be done now. It requires entirely new test methods.

As I said, really the first regulatory legislation was enacted in 1967. We have to develop the technology to carry out the new legislation now before us.

While the basic strategies in the Nation's war against air pollution must be developed in a unified and consistent way by the Federal Government, the implementation and enforcement of these strategies will have to be effected in every community in the United States. Therefore, prompt and effective regional, State, and local efforts are needed to win the campaign for clean air.

If we left it all to the Federal Government, we would have about everybody on the payroll of the United States. We know this is not practical. Therefore, the Federal Government sets the standards, we tell the States what they must do and what standards they must meet. These standards must be put into effect by the communities and the States, and we expect them to have the men to do the actual enforcing.

While a start has been made in controlling air pollution since the enactment of the Air Quality Act of 1967, progress has been regrettably slow. This has been due to a number of factors: First, cumbersome and time-consuming procedures called for under the 1967 act; second, inadequate funding on Federal, State, and local levels; third, scarcity of skilled personnel to enforce control measures; fourth, inadequacy of available test and control technologies; fifth, organizational problems on the Federal level where air pollution control has not been accorded a sufficiently high priority, and sixth, last but not least, failure on the part of the National Air Pollution Control Administration to demonstrate sufficient aggressiveness in implementing present law.

On the other hand, the picture is not entirely bleak. Citizens and officials on the grassroot level throughout the United States have become seriously aroused over the threat of air pollution to health and well-being and they are anxious to have stringent controls imposed and enforced effectively at the earliest possible date.

It is also important to note that some industries have become aware of the need for effective pollution control measures. This ground swell is important if we are to secure clean air everywhere in the United States, and it is important that this momentum not be lost.

Therefore, it is urgent that Congress adopt new clean air legislation which will make possible the more expeditious imposition of specific emission standards both for mobile and stationary sources and the effective enforcement of such standards by both State and Federal agencies.

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

Mr. STAGGERS. I am happy to yield to the gentleman from New York.

Mr. FARBSTEIN. Will the gentleman please tell me why it is the entire Nation cannot have the same standards the State of California has in connection with the reduction of pollution that comes from the internal combustion engine? California had different standards for 1971, 1972, and 1974, yet under this bill the same standards exist up until 1975. The California standards are much more stringent. I would appreciate the gentleman telling me why the rest of the Nation cannot have the same standards as California.

Mr. STAGGERS. I should like to make my statement first, because this is a part of our presentation. I will answer the gentleman when I get through, if the gentleman does not mind.

The imposition of national ambient air quality standards and declaring each State as an air quality control region are steps aimed toward the achievement of those objectives. Effective pollution control requires both reduction of present pollution and prevention of new significant pollution problems.

Therefore, particular attention must be given to new stationary sources which are known to be either particularly large-scale polluters or where the pollutants are extrahazardous. The legislation, therefore, grants authority to the Secretary of Health, Education, and Welfare to establish emission standards for any such sources which either in the

form of entire new facilities or in the form of expanded or modified facilities, or because of expanded or modified operations or capacity constitute new sources of substantially increased pollution.

Automotive pollution constitutes in excess of 60 percent of our national air pollution problem and such pollution is particularly dangerous in the highly urbanized areas of our country. Therefore, increased attention must be paid to that source of pollution by insisting on the kinds of motor vehicles and fuels which would reduce pollution to minimal levels.

The committee hopes that the automobile manufacturers will not limit their choice of antipollution devices to those developed by them in-house, and that the two great industries—automobile manufacturers and automotive fuel producers—will join hands to develop the most effective technologies. The Government is not particularly well equipped to design cars or to determine the composition of fuels appropriate toward these ends. However, Congress would be derelict if it did not vest in the Government appropriate residual authority with regard to vehicles and fuels to make the necessary decisions should members of these industries fail to do so on their own.

The legislation, therefore, provides for more stringent testing of automobiles. Such testing is not limited, as heretofore, to the testing of prototypes. Such testing will continue but the tests should require each prototype rather than the average of prototypes to comply with regulations establishing emission standards.

In addition to prototype testing, daily testing either on a sampling or car-by-car basis will be required of vehicles as they come off the assembly lines. If such tests raise reasonable questions of compliance with applicable emission standards, the Secretary may suspend or revoke the certificate. He may, however, issue certificates for those cars which actually comply with the regulations in effect at that time.

The manufacturers must warrant that the vehicles have control systems or devices substantially of the same construction as the systems and devices on the prototype vehicles for which a certificate has been issued. Labels or tags must be permanently affixed to the vehicles or engines that are covered by a certificate. Such labels or tags must contain such additional information as the Secretary may prescribe.

In authorizing the Secretary to prescribe limitations for automotive fuel ingredients, the committee has conditioned the Secretary's authority by requiring specific findings based on specified evidence. The committee has done this for the purpose of assuring that such limitations will not be imposed lightly if other equally satisfactory alternatives are available.

In addition, the legislation provides for aircraft emission standards. The Secretary of Health, Education, and Welfare is authorized and directed to establish, after consultation regarding safety aspects with the Federal Aviation Administrator, emission standards for aircraft and aircraft engines. Such standards would be enforced by the Administrator in the certification and inspection of aircraft or aircraft engines pursuant to his authority under the Federal Aviation Act of 1958.

The Administrator would also be authorized to prescribe standards governing the composition of any aircraft fuel or fuel additive for the purpose of achieving the aircraft emission standards established by the Secretary of Health, Education, and Welfare. The authority of the Secretary to establish emission standards would preempt State authority to establish or enforce any aircraft emission standards.

Under present law the Secretary does not have authority to establish such standards although the aircraft industry has voluntarily agreed to abate smoke emissions.

Furthermore, the legislation contains special provisions to combat pollution from Federal facilities. It directs Federal agencies in the executive, legislative, and judicial branches to comply with applicable Federal, State, interstate, and local emission standards. The Secretary is authorized to exempt any facility on a year-by-year basis. The Secretary is to report each January to the Congress all exemptions granted during the preceding calendar year, together with the reason for granting each such exemption.

Instead of exercising leadership in controlling or eliminating air pollution the Federal Government has tended to be slow in this respect. The foregoing provisions are designed to reverse this tendency. The level of appropriations available for the modification of Federal facilities to eliminate or reduce air pollution has been inadequate.

The committee hopes that the Administration will seek and the Congress will provide adequate appropriations to remedy this unfortunate situation.

The legislation would extend authorizations for appropriations through fiscal year 1973. The bill authorizes appropriations for the fiscal year 1971, totaling $200 million, for the fiscal year 1972, $250 million, and for the fiscal year 1973, $325 million. Of these amounts, $75 million for 1971, $100 million for 1972, and $125 million for 1973 are earmarked for research relating to controlling pollution resulting from the combustion of fuels. These authorizations constitute a substantial increase over and above the level of appropriations authorized during the preceding years. The highest amount authorized for any one fiscal year—fiscal year 1969—was $185 million.

The Subcommittee on Public Health and Welfare held extensive hearings on the problems dealt with in this legislation. The provisions of the bill were fashioned on the basis of the testimony received in these hearings. I am proud to say that the subcommittee has done an outstanding job and our full committee found it necessary to make relatively few changes in the bill reported unanimously by the subcommittee. Our full committee likewise voted unanimously to report the bill, although three members of our committee, as will be seen from their additional views appended to the committee report, would have liked to have gone still further than the full committee felt was warranted at this time.

I hope the House will give its support to this legislation so that the war against air pollution in the United States may be speeded up, expanded and intensified, and that the air we breathe throughout the Nation will be wholesome once again.

Mr. Chairman, I will say to the Members of the Committee of the Whole House on the State of the Union that this is a very strong bill, as strong as it could be made at the present time. Undoubtedly, as time goes by there will be more stringent laws and standards and requirements. I think it is a good bill. I think it has been well considered by the subcommittee and, as I said, the hearings started back in December and ended in April. I think they did a good job and I recommend the passage of the bill to the House.

Mr. MAHON. Mr. Chairman, will the chairman yield?

Mr. STAGGERS. Yes, I yield to the gentleman from Texas.

Mr. MAHON. I represent an area which has a number of cotton gins. There are also carbon black plants in the area. The operators of these industrial establishments have some concern about legislation relating to clean air. Of course, I think we all are very much interested in doing whatever is reasonably possible to improve the quality of the air in the United States.

In the opinion of the chairman of the committee, is there anything in this bill that would tend to be confiscatory at all with respect to an industry such as the ones to which I have made reference?

Mr. STAGGERS. In response to the gentleman from Texas I would say this, that the States must set up a plan which must meet the Federal standards established by the Secretary. In establishing the emission standards I am sure the States will take into consideration the particular problems of air quality control which exist in particular areas. This question will be left up primarily to the States.

Mr. MAHON. I thank the gentleman.

Mr. STAGGERS. There will have to be ambient air quality standards for all of America and these standards which the States will have to meet will be set up by the Secretary.

Now, Mr. Chairman, in response to the statement of the gentleman from New York (Mr. FARBSTEIN), I might say any State can have more stringent ambient air quality standards if they want to. If a State plan is presented to the Secretary, to carry out such stricter standard I am sure it will be approved. I hope the gentleman is listening because no one is preventing any State from having stronger standards and a State plan designed to carry out such standards.

We would hope that this will take care of any State that says they have peculiar problems. We are not holding them back, but we say that all of the States must comply with the nationwide standards. We think that at the present time this is the best we can do. If any State wants stronger standards, we think it will know best what it should do and how far it should go. But if any State does not come up with a State plan to the satisfaction of the Federal Government then the Federal Government will step in and establish a plan for such State.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield further?

Mr. STAGGERS. I yield to the gentleman from New York.

Mr. FARBSTEIN. Mr. Chairman, can the gentleman from West Virginia envision the city of Detroit restricting the numbers of internal combustion engines? Does not the gentleman realize——

Mr. STAGGERS. Mr. Chairman, I would interrupt the gentleman from New York for just one moment because I want to answer that question, which is a question I know he wants to make a speech about, and that is automobiles.

But I would say to the gentleman that we do have standards here, and we will inspect, if necessary, each and every motor vehicle engine that comes off the assembly line to see that the engines that come off the assembly line meet the qualifications so as to be assured they will meet the emission standards. We will not just have the prototypes tested but the cars as they come off the assembly lines.

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

Mr. Chairman, in 1967 Congress passed a comprehensive air quality act which imposed duties upon the Federal Government and the States in regard to improving the air which surrounds us. It was a good law and it probably would work out if left alone. Since that time we have become increasingly impatient with delay in this vital area and so we are here today to reshuffle the cards and deal out new responsibilities. In doing so we must recognize that no law can create clean air. No governmental organization, no bureau, no administrator can order clean air into being. It is a long process which is necessarily limited by what we know and the technology for attacking the problem.

Because we are impatient there has been a tendency to look for scapegoats. It is easy to point fingers at elements in our society and decry their activities as shortsighted and dangerous. It is more difficult to acknowledge that our environment is basically the result of all of us enjoying the way of life we have collectively developed. If we allow ourselves the luxury of electing victims of our ardor for changes and demanding results which cannot be achieved we will be undoing the cause of clean air rather than advancing it. As legislators we have a duty to look at the problem in the broadest way and choose solutions that will make ultimate sense. Probably no piece of legislation is perfect and Members of this House as well as individual citizens may honestly differ as to what can reasonably be accomplished at this time. We want to act boldly but we must not act rashly.

The bill which is brought to the floor today by the Commerce Committee is the best thinking of a group of your colleagues who have been wrestling with this problem in Congress for many years now. Legislation concerning clean air did not suddenly erupt a year or two ago. On the contrary, this House has passed progressively ambitious legislation in the field since 1955. In that year President Eisenhower suggested, and Congress passed, Public Law 84–159 which provided for research and technical assistance to States and communities in identifying and attacking air pollution problems. Research studies and congressional hearings went on over the next few years and the program was extended in 1959. A year later an addition to the legislation was made to recognize the emerging realization that automobile exhaust had become one of the major contributing causes of air pollution. During the next administration these auto exhaust studies were extended.

In 1963 the first general provisions for abatement and control were written into law. These were in the form of grants to encourage and assist local governments in attacking the problem and at the same time urging Federal installations to lead the way.

In 1965 Public Law 89–272 authorized the Department of Health, Education, and Welfare to prescribe national standards for motor vehicle emissions. In addition, research into control methods for sulfur oxides was launched. A year later we added assistance by way of grants to help run local control agencies as well as establish them.

Now we come to the Air Quality Act of 1967 which was the first attempt at a comprehensive control and abatement system. As I have already said it was a good law but we are determined today to move to act as rapidly as possible. The differences between present law and that proposed by the bill before us today I will point out as I go along.

At the present time HEW has the responsibility for solving the scientific problems. There is much that we must know about the very nature of pollutants and how they affect us and our environment. Out of about ten major pollutants HEW has now been able to pin down half and tell us just what they do that is hurting us. The next responsibility of the Federal Government is to look for ways to cut down or eliminate these pollutants without closing down the entire store. Armed with this information, regional commissions decide what overall standard of air quality is desirable for their regions. H.R. 17255 will change that by having HEW set up national air quality standards. As the scientific details emerge and the control methods are developed, the air quality standards for the entire nation will be adjusted accordingly. This change is desirable because it is a natural and logical one. The basic quality of the air for which we strive should be uniform. Let it be understood that the air quality standards is the target at which we shoot with all of the control machinery eventually devised.

It was recognized in the present law that air quality and even control efforts do not break down neatly into political boundaries. For that reason interstate regions were contemplated as the norm. The only trouble with such efforts is that they are by nature cumbersome and slow to develop. This bill would make each State a region. In that way there are immediate lines of communication and authority to translate information into action. This does not mean that interstate arrangements cannot be made. They can. Furthermore, existing regional machinery may be retained where States have gone ahead and tackled the problem on a cooperative basis.

The success of the entire effort depends upon what is done to meet the national air quality standard at the local level where the pollution is actually created, emitted and breathed by our citizens. The bill therefor provides that State governments will create plans for the implementation and enforcement of the air standards. In fact a State may declare more stringent standards if it feels it necessary. Such plans for cracking down on the sources of pollution must be forthcoming within 180 days. If a State hangs back and fails to move out, the Federal Government will take over and make rules and regulations amounting to a State plan. Machinery for forcing a plan upon a State is spelled out including penalties of $10,000 a day for failing to act. In addition, authority is granted to inspect establishments to check up on the plan. This latter authority is new in the bill now before us and should expedite performance or enforcement.

It has been the philosophy of the law up to this point that State and local agencies should determine the exact methods and procedures for controlling emissions by installations. This is not basically changed by this bill. It does, however, contemplate that new stationary sources which are especially hazardous to health will have Federal standards. Although it is a departure, it is sensible. Since the Federal Government is determining the air quality target and working constantly on control techniques it is the best position to have them make a decision about new sources. Stopping these extraordinary problems before they develop is best for the antipollution effort and it is also best for those who would build such installations and then find they could not operate.

Motor vehicles are a popular villain in the piece, and rightly so. Control devices have come a long way in the last few years. Better control must be achieved. But it is also imperative that we get the most out of the standards already in effect. Testing a few until they seem allright and then certifying an entire run of automobile models so equipped is not very smart. The real test for progress in this field is the quality of control on the cars which roll off the assembly line and end up on our main streets and in our driveways. Recognizing this, perhaps belatedly, this bill will provide for production line testing. As a followup, States will be required to inspect cars after they are on the road as soon as practical means for such inspections are available.

Much has been said about getting the lead out. Perhaps a crash requirement to delead gasoline would result in dramatic improvement in air quality. I seriously doubt that it would be all that great. There may be other ingredients or additives in gasoline which are equally harmful. Legislating lead out of gas might get rounds of applause in some

quarters but is hardly the way to go about it. The bill gives authority to HEW to limit the ingredients in fuels if such ingredients can be identified as the culprits which impair health or make automobile control devices roll over and die. This authority coupled with the intensive efforts in fuels research should help eliminate the more dangerous ingredients and at the same time perfect better and safer fuels for automotive purposes.

Aircraft are being watched closely of late. Some models spew out a prodigious stream of smoke. It should be eliminated as rapidly as possible. This bill allows for emission standards to be set for aircraft engines. Airlines have already recognized that their particular kind of pollution, whether a major contributor or not, is highly visible and not the best advertising. Already most airlines have agreed to replace or refit their engines with devices which have been developed in the last year to render them relatively smokeless.

One of the frustrating aspects of air pollution legislation is the presence of large Federal installations either operated directly by the Government or under its direction which contaminate the atmosphere on a large scale. How can we expect cooperation or credibility for the governmental effort when the installations controlled by Uncle Sam are some of the worst polluters? The Federal Government as much as some private businesses has dragged its feet for purely economic reasons. Allowing the Government to remain immune from the rules which we wish to impose on others is wrong. Actually it should lead the way. Recognizing the real considerations of national security might intervene in certain cases this bill requires Federal installations to meet whatever standards those around them must meet and allows for exemptions on the very limited basis of a year at a time. I know that our colleagues on the committee will be watching closely the use of this exemptive authority. We expect that localities which harbor Federal installations will also be watching and reporting to us their compliance or lack of it.

To carry out the ambitious programs outlined here will cost money. It is a lot of money and yet there will be some who will feel it is far too little. This is not an effort on which you can pour a bucket of money and thereby have instant clean air. It must be done in some kind of logical order and only so much can be done in a year no matter how much is spent. The committee feels that the authorizations contained in this bill represent sensible but still generous goals for spending and accomplishing in this field. For the vital fuels research to which I referred earlier it provides $75 million for fiscal year 1971, $100 million for fiscal year 1972, and $125 million for fiscal year 1973. All other activities described will take $125 million in fiscal year 1971, $150 million in fiscal year 1972, and $200 million in fiscal year 1973. At that time we will again analyze our progress in all respects. If we have devised a workable system here—and I think we have—the progress in these next 3 years should be dramatic.

The committee worked very hard to come here with a bill you can accept and be proud of. In my opinion it is the best and most balanced approach which could be devised. Its pieces fit together and should be taken as a whole. I know that many people have great feeling about certain parts of this effort and this problem to the exclusion of other parts. As a committee and as a Congress we cannot be thus diverted. We must attack the problem across the entire front and this bill does so, giving due emphasis to all elements. I recommend H.R. 17255 to the House.

Mr. SCOTT. Mr. Chairman, our health is dependent on the cleanliness of the air. But our air, especially in heavily populated areas, is becoming increasingly polluted. And we have only to read the forecasts of population experts to realize that—in the near future—virtually every area of the United States will be heavily populated. Therefore, unless we change things, the country will soon have heavily polluted air.

Mr. Chairman, we have seen action before here in Congress to clean up our air. In 1967 we passed the Clean Air Act, but it just has not done what we had hoped it would.

Let us hope that H.R. 17255, as reported out by the Committee on Interstate and Foreign Commerce, will do the job.

Over the next 3 years, it would provide more than three-quarters of a billion dollars in additional Federal funds—and nearly half of that, Mr. Chairman, would go for research into better ways to clean up automobile fuels and engines which, in combination, cause 60 percent of our air pollution.

The bill provides stringent penalties for those found guilty of air pollution and, perhaps even more important, streamlines the process by which such persons can be moved into our courts.

The bill centers responsibility for setting clean air standards—and enforcing them—with the State Governors and with the Secretary of Health, Education, and Welfare. It designates the States and allied geographic areas as air quality control regions and requires them to adhere to at least minimum standards of air quality. It requires extensive testing of new auto engines—not only in prototype but in production, too. It forbids the creation of new stationary sources of air pollution unless they adhere to strict standards. And it provides—for the first time—for the creation of emission standards for aircraft engines.

Mr. Chairman, I support this legislation. I hope it will succeed where previous legislation has failed.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Georiga (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I thank the gentleman for yielding. I will not take the 5 minutes, but I do rise in support of this legislation.

We are all every much aware of the problems of some of the major cities so far as air quality is concerned. The gentleman from Illinois has very adequately and in detail explained the provisions of this particular act.

What we are doing today is in effect answering the needs of the public, answering the cries of the public that legislation be enacted which would guarantee not merely the present generation but future generations that we will have a clean environment, that the air they breathe will be free of noxious gases, and that there will be no people in any city, in effect suffocating and contacting respiratory diseases because of dirty air that exists through failure of Government to operate.

So the standards that are being established by this act are not only reasonable standards, but they are necessary. They are necessary to give us the protection for our future. They operate in conjunction with our local governments. They provide that where there is an area of the country in which several States may be involved, we can have a regional clean air area and thus more efficiently and effectively provide for clean air standards throughout the United States.

This is needed legislation. It is good legislation, and I think it will receive the overwhelming support of the Congressmen not only in the House but the other body as well and also the American public.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. REID).

Mr. REID of New York. I thank the distinguished gentleman for yielding.

Mr. Chairman, I rise in support of H.R. 17255, the Clean Air Act Amendments of 1970, and H.R. 11833, the Resource Recovery Act of 1970.

The authority given to the Secretary of Health, Education, and Welfare under the clean air amendments to establish nationwide ambient air quality standards is essential if we are to restore clean air to this country in the foreseeable future. In the past, States have played leading roles in the attack on air pollution, but it appears that some States are now falling behind. Beyond that, air—clean or dirty—does not respect political boundaries and a unified nationwide attack is necessary if progress is to be made.

Stricter enforcement procedures, new Federal emission standards for new stationary pollution sources, and controls on pollution from Federal facilities are all necessary steps and I am pleased to see them included in this bill. Many of these provisions were included in H.R. 17090, Clean Air Act amendments which I introduced on April 16, 1970.

However, there is a major omission in the committee bill and I strongly support the amendment to be offered to close this loophole. In its provisions on fuel composition, the committee bill fails to include the ban on lead in gasoline which I feel is essential to cleaner air. While it does not include an outright ban, the bill proposed by the administration would give the National Air Pollution Control Administration the authority to ban lead as well as other additives in gasoline.

The administration bill is superior to the committee bill with regard to fuel composition in four other respects as well: First, the administration bill covers all fuels, not just auto fuels as the com-

mittee bill does; second, while both bills provide for regulation of fuel composition to eliminate adverse effects on public health and welfare, the committee bill requires that no fuel composition regulations may be established if the health danger can be remedied through increased auto emission standards. This is a serious failure to make the oil industry take action in the public interest; third, the administration bill does not require the rigorous medical and scientific evidence stipulated in the committee bill before action may be taken; and fourth, the administration bill gives NAPCA necessary authority to procure the fuel additive pollution research it needs from the industry.

I am pleased that the administration has taken such a strong and vigorous stand on the critical matter of fuel composition, and heartily support the amendment to be offered to substitute the administration provisions on fuel composition for the weaker committee version.

The three other amendments to be offered—adopting California's auto emission standards as the nationwide minimum, authorizing NAPCA to conduct voluntary testing on autos that have been driven 4,000 miles, and providing for the gradual adoption of standards based on the most pollution free propulsion system available—are also necessary to a meaningful fight on air pollution.

I am hopeful that the Congress will adopt these rigorous standards and thereby serve notice on the fuel and automobile industries that this Nation intends to do more than talk about cleaning the air. Restoring the clarity of our skies is more than an esthetic goal—it is essential if we are not to modify our weather inadvertently and if we are not to exacerbate the lung and breathing illnesses from which too many Americans already suffer. Indeed, New York City today announced that it was in a "high pollution forecast stage" because of stagnant weather conditions. Surely we cannot wait any longer to take steps to prevent this situation.

Finally, Mr. Chairman, I would just say that there has been some research in the State of New York with regard to lead emissions, particularly on submicroscopic particles. Dr. Vincent Schaefer of the State University in Albany estimates that each auto at normal idling speed turns out about 100 billion particles per second. I am told further that some of these particles find their way into the lungs of human beings, and, indeed, when individuals smoke, it is possible that this lead may, in fact, be vaporized in the lungs. I know not the ramifications of this, but it does seem clear to me that it is important to study very carefully the need for very stringent standards in terms of lead. Yet, in just breaking up the larger particles but not necessarily seeing that there is combustion of the small particles, we may be creating a problem for which we have no real conception as to its implications.

Mr. Chairman, I think this bill is a very distinct step forward. Its passage is essential to heeding President Nixon's call to restore our environment.

Mr. SPRINGER. Mr. Chairman, I yield to the gentleman from Kansas (Mr. SKUBITZ) such time as he may consume.

Mr. SKUBITZ. Mr. Chairman, achieving the objective of clean air for our entire country is an expensive and a slow process. We would like to have it done tomorrow but the realities of life do not allow for that. We do want to be sure that it will come about. The Air Quality Act of 1967 was a comprehensive bill which was designed to bring it about in due course. Today we feel that certain revisions of the scheme set forth in the present law are necessary to speed up the process somewhat further.

The bill before us today should do that. In the process it will spend as much as $775 million over the next 3 years but many of the changes that are being made will expedite the process we believe in other ways than the expenditure of funds.

This bill provides for the creation of national air quality standards as opposed to regional standards in the present law. As new scientific data is produced the standards can be revised with a minimum of administrative holdup by having national standards. Hereafter each State will be designated as an air quality region. Although States may cooperate and interstate regions already in existence may remain, this new arrangement simplifies the chain of command and puts State governments directly in the line from information to ultimate action.

The Federal Government will now set specific emission standards for new stationary sources of pollution which present unusual and special health hazards. Motor vehicle emissions will be tested on a spot basis at the assembly line rather than depending upon the test results from a few prototype engines. This should insure that the vehicles on the road are as efficient as those initially tested.

Automotive fuel can be regulated as to its ingredients. This is another way of saying that if it actually is a practical thing, the Government can require that the oil companies get the lead out.

Standards for aircraft engines will be set and the airlines, recognizing the handwriting on the wall, have already agreed to use cleaner engines in their new planes and to eventually retrofit the planes on the line.

In addition to all the things that are going to be required from private business, for the first time we are saying without equivocation that Federal installations are going to have to live up to the rules that the Federal Government makes for others. As in everything else the Federal Government must have an out for exceptional circumstances, and the Secretary can exempt installations for good cause shown but only for a year at a time. I certainly hope that the executive branch will turn the screws down on its own operations and that the Congress and specifically our committee will watch carefully that the Government is not fudging on its own rules. I for one promise to keep an eye on it.

In my opinion the bill before us today is a great improvement over the present law and I recommend its passage.

Mr. SPRINGER. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

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

Mr. Chairman, I am very proud that the Subcommittee on Public Health and Welfare has been responsible for producing this important piece of legislation which will be of tremendous benefit to the American people. Our subcommittee began hearings as early as December of last year in order to determine why progress in the war against air pollution under the Air Quality Act of 1967 has been so slow.

In our early hearings, we concentrated on automotive air pollution which constitutes 60 percent of the air pollution problem in the United States. We heard departmental witnesses and witnesses from the automobile industry. It became apparent from their testimony that important changes would have to be made in automotive emission standards in order to reduce pollution from motor vehicles. It also became apparent that more stringent testing would have to be done of new automobiles in order to assure that they will achieve the stricter emission standards. Furthermore, new technologies would have to be developed in order to achieve these standards and the composition of motor vehicle fuels might have to be modified in order to make the operation of the new antipollution equipment possible.

Our subcommittee during its subsequent hearings in March and April heard numerous witnesses from the automobile, as well as the petroleum, industries who gave us their considered judgments as to what would have to be done in order to reduce automotive pollution.

The bill which we have brought to the House today represents our best judgment as to what is necessary to come closer to the goal of assuring the American people clean air once again.

The able chairman of our full committee, Mr. STAGGERS, has already given you the broad picture. Let me, therefore, concentrate on giving you some additional details with regard to the provisions of the bill. Under the bill, the Secretary of Health, Education, and Welfare will be authorized and directed to establish nationwide ambient air quality standards. The States will be left free to establish stricter standards for all or part of their geographic areas. Under present law, ambient air quality standards are to be adopted by the States on the basis of criteria set forth by the Secretary.

By authorizing the Secretary to establish nationwide standards based on the criteria developed by him for various pollutants, the war against air pollution will be carried on throughout the Nation rather than only in particular geographical areas. Furthermore, unless a State desires to set stricter standards, the time that would be consumed by such States in adopting ambient air quality standards will be saved.

The bill provides for the establishment of air quality control regions by declaring each State as an air quality control region. However, the Secretary is authorized to establish interstate air quality regions for the purpose of dealing with air pollution problems of an interstate nature. Existing interstate regions remain in effect.

Under present law, the Secretary is

directed to establish air quality control regions but only a few such regions have been established thus far. Consequently, actual air pollution enforcement activities have been delayed excessively. Additionally, the proposed regions are not contiguous and, therefore, do not cover the entire United States.

By making each State area an air quality region, the time consumed in establishing such regions on a selective basis will be saved. By dividing the entire United States into contiguous air quality regions, the war against pollution will be carried into every part of the United States.

For the five pollutants for which the Secretary already has established criteria: Sulfur oxides, particulate matter, carbon monoxide, hydrocarbons, and photochemical oxidants. Proposed national standards would be issued within 30 days after the date of enactment of this legislation. With regard to other pollutants such standards would be proposed within 30 days after the criteria have been issued.

The legislation would revise the enforcement provision contained in present law. Within 60 days after promulgation of national ambient air quality standards, the Governor of a State may file a letter of intent that such State will, within 180 days and after public hearings, adopt a plan for the implementation—principally by prescribing appropriate emission standards—and enforcement of such standards. A State may adopt more stringent ambient air quality standards, and the Secretary may extend the 180-day time period for good cause shown but not to exceed an additional 180 days.

If a State fails to file a letter of intent or does not adopt a plan or adopts a plan which does not meet the statutory requirements, then after reasonable notice, the Secretary may publish proposed regulations setting forth a State plan. The State within 30 days either may adopt such plan or may petition for a public hearing. The Secretary must give at least 30 days' notice of such hearing. Within 60 days after the hearing, the Secretary shall, on the basis of the evidence presented at such hearing, promulgate either the original or a modified plan.

If, as a result of a State's failure to enforce its plan, ambient air quality standards are not met, the Secretary is to notify the State and persons who violate the plan. If the State fails to act within 30 days the Secretary may request the Attorney General to bring suit to secure abatement of the pollution. The court may assess a penalty of up to $10,000 for each day during which any person fails to take action ordered by the Secretary to abate the pollution.

The Secretary may inspect any establishment for the purpose of determining whether the State plan is enforced or whether the establishment contributes to or fails to take required action to abate pollution.

Under existing law, procedures are more complex and more time consuming, and no authority is provided for the Secretary to inspect establishments.

Perhaps one of the most significant provisions in the bill deals with the establishment of Federal emission standards for new stationary sources. The Secretary is authorized and directed to establish Federal emission standards for new stationary sources where emissions from such sources are extremely hazardous or where such emissions contribute substantially to the endangerment of the public health or welfare. The purpose of this new authority is to prevent the occurrence anywhere in the United States of significant new air pollution problems arising from such sources either because they generate extrahazardous pollutants or because they are large-scale polluters.

At present emission standards for stationary sources are established exclusively by the States.

The promulgation of Federal emission standards for new sources in the aforementioned categories will preclude efforts on the part of States to compete with each other in trying to attract new plants and facilities without assuring adequate control of extrahazardous or large-scale emissions therefrom.

Such emission standards may be enforced either by a State as part of that State's plan or by the Secretary if a State fails to include such standards within its plan. The provisions for court actions to secure abatement and the imposition of penalties are comparable to the provisions described in section 4 of this legislation.

I have already mentioned the importance of automotive air pollution in the United States. Under the provisions contained in the bill, the Secretary is authorized and directed to test, or require to be tested in such manner as he deems appropriate, any new motor vehicle or motor vehicle engine as it comes off the assembly line in order to determine whether the vehicle or engine conforms with the applicable emission standards. Such tests are in addition to testing the prototypes furnished by the automobile manufacturers for purposes of securing certificates of conformity. On the basis of the assembly line testing, the Secretary may suspend or revoke any such certificate in whole or in part. Hearings on the record are to be conducted by the Secretary at the request of any manufacturer who desires to challenge the Secretary's decision to suspend or revoke a certificate, but such hearings shall not stay the suspension or revocation. Determinations made by the Secretary on the basis of such hearings are subject to judicial review.

Experience has shown that the testing and certification of prototypes does not of itself assure that automobiles coming off the assembly line which are sold to the public comply with the Federal emission standards. Therefore, the legislation authorized inspection of assembly plants and the testing of automobiles and engines coming off the assembly lines.

Additionally, the legislation provides that States must require inspection of motor vehicles in actual use if the Secretary, after consultation with the State, determines that the achievement of ambient air quality standards requires such inspection and that such inspection is technologically and economically feasible.

Your committee is aware that low-cost, easily operated instrumentation techniques for such inspections are not available at present. Since automobiles account for 60 percent of the air pollution problem in the United States and since new antipollution devices must be developed and installed on automobiles to meet more stringent emission standards, it will be necessary also to develop more effective measuring devices to make possible inexpensive and efficient tests.

The Secretary, therefore, is directed to conduct research and development activities with respect to low-cost instrumentation techniques to facilitate the measuring of automotive emissions. The Secretary is directed to report to the Congress his recommendations for testing programs to assure that emission standards are met during the life of vehicles and engines.

The provisions which authorize the Secretary to establish standards for automotive and other fuels are likewise of great importance. The Secretary is authorized to establish limitations on—or providing for elimination of—ingredients of fuels—including additives—which endanger the public health or welfare or which impair the performance of emission control devices or systems on automobiles. Before imposing such limitations the Secretary is required to make certain specific findings as to the necessity of the imposition of such limitations.

Present law does not authorize the imposition of such limitations on automotive or other fuels.

I need not go into further detail on the provisions dealing with aircraft emission standards and pollution from Federal facilities because Chairman STAGGERS has already dealt with these provisions and, therefore, I can conclude at this point by asking the House to support this very worthwhile legislation. Our subcommittee has worked very hard on this legislation. All of the members of the subcommittee, including myself, are listed as sponsors of the bill (H.R. 17255) and it is my hope that this legislation will make possible substantial improvements in the quality of the air which we will breathe as the provisions of this legislation will be implemented and enforced.

Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. ROGERS).

Mr. FARBSTEIN. Mr. Chairman, will the gentleman from Florida yield in order that I may clarify something before he starts, so I will not interfere with his statement, or would the gentleman rather complete his statement and then have me ask the question?

Mr. ROGERS of Florida. Mr. Chairman, I will ask the gentleman to allow me to complete my statement. If we do not get into his question then, we will get into it on the 5-minute rule.

Mr. Chairman, I strongly support this legislation. The committee has done an excellent job on the bill and is bringing to the Congress the most effective bill that I think could be proposed to clean up the air in America.

There has been much attention given

to the many forms of pollution in our Nation today. Unfortunately, this attention which has gained the general support of the entire population, has come at a very late date. We find ourselves in a position now of acting quickly to remedy our excesses or we will be forced to change our entire life-style.

For scientists of almost every discipline have told us that we cannot go on polluting our environment and expect to continue living as we are today. Even today we are forced to do things differently than our ancestors because we have fouled our environment.

Air pollution is one of the most pressing forms of pollution because unlike others, the air around us is unavoidable. We do not have to swim or look at dying lakes. But everyone must breathe.

It is one thing to think of clean air for the beauty of it. After all, the pictures of smog over our major cities is a national disgrace.

But it is much more serious than that. Clean air in some parts of our Nation is in such short supply that, if we continue along the same lines which we have for the past decade, we have been warned that mass deaths may result in this decade. Other experts forecast that residents of our major cities may have to wear gasmasks, while others tell us that the layers of smog are creating a wall between the Sun and the Earth so that sunlight may be blocked, in whole or in part, thus affecting the temperature of the earth and the growth patterns of our vegetation.

Indeed, these forecasts are already ringing true. Doctors in California blame pollution for the rising number of deaths from emphysema. And in Los Angeles, 10,000 people have been advised to move elsewhere because of the adverse effects of smog on their respiratory systems.

The chief culprit in the air pollution story is the automobile. Between 55 and 60 percent of the problem is traced to the auto and in heavily populated areas this figure is much higher.

It is estimated that the automobile annually dumps about 90 million tons of pollutants into the air. In 1967 we thought we had started an effective program which would reduce auto pollution, but found differently during hearings.

Dr. John Middleton, the Director of the National Air Pollution Control Administration, testified that between 70 and 80 percent of the automobiles tested during one study failed at least some portion of the standards. This, in effect, means that we, the public, are paying for antipollution devices which are not working to the standards set out by the Secretary.

If Members want to clean up the air in America, they will vote affirmatively for this bill.

Mr. Chairman, we have changed the concept from the 1967 law, which all of us were not pleased with, particularly the administration of the law. The law has not been effectively administered. The provisions of the law were not even enforced. For instance, under the law, fuel was supposed to be registered. But this was never done and I do not know why.

We did not have an adequate testing program for automobiles, and used only four prototypes to determine if the standards were being met by a particular manufacturer. And, instead of taking each result on a separate basis, they were using an average on the four prototype automobiles. We are changing this and saying that each prototype automobile must meet the standard itself—not be averaged. We are also going to have the daily inspection of the assembly-line production so that we will get to this problem of cleaning up the auto emissions.

In changing the theory of the legislation, we go from setting up little air regions to national air standards. To show how effective the law has been since 1967, I would note that there has been only one interstate region approved. When the law was passed, we envisioned more than 75.

I believe they now say there are 17 regions approved by HEW. That does not mean 17 States; it means 17 parts of States in most instances. That is about what has been accomplished. HEW says they may get up to 70 by the end of the summer. This entire procedure is too ponderous and needed to be changed, so the committee in this bill has changed it.

The Secretary of Health, Education, and Welfare under this legislation will set a national air quality standard for ambient air quality. This is a standard that will be for the whole Nation, to assure clean air to the American people based on criteria, scientific information as to how many parts per million are permissible for particular pollutants. Five of those criteria have already been determined by scientific and medical evidence, and they have been published.

From that, then, the national standard will be established. And these will be published 30 days after the passage of this law. Under the present law the approach has been by regions proceeding with hearings to determine whether there should be a region here or there. The committee has cut across that time-consuming process. We say now that every State is a region, right off, so that we can begin to effectively administer the law.

The air quality standard established by the Secretary must be carried out by the States, according to a State plan. This State plan will implement the air quality standard by setting emission standards and controls within the State to control those pollutants, in order to meet the overall quality air standard. This will be true in every part of the Nation.

Each State plan will be submitted to the Secretary. If the Secretary does not think the plan meets the need, it will go back. If it is not then corrected, the Secretary himself will have the authority to go in and set the plan. Further, if the law is not enforced by the State, the Secretary may go in and enforce it, or go through the courts for injunctive relief or whatever the equities of the case may allow.

Now, as to stationary sources, those in existence will be met that way, through the State plan by its emission controls to meet the air quality standard. As new factories are built, the Secretary will be permitted the right to set emission standards; not just a quality of air standard but emission standards, so that we know that new sources of pollution will not develop.

Where there is a particular hazardous substance, the Secretary can also go in.

This takes care, basically, of stationary sources.

On the automobile, the Secretary will be given the right, of course, to continue emission standards.

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

Mr. STAGGERS. Mr. Chairman, I yield the gentleman an additional 5 minutes.

Mr. ROGERS of Florida. Mr. Chairman, some say we ought to do just like California. The gentleman from New York is concerned.

The Secretary now has the authority to put whatever standards he believes are necessary for the safety of the American people into effect, and the 1975 standards are the same, as I understand it, as those of California. It has been true that California has advanced its standards some over what the Federal Government has, but this does not mean that the Federal Government right now cannot change its standards immediately.

I presume, after the passage of this bill, and the interest indicated by the Congress, the Secretary probably will even increase those standards where he feels it is feasible.

I think all of the authority that the Secretary needs is already on the books. We are now giving him more authority to correct the emission standards in the factory, by daily inspection on the assembly line.

Furthermore, we allow him the right to go in and say that this is not just a device problem but it may also be a gasoline problem. We then give the Secretary the right to go in and say, "You cannot put this additive in the gasoline if it affects the public health" or—because it is not just public health that is involved—"or on the further ground if it will prevent emission standards from being met."

What many people are forgetting is that this is really a problem of two industries. It is the combination when they come together that produces the problem. The Secretary now can set any emission standards he wants coming out of that automobile. And nothing comes out of the tailpipe until the fuel goes in. So he can control anything he wants right now, basically, through emission standards on what is coming out of the tailpipe of that automobile.

Mr. FARBSTEIN. Will the gentleman yield?

Mr. ROGERS of Florida. Yes; I yield to the gentleman.

Mr. FARBSTEIN. The first question I would like to ask is with relation to your statement that there is inspection at the time that the automobile is produced on the assembly line. According to information I have received, auto engineers say it is almost impossible to judge if a device works until after the vehicle is broken in after approximately 4,000 miles, and while assembly line inspec-

tion can test individual devices for quality control, no opportunities exist to see if the device actually works in operation. It has been held that over 53 percent of the devices have been found to have broken down and been of no use after 11,000 miles. What good is there to an inspection at the assembly line, then?

Mr. ROGERS of Florida. Evidently the gentleman does not understand the inspection process. What I would say to him is, first of all, your prototypes are those that have been run 50,000 miles, so the devices, first of all, are proved prototypes. This is 50,000 miles and not 4,000 miles. We are requiring all of the prototypes meet all of the standards.

Mr. FARBSTEIN. But how about an automobile that has never had a prototype?

Mr. ROGERS of Florida. Let me finish.

We are also incorporating the further testing and the further assurance to the public by requiring that the testing is done from the assembly line every day. As soon as something shows up the Secretary can go in there and lift a certificate and those cars cannot be sold in interstate commerce until the matter is corrected. They can then be tested and, when the Secretary determines that the car or cars meet the standard, he will immediately certify that tested car. So the gentleman can be assured that this legislation will be carried out.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. ROGERS of Florida. I think, if people will study this bill, they will see that we have incorporated effective provisions to reach the automobile. I also feel the Secretary should use the Government automobiles for testing. And if a pattern of failure develops, then I think the Secretary should make a public announcement of this. This will put public attention on any failure and bring appropriate action.

Also, we go into the airplane problem. We allow the Secretary to set emission standards for airplanes which are to be administered by the Federal Aviation Administration, keeping in mind safety features.

Furthermore, we have a provision about Federal-installation polluting. We direct that all Federal installations, who, incidentally, are some of the biggest polluters in this Nation, shall abide by the pollution laws, and the only way they can get an exception is to go to the Secretary. That exception cannot be granted for more than 1 year and then the Secretary must explain to the Congress why he granted that exception. In other words, this is telling the Federal agencies: "We want you to stop polluting the air, too."

Now, we have strong enforcement provisions in the bill. We have the most rapid means which I know of bringing in States with complete authority to get things done. If the States will assume this responsibility—and I think they will under this legislation—we are going to have clean air in this Nation. If they do not, we are still going to have clean air, because the Federal Government is going to come in and clean up the air if the States do not meet their responsibilities.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman from Florida yield?

Mr. ROGERS of Florida. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I am sure the gentleman from Florida is aware that, under existing legislation, many conferences have been held on pollution, out of which certain recommendations have come. What is going to happen under the new legislation to those recommendations emerging from conferences already held?

For example, the conference procedure has dragged out for over 3 years in the Marietta, Ohio-Vienna, W. Va., area, we have finally arrived at some recommendations and hope all this time is not lost.

Mr. ROGERS of Florida. Actually, what we did in the present bill is to allow any regions that have been performing under the law to continue to do so where progress has really been made. However, the chairman of the committee has already agreed that we would add clarifying language to the bill along this line.

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

Mr. ROGERS of Florida. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I propose to offer this amendment on this subject later on.

Mr. ROGERS of Florida. I think this will clarify the question of the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, if the gentleman will yield further, I have one more brief question. We have miserably failed to prevent air pollution by trying to apply the laws now on the statute books. Polluters have used every opportunity to delay and there has been a long, drawnout procedure which has frustrated public efforts to clean up air pollution.

Is there any injunctive process under this pending legislation which will immediately force abatement of an air pollution source?

Mr. ROGERS of Florida. This authority is contained in the bill, that the Secretary can go into the court for the abatement of pollution. So, the authority is in the bill now providing for this type of court procedure.

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

Mr. STAGGERS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. HECHLER of West Virginia. Mr. Chairman, if the gentleman will yield further I am still concerned about whether polluters can be enjoined. What the gentleman from Florida is saying, then, is that this court procedure will not in itself constitute a long drawnout delay of pollution abatement, is that correct? We must have speedier action to obtain clean air.

Mr. ROGERS of Florida. Well, of course, I do not know how long it will take for the court to act, but an injunctive procedure is very rapid in obtaining a determination of the question. I think it is about as rapid an attack on the problem as we can get. I think the gentleman from West Virginia will be very pleased with this legislation. It is going to clean up the air.

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

Mr. ROGERS of Florida. I yield to the gentleman from New York.

Mr. FARBSTEIN. On page 40, section (2) (a) I understand that the administration's proposal originally required that the representative sample failed to meet the test for emission standards, the whole class of automobiles would be revoked and the certificate would be revoked? Now, suppose a representative sample under the present law of the production code does not meet the standard of emission, can the Secretary revoke the certificate for a whole line of cars, or just the one being tested?

Mr. ROGERS of Florida. In other words, if your representative sample coming off the daily production line does not meet the standard he can raise and withdraw the certification for that whole assembly line production.

Mr. FARBSTEIN. That is all I want to know.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, first I want to recognize the work that has been done by the chairman of the full committee and by the gentleman from Oklahoma (Mr. JARMAN) as well as the gentleman from Florida who just spoke in framing what seems to me to be a most adequate and strong act to control air pollution.

I have a question that I should like to propound to the chairman at this time:

Since the bill has two provisions that seem to me to be its salient factors strengthening the present law, it seems to me it is well to know precisely what these do. The first factor, of course, is the provision by which the Federal Government establishes ambient air standards. This of course did not exist in the previous bill.

The other salient factor strengthening the present law that seems to me to be an extremely effective new method of controlling air pollution is control of emissions from new sources.

First I should like to ask the chairman whether a new source necessarily means new equipment, or whether a new source may include an altered or increased effluent from a plant?

It is my understanding that the legislation grants authority to the Secretary of Health, Education, and Welfare to establish emission standards for any such sources which, either in the form of entirely new facilities, or in the form of expanded or modified facilities, or because of expanded or modified operations or capacity, constitute new sources of substantially increased pollution?

Mr. STAGGERS. That is true, I say to the gentleman, and that is the intent of the committee in passing the legislation. And I want to make it perfectly clear that this was the reason for putting a specific statement into the report as to what the intention of the committee was.

Mr. ECKHARDT. I understand that that is clearly spelled out in the report.

Mr. STAGGERS. It is.

Mr. ECKHARDT. Therefore, it would appear to me that, for instance, an old steel plant which altered its production in a particular unit or operation, even though that unit was an old unit, would be controlled just as its competitor, a new steel plant, would be controlled, where new equipment plus new sources of emission occur?

Mr. STAGGERS. That is correct.

Mr. ECKHARDT. I thank the chairman.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. VAN DEERLIN).

Mr. ANDERSON of California. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from California.

Mr. ANDERSON of California. Mr. Chairman, I wish to thank the gentleman for yielding.

I commend the committee for putting its attention to the problem of air pollution, but I feel that we can, and must, strengthen the provisions in H.R. 17225, the Clean Air Act Amendments of 1970.

Air pollution continues to darken our cities' skies and threaten our total environment with its poisonous chemical mixtures.

The primary contributor to this pollution is the automobile which accounts for nearly 80 percent of the air pollution in our cities. The automobile is responsible for dumping into the atmosphere each year more than 90 million tons of pollutants; this is twice as much as any other single contributor. If air pollution is to be curtailed, dangerous emissions from automobiles must be substantially reduced.

To combat the problem of vehicular air pollution the Federal Government is issuing emission control standards, but the present approach is inadequate for a number of reasons. Studies have shown that under existing controls automobile air pollution in the United States will more than double in the next 30 years. This is due to the projected increase in both the number of vehicles and the miles driven by each vehicle.

Only California has adopted emission standards which will stabilize air pollution and control the production of oxides of nitrogen. But, we want to not only stabilize air pollution, we want to eliminate it.

We have an immediate and pressing duty to protect the health of the American people by curbing dangerous vehicular air pollution. It is clear that present efforts to curb pollution by regulating new car emission levels are wholly unsatisfactory. Therefore, we must take immediate steps to encourage the development of low-emission vehicles.

Legislation, such as the bill (H.R. 14534 which I have cosponsored, would require Federal procurement of low-emission vehicles, thus fostering development of nonpolluting vehicles. By offering legislatively guaranteed markets, a reasonable rate of initial production is possible. Such a proposal would make the nearly 400,000 vehicles now used by the Federal agencies a guaranteed market for low-emission vehicles. In 1968, the Federal Government spent $26 million for the purchase of about 16,000 passenger cars and $129 million for nearly 46,000 buses, ambulances, and trucks. Under the procurement plan limitations, the total additional yearly costs cannot exceed $34 million. This additional cost is a small price to pay for alleviating the dangers of air pollution and for preserving a life-sustaining environment.

In addition, Mr. Chairman, I feel that we should put Detroit on notice that they must develop a low-emission vehicle. Last year, the California Senate passed a bill which would ban pollution causing engines in new motor vehicles after January 1, 1975. The bill died in the assembly. Similarly, I have introduced a bill, H.R. 17516, which is identical to the California bill.

We must strengthen our laws in order to eliminate air pollution. Our health and our very existence depend on our action.

Mr. VAN DEERLIN. Mr. Chairman, I thank my colleague from California for his comments, and I am glad the gentleman was here because his is a district which knows a great deal about the problem to which we address ourselves today.

As a matter of fact, there are occasions today when the unclean air from the gentleman's district sometimes wafts its way as far southward as the otherwise salubrious city of San Diego. And even there, we are learning something about what they have suffered for many years in Los Angeles.

Mr. Chairman, we had a fight on this legislation just 3 years ago. It was then that the delegation from California rallied sufficient support within the House membership to win the right for our State to maintain stricter standards against auto effluents than prevail in the other 49 States. This change was accepted by the rest of the House, I think on the grounds that California had been suffering from this problem longer, and had taken greater strides toward meeting the problem.

Unfortunately, since that fight in 1967—and even though we did improve legislation then on the books—air pollution has grown still worse.

It is my opinion that the bill we are about to pass today, unless we give serious attention to the amendments which will be offered, will fail to take the additional steps that are necessary now to call a halt to this ever-mounting pollution.

Mr. BELL of California. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman.

Mr. BELL of California. Mr. Chairman, I would like to commend the gentleman for his statement and for his forthright stand on this issue.

Is it not true that sometimes to get something done you have to take somewhat drastic action to get the problem solved; and in this particular instance it might be the automobile industry that needs to take drastic action? What is your opinion of this concept?

Mr. VAN DEERLIN. I congratulate the gentleman. Speaking of drastic action, he will recall that the State senate in California last year, by a 26 to 5 rollcall, voted to require the elimination or phasing out of the internal combustion engine in automobiles sold in our State, by the year 1975.

Mr. BELL of California. Does the gentleman think that by just continuing the way we are going it is likely to be enough to solve this problem in Los Angeles and San Diego and other troubled areas?

Mr. VAN DEERLIN. New York and Philadelphia and Chicago.

Mr. BELL of California. Yes; New York and Philadelphia.

Mr. VAN DEERLIN. No.

Mr. BELL of California. Does the gentleman think anything significant is going to be accomplished in pollution abatement if we just continue the way we have been going for the last few years with just a few little changes here and there in the way of improvements?

Mr. VAN DEERLIN. I think the gentleman anticipates my attitude on that.

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

Mr. VAN DEERLIN. I yield to the gentleman.

Mr. STAGGERS. Did I understand the gentleman to say that he wanted all internal combustion engines phased out in California by 1975?

Mr. VAN DEERLIN. I said our State senate felt so deeply the concern of the people of California that the senate voted last year to phase out all internal combustion engines sold in California by the year 1975—but the bill was not enacted into law.

Mr. STAGGERS. Oh, I see.

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

Mr. VAN DEERLIN. I yield to the gentleman.

Mr. FARBSTEIN. Under an amendment that I will offer, we want to phase out the internal combustion engine by 1978. Until 1975 the California standards should prevail. But after that, gradually, in 3 years, large motors and smaller motors and so on will be phased out. So by 1978 there shall be a clean engine and no longer a smog-producing engine. I believe the technology of the automobile companies is such that they can produce, or they can mass-produce, an automobile which will be clean and at the same time be able to sell at prices similar to those at which they are sold today.

Mr. VAN DEERLIN. May I say, I feel the gentleman's generosity in extending the limit by 3 years over what the California Senate is willing to do will impress itself on all, except possibly the auto industry.

The most dramatic evidence of air pollution is always to be found in dirty smokestacks in factories, belching smoke across populated communities. The fact of the matter is that in urban areas 90 percent of the poisons in our air come right out of the automobile exhaust pipe. While it is easy to get civic campaigns started against those black factory smokestacks, it is a much sadder experience when you try to do something about what goes into fuel composition or into the manufacture of an automobile.

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

Mr. VAN DEERLIN. Mr. Chairman, is it possible to have an additional minute?

Mr. STAGGERS. I yield the gentleman from California 1 more minute.

Mr. VAN DEERLIN. I would like to make the point that by compelling others to do this job, we can save a great deal of money. This Congress has authorized a billion dollars, and appropriated $600 million for clean water. I think we could get by for much less money when it comes to establishing clean air if, by law, we put the matter up to the automobile and oil industries themselves.

I regret that so many of those who are present are members of the committee who have already listened very patiently to my arguments before today. I should like to point out that on page 51 of the report, you will find a fairly concise statement of our objections, signed by three members of the committee—the gentleman from New York (Mr. OTTINGER), the gentleman from Rhode Island (Mr. TIERNAN), and myself. Thank you.

Mr. STAGGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. I thank the Chairman. I should like to add my compliments to those of other speakers to the committee and the subcommittee for what I consider to be an overall excellent job. I think this bill goes a long way toward solving some of the problems that we as a country have in cleaning up our air.

I have the dubious distinction, according to the Federal air pollution authorities, of representing one of the most polluted, if not the most polluted districts in the entire country. While I am aware of the long stride forward that has been made, I think there is one instance where a defect in the 1967 act must be cured if we are going to begin to approach clean air in the urban areas of our country. That has to do with an item that so fundamentally touches on States' rights and local initiative that I for the life of me cannot understand how it crept into the 1967 act. I think this is the time for it to be removed.

I refer of course to the provision that preempts local and State governments from doing anything about automobile emissions, not only in terms of living up to the Federal standards which are strict, but in terms of trying to impose standards that are more strict. I regard as an anomaly the fact that a State or a local government can impose such different standards on fuel. It can impose such different standards on any kind of stationary sources. It can impose such different standards on motorboats. Only the automobile is treated as some kind of privileged character which does not have to meet State or local standards.

For example, United States Steel is in my district. I think it has other plants in the districts of many of the Members on the floor today. They have to meet local and State antipollution and stationary air standards of all localities in which they produce. Automobiles have to meet local laws insofar as size is concerned, insofar as tires are concerned, insofar as equipment is concerned. Only in the special area of air pollution are they given a pass, and while I have great regard for the automobile industry, I think we pay too high a price for their being able to operate under one single standard.

The late Justice Frankfurter once described the local government as 50 separate laboratories in which we are to find new ways of solving problems, and I think in this area we ought to repeal that preemption of new solutions, and I intend to offer an amendment to that effect.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. PREYER), a member of the committee.

Mr. PREYER of North Carolina. Mr. Chairman, I rise in support of this legislation. In recent months the words "environment" and "ecology" have been trigger words, words that have set off our deepest emotions. We have all been viewing with alarm, but alarm by itself puts out no fires, to mix metaphors. We have all made a lot of noise on the stairs, and now it is time to come into the room. It is time to stop talking and to take concrete action. Action is a whole lot harder than talking, and when we ask ourselves what kind of law should we pass that will do something about air pollution, the popular demonology of pollution is not of much help, nor is jousting at "greedy business" or "mindless technology."

What we have to do is to apply creative intelligence to the problem at hand. One problem is that we know so little about what to do. For example, Barry Commoner, who testified before our subcommittee, said that we are woefully ignorant about the nature of air pollutants and about the chemistry that is going on in this massive air over our cities. He described an instrument he was using at Washington University which provides a total analysis of an air shed for nitrogen dioxide and sulfur dioxide. You put this instrument in the back of a station wagon. You point it at the sky, and as you drive down the road, you can read off on a paper chart the concentrations of nitrogen dioxide and sulfur dioxide. The amazing fact is that this is the only instrument of its kind in the country.

This means that we need a much stronger research effort and that we are limited in what we can do legislatively by our lack of knowledge. Commoner, while testifying on this bill, estimated we probably face a 10-year period of research and operation of pilot plants before we have some final answers. So I think the point we should make here is that our hopes should not be too high for a final answer on this bill.

Our people in this country are already aroused to a high pitch of disbelief, frustration, and despair on many matters, and we do not need any more total solutions that do not work. The present bill is responsible legislation because it does what we know how to do—no more and no less.

It offers no final Apocalyptic solution, but this represents the best we know how to do at this time, and I strongly support it. The bill provides that as our technology develops, as our research gives us more facts, then the Secretary of Health, Education, and Welfare is empowered to upgrade and strengthen air pollution standards in the light of such new knowledge.

What does the bill do? It strengthens the present law in five significant respects—which have been commented on already and which I will not repeat. It provides for tripling of funds for air pollution control. I should like to make two general points which have not been commented on.

One thing I think the bill recognizes is that we cannot return to some pretechnological womb. We cannot return to Walden Pond. What we have to work with in this country, the only real possibility we can consider, is solving this problem in terms of a growing economy. As Walter Heller pointed out recently, by the year 2000 we will have to have twice as many schools in this country, and, if human nature stays the same way, we will have to have twice as many jails and twice as many everything, so solving the air pollution problem in terms other than in terms of a growing economy is probably impossible.

If we retreated, say, to an 1870 level of technology—and if we went back to 1870, we would have to realize the bison were already dead, the eastern forest had already disappeared, and colonial cities were in a decline—then the median standard of living, if we went back to that time, would be far below the 1970 poverty line. So I think we have to deal with this problem in terms of solving it within the framework of our modern economy and not by "Buddhist economics" (that is, by reducing our gross national product until we are back to the Tibetan village level).

I think it can be done. The mayor of a small midwestern town recently said: "If you want this town to grow, it has got to stink." This fatalism is totally unacceptable.

I would like to make one comment on the substance of the bill itself, and that deals with the national standards and with respect to industry's role in the big cleanup, because industry has got to play a key role. Industry has objected in a number of instances to national standards, but we must have clear guidelines from Government that will apply uniformly to protect each individual industry's competitive position. This means we must have national standards.

Some industries objects to national standards because of their belief that State regulations can more easily tailor the situation to local industry needs. But if we do not have national standards, we find what has happened is that States begin to bid against each other to attract polluting industries. A State says, "We will be easier on you if you come into our area." Or the industry will say, "If you enforce this standard against us, we will move our industry into another State." So I say it is not fair to those States who are trying to do something about pollution to allow such lowering of standards to attract polluting industries into other States, so I think the national standard is an excellent approach.

We are embarking now on a new experiment in government, an experiment

to determine whether we are wise enough to direct our affairs in a way which recognizes the essential interdependence of man and his environment.

The situation is not hopeless despite some doomsday prophets, and I think the human race can solve it with the proper efforts and proper programs. I think this bill is a fine step in that direction.

Mr. HALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Evidently a quorum is not present. The Clerk wil call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 163]

Addabbo	Dowdy	Passman
Anderson, Tenn.	Edmondson	Patman
	Esch	Pepper
Ashbrook	Evins, Tenn.	Pollock
Ashley	Fallon	Powell
Ayres	Fraser	Reid, N.Y.
Baring	Frey	Reuss
Barrett	Garmatz	Riegle
Biaggi	Gaydos	Roe
Blatnik	Gilbert	Rooney, N.Y.
Brademas	Halpern	Roudebush
Brock	Hansen, Wash.	St Germain
Carey	Hébert	Scheuer
Celler	Horton	Schwengel
Chisholm	Jones, Ala.	Steiger, Wis.
Clark	Jones, Tenn.	Stephens
Clay	Kirwan	Stratton
Conable	McCarthy	Stuckey
Corbett	McMillan	Vander Jagt
Cowger	MacGregor	Wilson, Bob
Cramer	Mathias	Wilson, Charles H.
Culver	Mayne	
Daddario	Meskill	Wyatt
Dawson	Morton	Wydler
Diggs	Ottinger	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GALLAGHER, 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. 17255, and finding itself without a quorum, he had directed the roll to be called, when 357 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Chairman, as a member of the committee, I congratulate the chairman of the full committee and the chairman of the subcommittee and the gentleman from Florida (Mr. ROGERS) on an outstanding legislative accomplishment in presenting this clean air bill to the House.

The city of New York is starting to shut down different city functions because of an atmospheric inversion. At no time in the past and at no time in the future is this legislation more necessary. I urge its speedy enactment.

Mr. Chairman, today the House is considering what may be one of the most significant pieces of legislation of 1970. The Clean Air Act amendments will arm Federal officials with the legal weapons to probe, prosecute, and punish willful air polluters.

Today, there are no less than seven major departments and agencies involved in the air pollution battle in the metropolitan area I represent. Yet, we are losing the fight for life and lung a little more each day. The amendments we will act on today will reverse the trend of this battle. We will put teeth into the fight for clean air.

During consideration of these amendments in the Committee on Interstate and Foreign Commerce, my colleagues agreed with me that a serious obstacle to success in cleaning up our air was the inability of the Federal Government to move decisively in areas of suspected pollution.

For this reason I brought an amendment through the committee which provides dramatic new enforcement powers to the Federal Government. The need for this kind of power was amply demonstrated to me in my own district, where pollution from one State flows into another and neither State can adequately compel changes in the other State.

This language, which is now contained as section 112(f) of this bill, will give the States the necessary backup from the Federal Government to stop interstate pollution.

The bill permits officers or employees duly designated by the Secretary of Health, Education, and Welfare upon presentation of appropriate credentials and a written notice to the owner, to enter, at reasonable times, any establishment which the Secretary has reason to believe is or may be in violation of regulations issued for the control of air pollution. These officers shall be authorized to inspect records, files, papers, processes, controls, and facilities relevant to compliance with the air pollution regulations. A separate notice is required for each inspection, and inspections shall be promptly completed.

As you can see, we are authorizing the Federal Government to step into critical interstate situations—such as exist in the major industrial areas of this country, and elsewhere—where the interstate mechanisms have failed to abate pollution.

This section is one which can be embraced by every State in the Union because it gives the States the added muscle they have lacked in years passed.

The language for this section grew out of a conference I held in New York this spring. Every important agency in the metropolitan area involved in the air pollution battle was represented. Federal, State, city, and interstate officials suggested the language of this section to me as a vital and necessary arming tool to reverse the increasingly dangerous blanket of foul air which threatens the health of every one of us.

I strongly commend this section to the Members of the House.

I also strongly commend the full Clean Air Act Amendments of 1970 to this body. All of these steps we consider today are vitally needed if the Federal effort in the fight for clean air is to be but little more than that of a mere bystander.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I have long been active in efforts to clean up our air and water and land pollution.

In order that I may make my position clear I herewith refer to a letter from the Associated Press Bureau in Nebraska asking my position on various aspects of the problems of air and water pollution. Their letter to me reads as follows:

THE ASSOCIATED PRESS,
Omaha, Nebr., February 20, 1970.

Hon. GLENN CUNNINGHAM,
Rayburn House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE CUNNINGHAM: Some of the biggest news of the day involves the growing public interest in ecology and the problems of air and water pollution.

For our next roundup on Nebraska congressional opinion, we would like to ask some questions dealing with the pollution problem in the United States and specifically in Nebraska:

1. How seriously do you view the threat of air and water pollution in the nation? Do you concur with those who claim the planet may be destroyed in a few short years by pollution? Or do you think the immediate threat has been over-dramatized?

2. How strong a role should the federal government play in the antipollution fight? Should the government have punitive powers to force industry to take antipollution measures? Do you think business and industry have dragged their feet on pollution?

3. How seriously do you view the pollution problem in Nebraska? What should be done about the feedlots that are dumping untreated wastes into Nebraska's rivers and streams? Can we depend on Nebraska's growing industrial community to take steps voluntarily to combat polltuion or must they be forced by the government to do so?

Sincerely,

JOHN M. ARMSTRONG,
Correspondent.

P.S.—One further question: Should business and industry pass on the costs of pollution control to the consumer, or should they use some of their profits to pay for pollution abatement?

Mr. Chairman, I replied to the Associated Press inquiry at some length, and I now present my reply to the AP:

February 26, 1970.

Mr. JOHN ARMSTRONG,
The Associated Press,
Omaha, Nebr.

DEAR JOHN: I think the topic for your next round up of Nebraska Congressional opinion is an excellent one.

Before answering your questions specifically regarding ecology and the problems of air and water pollution, may I point out that that was one of my major concerns even prior to my becoming Mayor of Omaha in 1948. At that time—that is, prior to my election as Mayor—we had a civic effort called the Omaha Improvement Plan and there were various study groups set up to study various aspects of Omaha's many problems. The purpose of the studies was to determine what, if anything, should be done, and if some action was to be taken, what amount of money should be recommended to be placed in a package in the form of a bond issue to provide the means of solving these problems, or at least to make a start at solving them if they required a long range program.

I was appointed by the chairman of the overall committee, who was the President of Northwestern Bell Telephone Company, to be the chairman of the Omaha Improvement Association's Committee on Sanitation. There were other members of my committee, probably five or six, but I do not recall ex-

actly. We made a detailed study of Omaha's long-neglected sewer problems and the dumping of untreated sewage into the Missouri River, as well as other ecological problems, including air pollution. Of the some twelve or more study groups, our committee recommended, as I recall it, approximately $3½ million in the form of bond issue money to accomplish the most urgent needs. The total package of these bonds recommended by the various study groups amounted to a considerable sum and that is why we were cautioned to hold our recommendations to a reasonable amount in order that the voters would not be too frightened by the whole package of recommendations.

The voters did approve the majority of the bond issues that were on the ballot, including the money for the fixing of our sewers and the problem of dumping of raw sewage into the Missouri River, for air pollution and related subjects. This was the first start that Omaha had made in all of its history to stop the pollution of the Missouri River due to the raw sewage being thrown into it at various locations, from the airport to a considerable distance south of the old Ak-Sar Ben Bridge. We also built a tremendous number of sewers that were broken, creating a seepage problem, and during heavy rains our old combined sanitary and storm sewers were flooding the streets. The combined sewers naturally contained a considerable amount of raw sewage. We also recommended a strong anti-smoke ordinance, as it was called in those days, although this required no bond money but was a part of cleaning up our environment.

Subsequently the advisory committee which I mentioned above were made permanent and a part of the city government when the bonds were approved. I was then named Secretary of the Omaha Sanitation Commission, which was then charged with carrying out the recommendations we had originally made and the expenditure of the funds that had been approved by the voters.

I took a special interest also, as noted above, in smoke abatement because it was a major problem in Omaha at that time. So I made a detailed study of this and looked particularly at St. Louis, which at that time had done a tremendous job in cleaning up its air pollutants. I have forgotten the name of the man in St. Louis who achieved these successful results, but because of what he did he was eventually elected Mayor of that city. In any event, I finally personally prepared a comprehensive smoke-abatement and/or control ordinance which I presented to the City Council with strong arguments for its adoption, and it was adopted.

Shortly thereafter I was elected Mayor of Omaha and it fell upon me to implement and administer the smoke-abatement ordinance which I had presented and which had been adopted prior to my election as Mayor. The first thing I did was to employ a professional person, a graduate chemical engineer, to administer the program. His name was Herb Ulrich and I vividly recall how very effective he was in carrying out the ordinance. It used to be that dozens upon dozens of smoke stacks belched out black soot and smoke every morning for hours on end and other times during the day. Mr. Ulrich told me that no smokestack should emit any smoke, soot, etc., because if it did it simply meant that the heating unit supplying that smokestack was either faulty or improperly operated.

In further carrying out the ordinance, we stationed spotters every morning beginning at dawn on three of the tallest buildings in Omaha so that we could have a view of where this smoke was coming from. I recall going with Mr. Ulrich atop the Telephone Building, which was one of our lookout posts. In any event, when Mr. Ulrich and his staff saw this smoke being emitted they would spot the location and go there immediately and talk to the people and explain to them that the heating unit was either faulty or being operated improperly. And we were severe with industry in these cases. As a result, over a period of three or four years we had eliminated 90 plus percent of all of these black, sooty, smokey emissions from chimneys and smokestacks. As a matter of fact, our program was so successful that we received national recognition for what we had done.

So I am no Johnny-come-lately in this field and I am sorry that Omaha again has a problem because what happened after I left the Mayor's officer was that they combined Mr. Ulrich's department with two or three other departments and relegated him to a minor position. This handicapped Mr. Ulrich and his staff in carrying out their duties, and what might have happened behind the scenes or behind closed doors with top city officials is unknown to me. But the program was gradually phased out. So all of our good work really went for naught and even today when I see these emissions from smokestacks I say to myself, "Somebody ought to see these people and stop this because it can be stopped if the heating unit is efficient and properly operated."

Now to your questions.

1. I view with great seriousness the threat of air and water pollution in the nation and I do concur with those who claim the planet may be destroyed in a few years by these pollutants. I do not think by any means that this threat has been over-dramatized. (I might add that because I was so deeply involved with clean air way back in 1946, 1947, 1948, and until 1954, when I was Mayor, that I even hesitated to walk the streets because of the additional dangerous condition of the environment due to exhaust fumes from automobiles.)

2. I think that the Federal Government must play a strong role in this pollution fight and I wholeheartedly support President Nixon's program. As a matter of fact, I am a co-sponsor of all seven of the President's bills in this area.

I do not always approve of the Federal Government having punitive powers, but in this field the government has no other recourse but to have punitive powers to force industry to undertake anti-pollution measures. In this field it does no good for one city or one state to have an outstanding program if an adjacent state does not have the same type of program. For example, the Missouri River does not affect just Nebraska. It is not enough for Omaha to stop polluting it. Other jurisdictions must do likewise. This is also true of air pollutants. They have no respect for state boundary lines. Therefore, it is a Federal problem and must be dealt with as such.

I do believe that business and industry have not met their respnsibilites regarding pollution, but I believe they are beginning to recognize the problem and will be cooperative. It is just a very sad thing that our atmosphere today is so contaminated because of the many years of neglect of this problem by those who have caused it.

3. I think Nebraska has a serious pollution problem and much needs to be done, but I do feel that overall it is the larger, more industrial states who bear the greatest responsibility. I do not mean for one moment that Nebraska does not have a problem and should not do all it can to abate pollutants. I would mention feed lots, for example, that are dumping waste into Nebraska's rivers and streams. I would say that this must not be allowed to continue. It matters not who polutes the streams. The big problem is to stop pollution from whatever source.

I do not know whether or not we can depend upon Nebraska's growing industrial community to take steps voluntarily to abate pollution, but I do know that if it is not stopped the Federal Government will step in and require some action.

I believe those who are causing the pollution actually should bear the costs of controlling pollution of our air and water and other phases of the environmental problem. Business and industry, in my opinion, should not pass on the costs of pollution control to the consumer but should use their own funds for this purpose. The public at large should not be penalized for something over which they have no control. Mr. Nixon's program in this field is extraordinary. Yes, we have problems, but I know of no problem that is any greater than this one which we are discussing in this letter.

I might add as an aside that one of the reasons I have opposed the Platte River Dam from Ashland north is that it is my belief, after studying engineering data, that this dam would result in a highly polluted mud hole, just as the Potomac River which runs right through the City of Washington is one of the most polluted rivers in the United States. So my hat is off to Mr. Nixon for the fight he is going to wage, and I hope that the majority party, which controls the Congress, will cooperate with those of us in the minority and see that this legislation which he has recommended and which I have cosponsored is speedily enacted into law.

In reference to the Potomac River, I might add that it is so full of chemicals that to me the water is unfit to drink even after its so-called treatment. As a result I purchase for use in our home bottled water, pure unadulterated spring water, which comes from upper New York State. This is expensive to me but for the good of my health and that of my family I have found it necessary to assume this expense.

You have chosen a good topic and I wish you well. There is much more that I could say, but I think I have said as much as you would care to hear from me at this time.

Sincerely yours,

GLENN CUNNINGHAM,
Member of Congress.

Mr. Chairman, in conclusion I wish to outline a position paper on ecology which involves the problems of air, water, and land pollution. My position paper reads as follows:

ECOLOGY—PROBLEMS OF AIR, WATER, LAND POLLUTION

(A position paper by Congressman GLENN CUNNINGHAM)

My interest in and concern for our environment began many, many years ago, prior to my election as Mayor of Omaha in 1948. As chairman of the Committee on Sanitation of the Omaha Improvement Association, a civic organization, I became deeply involved in the city's long-neglected sewer problems, the dumping of untreated sewage into the Missouri River, air pollution, and other ecological problems. As a result of the studies and recommendations of the Omaha Improvement Association, bond issues were approved by the voters and funds became available for sewer repair and construction, sewage treatment, smoke abatement, etc. The study committees were made permanent as part of the City Government and became known as the Omaha Improvement Commissions. I was named Secretary of the Omaha Sanitation Commission. In this position, and subsequently as Mayor, it fell upon me to implement the programs and regulations the voters approved to carry out the Omaha Improvement Commission responsibilities.

One of the most serious environmental problems existing in the city at that time was the black soot and smoke that belched out of several dozens of smokestacks. I made a detailed study of this problem and prepared a comprehensive smoke-abatement and control ordinance which was presented to the City Council and adopted. Soon thereafter I was elected Mayor of Omaha and one of my duties was the implementa-

tion and administration of this smoke-abatement ordinance. We worked closely with industrial firms, providing information and instructions on operation and renovation of their heating units, resulting in greater efficiency and economy in their operations and achievement of our goal—reduction of air pollution. Eventually 99 plus percent of all the black, sooty, smoke emissions from chimneys and smokestacks was eliminated. As a matter of fact, this program was so successful that it received national recognition.

I view with great seriousness the threat of air and water pollution in the nation today. These environmental problems have no respect for boundary lines and therefore I think the Federal Government must play a strong role in combatting pollution and efforts to make our environment more livable and enjoyable not only for ourselves but for future generations.

The first Federal air pollution program was authorized in 1955, just prior to my election to the Congress. In the years I have served in the Congress I have consistently supported anti-pollution legislation. In 1963 we enacted the Clean Air Act. Much progress in the cleaning up of our air and water has resulted from this and subsequent legislation. Because of my efforts for passage of the Air Quality Act of 1967, President Johnson invited me to the White House when he signed the bill into law and presented to me one of the pens he used.

I wholeheartedly support President Nixon's program for control of air, water, and land pollution, and I have co-sponsored seven bills which constitute his legislative program in this area. These bills are designed to wage a constructive and effective campaign against air and water pollution by encouraging better soil conservation, the development of parklands and public recreation areas, as well as dealing with means of disposing of trash and all "solid wastes." This legislation is also designed to clean up our water resources, to improve the quality of the air we breathe and to remove from the landscape the litter and trash which have become a national eyesore.

The President's plan involves fundamentally new philosophies of air, land, and water use, stricter regulations, increased government action, expanded citizen involvement and new programs to make sure that government, industry, and individuals all are called upon to do their share of the job and to pay their share of the cost.

Each of the seven bills uses a different approach, but together they form a comprehensive anti-pollution program. Highlights of each of the bills I have introduced follow:

H.R. 16031: Amends the Land and Water Conservation Fund Act of 1965. Provides for the acquisition of lands for use as National parks and Federal recreational areas. Also allows the Government to dispose of lands for which it has no use, the receipts from which would be used to obtain other more useful lands.

H.R. 16032: Authorizes the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes; extends the provisions of the Solid Waste Disposal Act, the principal concern of which is the junked car. The object of this bill is to clean up the face of America. Included would be the development of disposable containers to help unclutter the American landscape.

H.R. 16033: Amends and extends the Clean Air Act, provides for national standards of ambient air quality, expedites enforcement of air pollution control standards, regulates fuels and fuel additives, provides for improved controls over motor vehicle emissions. This legislation is concerned both with control of noxious discharges from internal combustion engines and with air pollution resulting from industrial discharges.

H.R. 16034: Establishes an Environmental Financing Authority to assist local and state governments in the financing of waste treatment facilities.

H.R. 16035: Provides a 5-year program with the Federal and the State or municipal governments contributing toward the construction of waste treatment facilities on a matching basis. The Federal Government would contribute 40 percent of the cost and the State or municipal government would contribute 60 percent.

H.R. 16036: Amends the Federal Water Pollution Control Act to establish standards for pure water; implements swift and effective enforcement of water pollution control measure. Gives the Secretary of Interior authority to achieve such enforcement fairly and equally throughout all of the states.

H.R. 16037: Principally concerned with developing and supporting improved state and interstate water pollution control programs, with chief emphasis on research, investigations, training and demonstration activities conducted by the Department of Interior. Also upgrades water pollution control programs carried out by individual institutions and agencies assisted by Federal funds.

Mr. Chairman, I believe the above very well outlines my long interest in these problems and that I am no Johnny-come-lately in doing something about cleaning up our air, rivers, and land which problems, in my estimation, and perhaps the most important problems facing this generation today and for future generations whose very existence depends on what we do not to protect them.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, I rise in support of the legislation.

Mr. Chairman, if you were a nonsmoker and spent a day breathing the air in the city of New York, you would have experienced the same ill-effects of smoking two packs of cigarettes. The air in New York is polluted. The air in Washington is polluted. In fact, the air in many of our major cities is polluted.

The bill before us today is designed to quicken the pace of the battle against the destruction of our atmosphere. I am not an alarmist in saying that time is running out. In fact, some experts in the field feel it may be already too late.

The Air Quality Act of 1967 laid the foundation for the battle, but did not go far enough. We have experienced a hodge-podge of activity in the antiair pollution effort with far too many rules, regulations, and procedures arising from the several jurisdictions involved.

The last 3 years have produced evidence that clearly shows some national minimum standard dealing with the emission of air pollutants must be established. This bill will do just that. It puts standards into effect throughout the Nation without having to wait for individual State action.

Further in the area of interstate pollution problems, it provides a clear means for Federal enforcement of these newly established standards. Such authority is essential in a Nation that is growing closer and closer together through advances in the transportation and the product marketing fields.

The enforcement provisions have also been strengthened so that an obviously guilty polluter cannot rely on administrative delays to put off eventual installation of control devices.

This measure further deals with the very serious problem of stationary air polluting facilities. Under this bill, the Secretary of Health, Education, and Welfare would have increased ability to control and stop such hazardous offenders.

More than 60 percent of our national air pollution problem is caused by automobiles. This is particularly acute in areas of high population density which receives a concentrated dosage of carbon monoxide and carbon dioxide emissions from automobiles.

One health association advises pedestrians to minimize their breathing while walking along city streets. In fact, they recommend the rush hour ambiant to stop breathing entirely while outside an air-conditioned environment.

It is possible, if we do not act, that one day the Public Health Service will recommend an end to unprotected breathing regardless of an individual's location, unless strong measures are taken now.

The need then, for stronger air pollution control measures is great. This bill before us now, Mr. Chairman, provides increased control and stronger penalties. It better organizes the attack on the polluters from the national point of view.

Air is the basic substance of life. The elements of the air comprise the greater portion of our body composition. Without clean air to breathe all else is inconsequential.

And so, Mr. Chairman, I strongly urge my colleagues on both sides of the aisle to consider the merits of this bill and vote for its final passage.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. HALPERN).

Mr. HALPERN. Mr. Chairman, I rise in enthusiastic support of this legislation.

Mr. SPRINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BELL).

Mr. BELL of California. Mr. Chairman, I rise in support of this legislation.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Chairman, air pollution, as most of us know, causes many diseases, bronchitis, emphysema, and even lung cancer.

The known causative agents are hydrocarbons, carbon monoxides, nitrous oxides, and particulates.

Many instances of widespread serious illnesses have followed protracted periods of extreme pollution. Increases in death rates have been noted in London, New York City, Los Angeles, and Donora, Pa.

In many areas of our country, we still see smokestacks belching forth clouds of poisonous pollutants. A still greater menace occurs from the many automobiles, 80 million, in our country. They

account for approximately 50 to 55 percent of the pollution.

The present bill permits the Secretary of Health, Education, and Welfare to set standards of air quality throughout the country and emission standards for all new smoke-emitting factories. In case a pollution problem occurs, the Secretary is empowered to come into the State or region and institute immediate abatement procedures. In case of autos, new standards have been set for emissions, and the automobile industry has been quite cooperative. The problem of leaded gasoline has been mentioned. The chief complaint concerning this substance is that it clogs the devices used to clean the emissions, and not because lead is itself a dangerous pollutant.

All in all, it is my feeling that this is a good bill and should be passed.

Mr. STAGGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island (Mr. TIERNAN), a member of the committee.

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

The report on H.R. 17255 by the House Interstate and Foreign Commerce Committee, of which I am a member, states from the outset that—

> The strategies which we have pursued in the war against air pollution have been inadequate in several important respects and the methods employed in implementing those strategies often have been slow and less effective than they might have been.

H.R. 17255 is an attempt to speed up, expand, and intensify the war against air pollution and for that reason, I support its general thrust. The problem is that the bill does not go far enough.

It has been shown that the automobile is responsible for 60 percent of all air pollution in the United States. Yet this bill fails to deal effectively with eliminating pollutants from this engine. Members of a bipartisan group, including myself, Congressmen LEONARD FARBSTEIN, DANIEL BUTTON, LIONEL VAN DEERLIN, and RICHARD OTTINGER have prepared amendments designed to strengthen H.R. 17255 so as to make certain that automobile pollutants are eliminated as a major source of environmental decay by the mid-1970's.

My amendment deals with the regulation of fuel composition. The amendment substitutes a far superior version recommended by the administration, in place of the fuel composition section in the committee bill. The amendment would provide the National Air Pollution Control Administration with the power to regulate the composition of fuels, thus giving it the ability to ban lead as well as other additives in gasoline, in order to reduce pollution. It is my feeling that the NAPCA needs this power if we truly hope to have clean air in the near future.

In a comparison between H.R. 17255 and my amendment, I think it is clear that the latter is more effective in the fight for clean air. First, the administration bill covers all fuels. H.R. 17255 applies only to auto fuels. Second, both provide for regulation of fuel composition to eliminate adverse effects on public health and welfare. The committee bill, however, requires that no regulation may be established if the health danger can be remedied through increased auto emission standards. The burden is thus put on the auto industry, and the oil industry is left pretty much free and clear. Third, the committee bill requires specific "finds derived from relevant medical and scientific evidence" to prove that a fuel or fuel additive endangers public health or welfare. The administration bill requires no such rigorous proof.

NAPCA has indicated it could probably not scientifically justify banning lead in gasoline under this procedure. Fourth, the administration bill provides authority for NAPCA to secure from industry fuel additive pollution research it reasonably needs to assess pollution characteristics of fuels. The Food and Drug Administration has such power. The committee bill provides only the power to secure research already done. NAPCA would thus be required to do much of its own research at a substantial additional cost. Tied to rigorous evidence requirement, it would be almost impossible for NAPCA to operate under this procedure.

Clean air is vital to our health and happiness. H.R. 17255 can be an effective tool toward cleaning our air, especially if we accept the amendments which are being offered to strengthen the bill. The problems of environmental pollution, unless dealt with quickly and effectively, will plague mankind forever. The steps contained in H.R. 17255 are but the bare minimum. I urge my colleagues to support this vital legislation with the amendments.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, I believe the Nation is indebted to the Congress in its demand for strict air pollution control.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, I rise in support of this bill, but I am also in support of amendments which I believe are important to make the bill more effective.

Like many Members of this House, I was shocked to learn late last evening that the regularly scheduled legislation for today, the postal reform bill, had been removed from consideration and that H.R. 17255, the Clean Air Act Amendments of 1970 had been substituted. This air pollution control legislation is an extremely vital bill for the health and future of our country, and yet it has been brought up for consideration today on less than 24 hours' notice. The hearings of the committee which handled the bill were not available for distribution until midmorning today—2 hours or so before debate on the bill was to begin. These hearings come in two volumes and total 891 pages. Mr. Chairman, I wanted to look through these hearings and study them, but the sudden scheduling of this bill has denied me that opportunity and right.

Mr. Chairman, there are terrible weaknesses in this bill, particularly as it relates to automotive air pollution control.

The present internal combustion automobile engine is the most serious and dangerous source of air pollution in the Nation today. The U.S. Public Health Service estimates that the auto causes 60 percent—or more—of all air pollution in America today. Automobile exhausts create 180 billion pounds of poisonous pollutants a year. Medical research teams have found that heart diseases, lung cancer, respiratory ailments, and eye infections increase in proportion to the increase of automobiles. In addition to causing disease and death, air pollution cuts crop production, destroys trees, and is estimated to cost the economy $30 billion annually. The type of damage that can be done is well illustrated by the U.S. Forest Service estimate that 1.3 million trees in the San Bernardino National Forest will die in the next 5 years because of smog on the freeways.

These facts, plus the fact that the 100 million autos on the highways today will increase to 150 million by 1980, demand the strongest possible action.

The action taken by the committee bill will alleviate auto pollution for a little while; but as the number of cars on the highways grows the level of pollution will begin to rise again. It will grow and grow until in the near future auto exhaust pollution will be even worse than it is today.

It is for this reason that I am supporting four strengthening amendments to the bill before us today.

First, in the area of auto emission standards, I will support the amendment to adopt the present California standards as nationwide minimums. Under the present air pollution control laws, California was permitted to set tougher standards than the national criteria, if it could be shown that these standards were feasible. These California standards have been set and are feasible and economical. As a result the people of California will have a reduction of auto emissions and pollutants from new cars; the people of my congressional district will not. The people of New York City, of Pittsburgh, Chicago, and Philadelphia will not—and yet all of these cities have severe air pollution problems. The health of all these people is being threatened. They have been "zoned" for a lower quality of air; they have been "zoned" for a higher level of disease, sickness, and discomfort.

The bill before us does not adopt the California standards. As a result the National Air Pollution Control Administration plans no national reduction in hydrocarbon or carbon monoxide standards until 1975.

Therefore, I am supporting the amendment to adopt the California standards as nationwide minimums. This will not prevent the Air Pollution Control Administration from setting tougher standards. It will require that Detroit's current know-how in auto emission control will be available to all Americans—not just Californians.

Second, I will support the amendment to provide for better emission control devices. Presently, when autos come off the assembly line, the emission control device is quality tested. If the car passes

the emission test, it is moved on to the showroom and on to the consumer. Yet it now appears that the ability of these emission control devices to control pollution deteriorates rapidly as the car is used. One Federal study has shown that 57 percent of the emission-control devices installed on the auto fleet of a major car rental firm failed to live up to their billing as smog deterrents after being in use only 11,000 miles. The committee bill before us does not provide for testing cars on the road under real road conditions. Therefore, I am supporting the amendment to permit voluntary tests of cars after 4,000 miles of road usage. If the resulting tests indicate a failure of the emission control device, the manufacturer would be required to bring the device back up to standard through production line improvements and recalls.

Third, the present bill, H.R. 17255, does not deal adequately with the problem of fuel composition. Lead-free gas will be required by 1975 to meet emission standards. But this bill places nearly impossible conditions on the National Air Pollution Control Administration's ability to control fuel composition. First, instead of applying to all fuels, the bill deals only with auto fuels. Second, it puts the burden of proving that the fuel exhaust is creating a public health menace on the public agency, but gives the agency no authority to require oil company research to prove the health or safety of the fuel and its additives.

Therefore, I plan to support an amendment which will permit the Department of Health, Education, and Welfare to regulate fuels that would be dangerous in present, high emission autos. It would also require the industry to provide the necessary research to determine the absence or presence of health dangers in fuel mixtures and additives.

Fourth, and most importantly, I will support the amendment to phase out the internal combustion engine from use in automobiles. This amendment is the most vital. It is only through this amendment that we really begin to solve the pollution problem. This amendment will involve major changes. But the seriousness of the pollution crisis demands changes. Earth Day speeches are not enough. Action is demanded.

This amendment is needed for two reasons. First, emission controls can only remove a certain percentage, a certain amount of the emission pollution and poison produced by the internal combustion engine. Second, as the number of motor vehicles increase, the total staggering level of automobile air pollution will rise—even though the pollution per vehicle will be less. In a few years, our cities will be even more choaked with exhaust fumes than they are today.

The solution is to move to a new power source. We must plan now to move beyond the present technology.

The bill before us makes no provision for better pollution standards after 1975. Emission standards would be geared to the internal combustion engine instead of the machine being geared to mankind's survival under this bill. If the standard car motor cannot be substantially improved after 1975—and it does not appear that it can be—the car industry would be permitted to continue to mass produce life-killing internal combustion engines. The amendment would warn Detroit that not just the cleanest gasoline engine must be developed, but the cleanest possible energy source—whether it be electric, steam or gas turbine. If the internal combustion engine could not meet the standards set by feasible and clean propulsion system, production of the polluting engine would be gradually phased out. In 1975 engines of more than 375 horsepower—and comprising less than 5 percent of all new car sales today—would be no longer produced. Engines of over 275 horsepower would be phased out in 1976; those over 175 horsepower in 1977, and all internal combustion engines in 1978.

There is agreement by experts in the field of propulsion systems that pollution-free units can be mass produced almost immediately, that such engines can be cheaper to operate than existing internal combustion engines and will provide the public with all the performance qualities he has come to demand from his modern automobiles—without the creation of poisonous wastes.

The elimination of the internal combustion engine will be a major conversion, but jobs will not be eliminated; industries need not be dislocated.

It is a task we must undertake. The future of our Nation and the health of our people are critically involved.

There are other sections of this legislation which I do support and applaud, Mr. Chairman.

The move to establish national ambient air quality standards is long overdue. To date, the States have been left to establish their own air quality standards. In all too many areas, there has been delay and foot dragging—and ridiculously low standards set to accommodate local industries and interests. The establishment of national standards will insure action throughout the Nation on a rapid basis. A State would be left free, of course, to set stronger standards if it so wished. Further, if a State fails to enforce its plan, the Secretary of Health, Education, and Welfare can notify the State and persons who violate the plan. If, after such notice, the State fails to act within 30 days, the Secretary of Health, Education, and Welfare may request the Attorney General of the United States to bring suit to secure abatement and cessation of the pollution. A court may then assess a fine of up to $10,000 per day for each day during which the polluter fails to take corrective action.

I am particularly pleased, Mr. Chairman, that this bill moves toward a concept which I have long advocated: the establishment of industry-by-industry pollution standards. Under this bill, the Secretary of Health, Education, and Welfare can establish emission standards with regard to any class of new stationary sources which, because of the nature or amount of emissions, may contribute substantially to endangerment of the public health or welfare. It is my hope that he will establish standards on an industry-by-industry basis, taking advantage of the latest technology.

A steel mill, operating anywhere in Ohio, or the Nation, should be required to make the same kind of effort to control the pollution emission of an oxygen steel furnace. A steel mill creates pollution in certain ways wherever it is located. The procedures to control this form of pollution are likely to be substantially alike. If we would insist on uniform approaches for pollution control of this industry—wherever the plants are located—the competitive benefits of a dirty plant would be eliminated. A steel plant in Youngstown, Massilon, or Middletown would have to make the same effort to control pollution as a plant in Cleveland. There would be no profit in pollution. There would be no production cost advantage to the dirty producer. When the profit is eliminated in pollution by uniform high standards in air quality and pollution control, the battle will be won.

Under the same principle, HEW could establish uniform pollution control standards for the chemical, oil refining, foundries, food processing, and cement-making industry, and other industries. In each case the pollution control regulation would be directed to the specific pollution of a specific industry. Every plant within the same group could be required to maintain the same high standards. There would be no variation in pollution control procedure by a given industry by region or area of operation. The standards for each type of plant would be the same in Zanesville as they are in Dayton or Cleveland. No other part of the State or Nation could lure our industry on the basis of a greater tolerance for pollution.

I feel that Federal standards for pollution control on an industry-by-industry basis are necessary and inevitable. National standards of pollution control would prevent another State from attracting any industries because of a greater pollution tolerance. Such competition is unfair and against the public interest.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. CASEY).

Mr. CASEY. Mr. Chairman, the people of Houston and Harris County, Tex., know the seriousness of air pollution. We have lived with it for many years—and in spite of determined efforts by our local governments to control it—we know it cannot be done without Federal help.

Some 15 years ago, when I had the privilege of serving as county judge, the administrative head of Harris County, I was instrumental in having our commissioners court, on its own initiative, create the first air pollution control program in the State of Texas. We had no State or Federal laws to guide us. We worked closely with our major industries to seek their voluntary cooperation to curb pollution. Some did. Others did not, and we brought suit against nearly a hundred major industries and obtained agreed judgments against most of them. I know what local governments can do to curb pollution—if the locally elected leaders have the courage and determina-

tion to take action. I also know they cannot do it all alone, and need the vast resources of the Federal Government to assist them.

Some of us were deeply disappointed when the first Clean Air Act was brought before this House on July 24, 1963. Like the first Water Pollution Control Act of 1961, we found that few, if any, of its provisions were of help in combatting our own local problems. Many followed my example, and voted against these two measures as a matter of protest in the hope they would be sent back to committee and substantially strengthened. Subsequently, as my colleagues know, our objections were heard and these acts broadened and the hand of cooperation was extended from the Federal level to our States and localities. And I have supported these programs since that time.

I learned another fact at the local level of fighting air and water pollution, and that is this: industry needs help in paying the massive cost of installing the devices necessary to curb the emission of pollutants. In Harris County, many of the air scrubbers and other devices needed cost as much as $1½ million and that was in the mid-1950's. When I entered Congress, one of the first major bills I introduced was to give industry the necessary tax incentive to install antipollution devices by permitting rapid amortization of the cost. For years, I pushed the administrations of both parties to endorse such a proposal. It was with great personal satisfaction that I saw these provisions finally enacted into law in the Tax Revision Act signed by the President on December 30, 1969.

Industry now has the incentive, and you can see the effect in nearly every major publication as company after company announces how much it plans to spend to curb pollution. I take modest pride in stating that this one provision enacted into law by this House will do more to curb pollution than all we have done so far in this field, for we have voluntarily enlisted the great resources and technology available to industry to aid us in this fight.

In Houston and Harris County, as I know in other parts of our country, the people are deeply disturbed over the defilement of our air and water resources. Many new groups are being formed to join in the fight for a clean environment, and those of us who have long been concerned welcome with enthusiasm their great assistance. My hope is that their enthusiasm never wanes, for it is going to be a long fight to reverse the decades of negligence and it cannot be done without the cooperation of our people, our industries, and our governments at all levels.

Today, as the House begins its consideration of the Clean Air Act Amendments of 1970, which I intend to support, I express my thanks on behalf of our people to the distinguished chairman and members of the committee for their work on this bill. The funds authorized under this legislation are urgently needed, if, as the committee report stated, we are to assure "that the air we breathe throughout the Nation is wholesome once again."

Mr. STAGGERS. Mr. Chairman, might I inquire how much time is felt on this side?

The CHAIRMAN. The gentleman has 2 minutes remaining.

Mr. STAGGERS. Mr. Chairman, I yield 1 of those minutes to the gentleman from New York (Mr. FARBSTEIN).

Mr. FARBSTEIN. Well, Mr. Chairman, I suppose all I can say in passing is we got as much notice of the fact that the bill was going to be on for today as the time I am getting now. However four amendments will be offered.

And I will offer one of the amendments. Three other gentlemen will offer the other amendments, we will try to do something to tighten the bill, to make it effective, so that it will benefit the people instead of benefiting the automobile companies and the oil companies.

Mr. Chairman, according to the Public Health Service, the auto is responsible for 60 percent of all air pollution—180 billion pounds—in this Nation. Pollution from the auto is a serious health hazard in every city in this country with a population of 50,000 or more. This air pollution is the cause of disease and death, cuts crop yields and kills forests, and costs the economy $30 billion annually. Automotive air pollution thus stands as the logical target of those who want to improve the quality of the environment. If the Federal Government is willing to undertake the commitment, the auto can be eliminated as a major source of air pollution by the mid-1970's and a radical reduction achieved almost immediately.

The air pollution bill we have before us, H.R. 17255, fails to achieve this objective. Indeed, it appears to bend over backward to accommodate the auto and oil industries. It is far more limited than the recommendations of the administration.

Indeed, with respect to some provisions of the bill the public interest might better be served if there were no bill at all. If we are going to eliminate the auto as a source of air pollution, it is going to require more than Earth Day speeches.

The following four amendments are being offered to the bill in an attempt to bring this legislation up to the level of the administration recommendations and give the House an opportunity to assert its commitment to save the environment by going beyond the administration position.

1. VOLUNTARY FEDERAL INSPECTION OF DEVICES IN OPERATION

Congressman VAN DEERLIN will offer an amendment authorizing voluntary inspection of auto control devices in operation for over 4,000 miles. If a defect pattern is uncovered, the company would be required to correct it at its own expense, and certification of the device would be revoked until the design defect was also corrected.

Auto engineers say it is almost impossible to judge if a device works until after the vehicle is broken in after approximately 4,000 miles. While assembly line inspection can test individual devices for quality control, no opportunity exists to see if the device actually works in operation. Regulations require devices to work up to 50,000 miles. Current tests simulating operating conditions, however, are unrealistic.

NAPCA tests of rental cars operated at various mileage intervals found that after a few thousand miles up to 80 percent of vehicles tested failed at least one emission test. A study conducted by the California Air Resources Board corroborates this study. This amendment provides an implied warranty to insure the device is manufactured to meet the mileage requirement.

2. ADOPTION OF THE EQUIVALENT OF THE CALIFORNIA STANDARDS

Congressman BUTTON will offer an amendment to establish as national automotive emission standards for 1971, 1972, and 1974 standards equivalent to those already adopted by California. These would be minimum standards, and would in no way preclude the Secretary of the Department of Health, Education, and Welfare from setting higher standards or standards for other years.

Current administration pronouncements call for no change in auto pollution standards for existing regulated pollutants from the 1970 standards until 1975.

In the meantime, we are to be left with the current standards and an ever-increasing number of cars. Under current law, California can set higher emission standards for autos in its jurisdiction, if they are approved as technologically feasible by HEW.

California has set standards far more rigorous than 1970 Federal standards. These have been approved by HEW and will be required of the 10 percent of the auto market which is produced for California. We see no reason these standards should not also apply to the other 90 percent of the market. It is not a question of technological capability or economics, only whether citizens of New York or Miami may have the same opportunity for cleaner air as those in Los Angeles. What makes it even more imperative that such standards apply nationwide is the general unavailability of California devices outside the State—even if the individual is willing to wait and pay more to get them.

3. AUTOMOTIVE EMISSION STANDARDS BEGINNING WITH THE 1975 MODEL SHOULD BE BASED ON THE CLEANEST FEASIBLE PROPULSION SYSTEM

I will offer an amendment to set auto emission standards beginning in 1975 on the basis of the cleanest feasible propulsion system. Large horsepower internal combustion engines which cannot meet the standards would be phased out first based on the following timetable:

Based on sales of 1969 American cars, the phasing out would have the following effect:

Three hundred and seventy-five horsepower in 1975—less than 5 percent of new car sales.

Two hundred and seventy-five horsepower in 1976—35 percent of new car sales.

One hundred and seventy-five horsepower in 1977—all but 10 percent of new car sales.

All internal combustion engines in 1978.

Current auto emission standards are based on what the inherently polluting internal combustion engine can achieve. There is general recognition that the internal combustion engine cannot be cleaned up much beyond the standard proposed by the administration for 1975 models. This amendment sets standards based on what the best available technology with whatever engine system can achieve these standards. Its object is clean air.

There is also general agreement outside of Detroit that pollution-free propulsion systems can be mass produced almost immediately. Such engines are cheaper to manufacture and operate than existing internal combustion engines and provide the consumer with all the qualities he has come to expect in an automobile.

Phasing out large horsepower engines first has the advantage of eliminating the highest pollutant first. Large engines burn more fuel and thus produce higher levels of pollution. It also has the following additional advantages:

It is easier to develop a new propulsion system in large engines.

Fewer people buy automobiles with large engines for personal use, therefore, any recalls that might be necessary to perfect the system would affect fewer people. The industry follows a practice now of putting experimental systems, which may need recalling to perfect them, on "odd-ball lines" that attract fewer customers and inconveniences fewer customers. This would follow that practice.

4. REGULATION OF FUEL COMPOSITION AND THE ELIMINATION OF LEAD

Congressman TIERNAN will offer an amendment that would substitute for the committee fuel composition section, the far superior version recommended by the administration.

Under California law, the State Air Resources Board is empowered to regulate the composition of fuels with the aim of reducing pollution. The exercise of this power has brought a significant reduction in pollution.

A major element in the administration's air pollution program is to provide the National Air Pollution Control Administration—NAPCA—with a similar nationwide authority, which could be used to regulate or ban lead as well as other additives in gasoline. Going beyond regulation of lead is important as there are other harmful additives, especially among potential substitutes for lead.

The committee bill leaves the shell of the administration fuel regulation power, but effectively "guts" any action under it. This is demonstrated by reference to at least four of its provisions. First, the administration bill covers all fuels. H.R. 17255 applies only to auto fuels. Second, both provide for regulation of fuel composition to eliminate adverse effects on public health and welfare. The committee bill, however, requires that no regulation may be established if the health danger can be remedied through increased auto emission standards. The burden is thus put on the auto industry, and the oil industry is left pretty much free and clear. Third, the committee bill requires specific "finds derived from relevant medical and scientfic evidence" to prove that a fuel or fuel additive endangers public health or welfare. The administration bill requires no such rigorous proof.

NAPCA has indicated it could probably not scientifically justify banning lead in gasoline under this procedure. Fourth, the administration bill provides authority for NAPCA to secure from industry fuel additive pollution research it reasonably needs to assess pollution characteristics of fuels. The Food and Drug Administration has such power. The committee bill provides only the power to secure research already done. NAPCA would thus be required to do much of its own research at a substantial additional cost. Tied to rigorous evidence requirement, it would be almost impossible for NAPCA to operate under this procedure.

Mr. CRAMER. Mr. Chairman, I was pleased to vote in favor of the rule on H.R. 17255, a bill to amend the Clean Air Act. The crisis of air pollution is one of the most critical domestic problems facing our Nation today. This problem must be faced up to and under the provisions of the bill we are considering here in the House today we are showing our concern by proposing to speed up, expand, and intensify the war against air pollution. We are attempting to assure that the air we breathe is wholesome once again. Mr. Chairman, I support H.R. 17255 and trust it will have the overwhelming support of the House.

Mr. DONOHUE. Mr. Chairman, I most earnestly hope and urge that this measure before us, H.R. 17255, providing for a more effective program to improve the quality of the air we breathe throughout this Nation, will be speedily and overwhelmingly adopted.

For several years we have clearly and rightfully recognized air pollution as a major national danger and we have initiated legislative efforts to control and eliminate this danger.

However, and unfortunately, the evidence that has been presented to us today obviously and definitely reveals that the procedures and instruments which we have been pursuing in this war against air pollution have been deficient in several important aspects, and the means and methods employed in implementing these procedures have been too often too slow and much less effective than what is necessary and essential to timely achieve and complete the objective.

In summary, this measure, therefore, is proposed and recommended to strengthen existing legislation by declaring each State an air-quality-control region; by establishing and promulgating more stringent nationwide air pollution correction standards for new stationary sources, for automobile and engine testing, for automotive and aircraft fuels; by requiring Federal facilities to comply with all applicable standards; by imposing stricter and more severe implementation procedures and enforcement penalties; and by increasing and extending the appropriations authorizations to carry out these provisions over the next 3 years.

These new legislative provisions combined with the proven values in our existing programs will serve to project a more effective corrective and containment attack upon this major health menace of air pollution which threatens to continuously increase unless we promptly adopt more vigorous measures.

In essence and in reality, Mr. Chairman, this is a matter of life and death of our American people, and I hope that this bill will be unanimously approved without extended delay.

Mr. MONAGAN. Mr. Chairman, I support the Clean Air Act Amendments of 1970 to provide for a more effective program to improve the quality of the air we breathe.

I supported the Clean Air Act of 1963 and the Air Quality Control Act of 1967, and I wholeheartedly support the 1970 amendments to expand and intensify the offensive against air pollution.

The Clean Air Acts in 1963 and 1967 were good starts in the fight to alleviate air pollution hazards, but air pollution continues to pose a serious threat to the health and well-being of American citizens. We need more stringent regulations guarding the quality of the air we breathe and we need vigorous enforcement of the regulations designed to curb air pollution. I am pleased that this bill fulfills both of those requirements.

The bill under consideration contains several new provisions for insuring cleaner air: First, the Secretary of the Department of Health, Education, and Welfare is authorized and directed to establish nationwide air quality standards. Under the provisions of the bill States will be free to establish stricter standards, but they would have to comply with the minimum Federal standards. For administrative purposes, each State will constitute an air quality region, and if a State fails to adopt an acceptable air quality plan, the Attorney General is authorized to bring suit to secure abatement of polluters within the State who violate the Federal standards. A court may assess a penalty of $10,000 a day against persons failing to comply with the law.

Second, the bill sets forth Federal emission standards for new stationary sources of pollution, and provides for either State or Federal enforcement of these provisions. Under existing law, States set the emission standards and the new Federal standards will prevent States from trying to attract new industries by having lax pollution emission control standards.

Third, the bill provides for tighter automotive emission control standards and for new testing and certification procedures to insure that new motor vehicle engines comply with the regulations.

Fourth, the bill establishes new limitations on fuel additives which endanger the health and welfare of persons or which interfere with the proper functioning of emission control devices.

Fifth, the bill, for the first time provides for the imposition of emission and fuel additive standards for aircraft.

The emphasis that this bill places upon automobile emission standards is entirely in order. Automobiles are responsible for

over 60 percent of the Nation's air pollution, and if we can implement tight, workable emission standards in this area, we will be almost halfway home.

Also, the promulgation of nationally uniform standards recognizes that air pollution is a national problem and cannot be treated by establishing small pockets of resistance. Without national standards, States will never succeed in cleaning up their air if neighboring States do not go along with them in establishing standards.

This is a good bill, and I urge my colleagues to join me in supporting this measure.

Mr. BENNETT. Mr. Chairman, I am happy to support legislation to amend the Clean Air Act. My bill, H.R. 15871, is similar to the bill reported from the committee.

I strongly favor the thrust of this legislation. I believe it is needed and will strengthen the Clean Air Act.

Over the last 15 years, Congress has enacted laws to control air pollution. The first legislation passed was in July 1955, authorizing a Federal program of research in air pollution and technical assistance to State and local governments. In the period between 1955 and 1963 it became clear that not enough was being done to curb air pollutants, and in December 1963 the Clean Air Act was passed. Improvements to the Clean Air Act were made by Congress in 1965 and 1967, which I have supported.

The bill the House is considering today has a wide sweep to it, proposing the Federal Government to do more to halt the rising health and economic hazard of air pollution, which I am told costs the American people some $12 billion anually in economic loss alone. This estimated cost due to air pollution is damage to property and materials, agricultural losses, reduced property values and reduced visibility that may contribute to automobile accidents and airport delays. My own hometown of Jacksonville, Fla., has experienced two separate incidents of this type. In 1948 nylon blouses and stockings actually disintegrated on the wearers and in 1961 severe vegetation damage was experienced in the residential areas on both sides of the St. Johns River, which flows through the middle of Jacksonville. National Air Pollution Control Administration experts say there is little doubt that air pollution caused these incidents.

As President Nixon said in his message on environment, February 10, 1970:

> Air is our most vital resource, and its pollution is our most serious environmental problem.

The problem is one which must be solved through strong legislation and also by individual action.

I believe the Federal program to halt air pollution is providing vital assistance to State and local communities. In the last several years it has been my pleasure to have Dr. John T. Middleton, Director of the Federal air pollution program, and his regional director, Gene B. Welsh, of Atlanta, participate in urban and environmental seminars in Jacksonville. They both gave excellent presentations and helped to alert local officials, civic leaders and citizens to the need and availability of anti-air-pollution programs. This has helped spur citizen action. In Jacksonville we have some very effective leaders in the fight to control air pollution. For example, Mrs. Lee Adams, is stimulating private and public efforts for clean air in Jacksonville.

Mr. Chairman, the House Interstate and Foreign Commerce Committee has provided substantial leadership for a nationwide battle against air pollution. I support this legislation to approve the strongest and most effective measure to combat this problem.

Mr. PRICE of Illinois. Mr. Chairman, I am pleased to have this opportunity to express my concern regarding the needs of my area for combating air pollution and for meliorating waste disposal methods.

These are among the crucial problems that must be faced today. They vitally effect the health and wealth of the entire Nation. The current focus on the area of ecology demonstrates the intense concern the people of the country have for these problems.

Last August, the St. Louis area experienced a pollution blackout—the atmosphere became unable to disperse pollutants. Not until the winds increased was the problem alleviated. In this day and age of enormous industrial complexes and increased use of roadways, we cannot wait or even count on nature to lessen the threats these problems create. After all, we cannot yet control the weather. The urgency of finding solutions to effectively control air pollution increases daily.

We must now increase our efforts towards finding an effective solution to this problem. To be effective, these efforts must include more stringent standards of air quality and methods of enforcement of these standards to be applied nationwide. There must, of course, also be a provision for curtailing pollution emissions to prevent crisis episodes as we experienced in August. The urgency of this problem must be impressed on all regions of the country, and each must be required to comply either with the standards published in the Federal Register or with equivalent ones. The regions, furthermore, must be required to conform in the most expedient way. Their plans, therefore, must be submitted for review and there must, in addition, be at intervals, inspections of each air quality control region.

There must also be a provision for overcoming the present confusion that exists in our air quality control region since both States were required to submit standards by January 6, 1970, and by July 5, 1970, each State must submit implementation plans.

Finding more practical and economical waste disposal methods must be of equal concern to us, especially since incineration increases air pollution.

The States must be directed to make greater efforts to initiate experimental waste disposal systems and to develop new techniques for solid waste disposal.

Methods must be developed to reduce the amount of money and effort spent on dumping and incineration—the two prevalent methods of disposing of wastes today. Improved techniques must be developed to recover useful materials from the waste and to lessen the amount of useless materials.

It is imperative that there now be additional endeavors by Congress to improve techniques of air pollution control and waste disposal. We must not rest in our efforts. If further research is required to find solutions for ending air pollution or for finding practical or inexpensive ways of disposing of waste, let it be. But, concurrently, more effective methods and standards must be implemented.

The legislation that is currently before the House, H.R. 17255 and H.R. 11833, can effect these goals. Therefore, I strongly support these bills and urge their adoption.

Mr. COHELAN. Mr. Chairman, I rise in support of H.R. 17255, the Clean Air Act, but I do so with mixed emotions and many reservations.

This bill represents a step ahead in the effort to curb air pollution. I was particularly pleased to see that the Secretary of Health, Education, and Welfare is directed to establish nationwide air quality standards. I am concerned, however, that these standards will not be stringent enough or adequately enforced to curb air pollution.

I am especially concerned that this bill does not directly attack the primary cause of air pollution—the automobile. According to the Public Health Service, automobile emissions are responsible for 60 percent of all air pollution. This fact dictates the need for a concentrated attack on automotive emissions.

It was for this reason that I supported the four amendments that were offered today. The first authorized voluntary inspections of automobiles after the first 4,000 miles and required manufacturers to correct defects in the emission system.

Another amendment would allow the adoption of California emission standards as nationwide minimums. It would not preclude the setting of still tougher standards by NAPCA. It would insure that the current technology on the production line would be made available to all the States, not just California.

The third amendment would restore the administration bill's provisions with regard to fuel composition. Rather than placing the burden of proof on the agency, it would permit NAPCA to both regulate fuels which would be dangerous in current, high emission vehicles, and to require and obtain from industry the research necessary to determine the presence or absence of health hazards from fuel mixes or additives.

The last amendment would serve notice on the auto industry that further progress after 1975 is imperative. It would provide for the gradual adoption of emission standards based not on the possibilities of a pollution free internal combustion engine, but of the most pollution free propulsion system available. The object is clean air; the standards should be set to achieve that object, not to fit a particular type of engine.

Most important is that this Nation should have realistic and enforceable air quality standards. I am not convinced

that the Secretary of Health, Education, and Welfare can act with enough speed. Thus I favor the imposition of some additional emission standards, such as the California standards, which are enforced.

I hope that when the bill returns to the House that the questions I have raised will be more satisfactorily answered.

Mr. RYAN. Mr. Chairman, the problem of environmental pollution is one of the most serious problems facing our Nation.

Air pollution is dangerous to our health and to our economic well-being. At last there is a public awareness and concern about air pollution which makes it possible to enact far-reaching legislation. H.R. 17255, the Clean Air Act Amendments of 1970 does strengthen air pollution control programs, but it does not embrace the approach which I believe necessary.

One area where the legislation falls short is in section 112, which deals with emission standards for stationary sources. The bill provides the Secretary of Health, Education, and Welfare with the power to establish standards for such sources only when they are new and only when they endanger the public health and welfare—an unduly restrictive test. The test should be whether any source—old or new—degrades the quality of the environment.

There must be stringent Federal emission standards for all stationary sources, and these standards must be strictly enforceable.

Under the pending bill, each State would become an air quality region, permitting the Secretary of Health, Education, and Welfare to create interstate regions when he deems it necessary.

I fear that this emphasis on State action rather than regional action is a move in the wrong direction. Instead of turning to State governments which have too often demonstrated their unwillingness to take effective action to control pollution, the regional approach should be expanded. My bill, H.R. 17113, does just that.

Air pollution knows no political boundaries. It cannot be confined within the borders of any one State. Neither city nor State lines can hold the menace of air pollution, as is evident in the New York-New Jersey metropolitan area. My bill provides authority for the Secretary of Health, Education, and Welfare to create air quality regions and air quality control commissions which would set standards for the regions and enforce the established standards.

Another area of the bill which is not strong enough is that section dealing with enforcement.

My legislation, H.R. 17113, would permit the Secretary of Health, Education, and Welfare to issue court enforceable cease and desist orders against polluters.

In addition, my legislation makes acts of pollution civil offenses subject to fines of $50 to $2,000 for each violation. I think the combined approach of cease and desist orders and monetary fines provides the type of strict enforcement which is necessary to make the polluters of our environment understand that they can no longer poison our air with impunity.

Also my bill provides that a private citizen may bring suit in the name of and on behalf of the United States against the polluter when the Federal Government fails to take action.

H.R. 17113 bans leaded gasoline. It is clear that leaded gas is a significant contributor to air pollution. It is also obvious that unleaded gasoline is feasible; such a product is on the market today. Manufacturers would have 1 year to cease producing this detrimental fuel.

H.R. 17113 also provides for a State motor vehicle inspection program. This program would be run by the Secretary of Transportation, who would be able to impose, before approving any State highway safety program, the requirement that such a program include inspection of emission control devices as one of its features. In addition, grants would be made available to meet the costs of the inspection program.

I intend to support the amendments to be offered which would strengthen the motor vehicle pollution section of this bill.

They include substituting the language of the administration's bill regarding the regulation of fuels and fuel additives; authorizing of voluntary inspection of emission control devices which have been in operation over 4,000 miles and mandatory correction of defects by the manufacturer; establishing as minimum national automotive emission standards, standards equivalent to those adopted and approved by the State of California for 1971, 1972, and 1974; and the establishment of motor vehicle standards based on the cleanest feasible propulsion system.

This bill provides $200 million for fiscal year 1971, $250 million for fiscal year 1972, and $325 million for fiscal year 1973. This is an excellent start. I suggested similar amounts in my bill with one exception—that $50 million be authorized to conduct and accelerate research and development solely in the field of alternatives to the internal combustion engine.

In the past, such research and development has not been singled out for specific funds, and thus the amount of such research and development has been inadequate.

In addition, my bill repeals section 105(c) of the Clean Air Act, which places a percentage limitation on the amount of Federal funds which any one State may receive. Needless to say those States which are more industrialized need air pollution funds more than those which are less industrialized. It is highly unrealistic to compare States like New York, California, and Illinois with more rural States. For this reason, I feel that section 105(c) should be repealed.

Mr. Chairman, our environment is so threatened that it is going to take strong measures to save it. Congress must provide tough national standards backed up by stringent enforcement powers and adequate funds.

Cleaning our air is not going to be easy. We will have to measure up to the task. We can no longer afford to talk about the problem. We can no longer afford to say—"this is a beginning; we'll be able to do more tomorrow."

There have been too many tomorrow's in the past. Unless we make a firm commitment to preserving our environment, the future may hold no more tomorrows.

Mr. Chairman, I include at this point in the RECORD the statement I made before the Interstate and Foreign Commerce Committee on April 14, 1970, in which I discussed my bill H.R. 17113:

STATEMENT OF HON. WILLIAM F. RYAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Chairman, I appreciate the opportunity to offer testimony before the Public Health and Welfare Subcommittee of the House Interstate and Foreign Commerce Committee. We are all aware—and the general public is becoming increasingly aware—of the awesome havoc we have wreaked upon our environment. Perhaps more than any other problem facing this nation, pollution intrudes on every citizen's life every single day. Its severity may be most immediately apparent to the city dweller, but even the most isolated farmer in the most remote section of the country is likewise exposed to it.

Before discussing the legislation which I have proposed to amend the Clear Air Act, I should like to make some mention of the severity of the problem now at hand. Something approaching 200 million tons of contaminants are now hurled into the atmosphere every year. These pollutants range from the noxious and highly visible soot pouring out of industrial smokestacks to the colorless and odorless, but potentially lethal, carbon monoxide produced by automobiles.

Periodically, this infusion of gases and solid particles into the atmosphere reaches a point of over saturation. We are then subjected to the killer smogs which have hit Donora, Pennsylvania, New York City, Los Angeles, and other communities. It is, almost literally, pure luck that the disasters thus far have not been even more acute in number of victims and in duration.

Let me just point to a few statistics on pollutant levels to demonstrate the daily hazards we endure. While the carbon monoxide content in clean, dry air near sea level is .1 parts per million, the average daily content in midtown Manhattan often exceeds 15 parts per million during business hours. The oxidants component in clean, dry air near sea level is .02 parts per million; the average daily content at East 121st Street in Manhattan is .04 ppm's. As compared to .001 parts per million of nitrogen oxide in clean, dry air near sea level, the average daily content at East 121st Street is 109 ppm's. And the comparative figures for sulphur dioxide are .0002 ppm's in clean dry sea level air and .111 ppm's at East 121st Street. Finally, suspended particulates average 124 micrograms per cubic meter in Manhattan's air.

These statistics are not unique. Nor are they unusual. Anyone who has traveled through Gary, Indiana, Chicago, Los Angeles, Cleveland, or a hundred other cities, has seen the layer of smog overhanging their skylines. Anyone who suffers from emphysema or asthma or bronchitis has experienced the agonies of polluted air. Anyone who has been caught in a traffic jam, or who has driven the streets of any town or city, has been subjected to a small part of the over 90 million tons of contaminants spewed forth from automobile exhaust systems.

Perhaps even more frightening is the very real peril that the entire world's heat balance is going to be irreversibly altered and that all of human life—not just people peculiarly susceptible to the noxious pollutants filling our air—will be endangered.

We are all victims of our own folly. And

yet we are all culprits, as well, for each of us is a polluter. Certainly it would be more comfortable to place the blame on impersonal entities—"the system," "the establishment," or "big business." But, while corporate action and governmental inaction have played a major role in bringing us to our present disastrous condition, they have been ably assisted and abetted by each individual, ready to reap the personal benefits of convenience and ease. Every enzyme pre-soaking, every aluminum can, every weekend car rental, every pre-packaged cook-and-serve dinner contributes to a polluted environment.

Of course, moralizing is no answer. Nor, in fact, is it even fair to say that we have arrived at our calamitous state solely because of greed or indifference. There are very real conflicts in legitimate social goals. We may now understand the effects of insecticides on the ecological balance, but who will argue that underdeveloped nations must continue to live with plague and widespread disease? We may recognize that massive urban construction poses massive disposal problems, but who will tell the poor that they must continue to live in sub-standard housing?

We will not resolve our conflicts by arguing for a return to a pre-technological society. But we can, and inded we must, begin to act rationally in choosing between competing alternatives to achieve a desired end.

There is no question that transportation for commuters into the inner cities is essential. But there is very real cause to consider whether hundreds of thousands of large, internal combustion engined automobiles, each driven by a lone commuter, are the most beneficial means to achieve this end. There is no question that speedy travel between the coasts is needed, but it may well be that the extra hour or two gained by larger and faster jets is not worth the accompanying noise.

These are just two examples of the approach which we, as individuals and as legislators, must begin to follow—assessing our actions, and the programs and activities to which we commit funds, in terms of their impact upon our environment, and choosing those which minimize that impact, even if the expense is thereby higher.

This approach looks to the long term reordering of our consumption habits. But the short term, as well, offers us opportunity to undertake effective and immediate steps to ameliorate air pollution and remediate its causes. The legislation which I have introduced mandates and enables aggressive action to these ends.

H.R. 17113, which amends the Clean Air Act, 42 U.S.C. 1857, provides several distinct components, each of which is strong by itself, and which together provide a coherent, stringent strategy to meet the challenges which clearly have not yet been met, and which the Administration bill clearly fails to meet.

Perhaps most important, the bill provides power to enforce the law. Hitherto, the Secretary of Health, Education, and Welfare has only had the authority, under Section 108(k) of the Clean Air Act, to request the Attorney General to seek an injunction to abate pollution sources "upon receipt of evidence that a particular pollution source or combination of sources (including moving sources) is presenting an imminent and substantial endangerment to the health of persons, and finding that appropriate State or local authorities have not acted to abate such sources. . . ."

This provision is brigaded with language diminishing its utility—"imminent and substantial endangerment." It is susceptible to use only if the State or local authorities have not acted, and a finding has been made to this effect. H.R. 17113, on the other hand, gives strong and powerful enforcement authority. The Secretary may issue cease and desist orders, the regional commission which the bill creates in another section may do so, and similarly, the States are required to include such power within the plans they must tender for approval to the Secretary.

I have just made mention of regional commissions, and I want to more fully explain this reference. H.R. 17113 authorizes the Secretary of Health, Education, and Welfare to establish air quality regions, and Air Quality Control Commissions to set standards for these regions. These standards may be more stringent than the nationally applicable standards set by the Secretary, and, in such case, they will then supersede the Federal standards, as well as State standards which are weaker.

I recognize that the Clean Air Act now provides, in Section 105, for interstate air quality agencies or commissions. However, these bodies do little, and have virtually no power.

The commissions I propose do have major functions, and they have firm authority to enforce the standards they establish. And these two characteristics are essential. Air pollution is virtually by definition a problem which knows no man-made boundaries. City borders and state lines have significance for taxing bodies, but they are irrelevant in terms of deterring the smoke of the steel plants in Gary from polluting the skies over Chicago. The stench of the New Jersey chemical plants is shared in unwilling comity by New York City, and the DDT sprayed over the farms of California disperses in the air over Arizona and Nevada.

Regional commissions, mandated to set firm air quality standards, and armed with the Secretary's authority to issue cease and desist orders, are the key to dealing with air pollution rationally and effectively.

H.R. 17113 not only provides adequate enforcement power, and it not only creates regional commissions equipped to abate pollution. It further authorizes the Secretary of Health, Education, and Welfare to set nationally applicable standards for ambient air quality, and for designated industries. The need for national standards naturally follows from the pervasiveness of the problem, and the wide dispersal from their sources of pollutants. It accomplishes little for New York State to establish meaningful pollution control standards if her neighboring states set only minimal restrictions.

In the same vein, national standards for designated industries are a distinct need apart from nationally applicable standards of ambient air quality. While the latter establish pollution levels in terms of the presence of gases and particles in the air, the former go directly to governing the processes of particular industries which call for special provisions. Thus, the steel industry must be governed by restrictions which address the particular methods and systems which it employs, and those pollutants for which it is most directly responsible.

H.R. 17113 also embodies a provision which I believe especially important in putting meaningful penalty behind the fine rhetoric which is so common in condemning polluters. Acts of pollution are made civil offenses, and polluters are subject to fines ranging from $50 to $2,000 for each violation. Thus, not only is cease and desist authority provided by my bill to stop acts of pollution, but monetary fines are also authorized to punish those who are patently guilty of degrading our environment. What is more, in those instances, should they arise, where the Federal Government fails to bring an action to recover these penalties, the private citizen is authorized to bring suit in the name of and on behalf of the United States against the polluter.

This is far reaching legislation, but it is necessary. We have seen that the government has done too little and even that has been done too seldom. Yet, our air continues to decline in quality. This degradation of our environment is not going to await the arousal of bureaucracies; concerned citizens must be given the opportunity to protect themselves and society by bringing suit when the government fails to do so.

There are several other provisions of H.R. 17113 to which I want to allude briefly. The bill contains a section providing for Federal assistance to those workers whose plants have been ordered to cease and desist their polluting activities, and who have thereby had to either lower their output or cease operation while readjusting their manufacturing methods.

My bill also bans the making of leaded gasoline. I think the evidence abundantly clear that the lead which is entering our atmosphere through the use of leaded gasoline in automobiles is one of the most perilous pollutants, and, yet, also one of the most easily eradicable pollutants in terms of cutting off further entry into the air. Thus, H.R. 17113 gives just one year to cease manufacture of this product.

My bill also provides for a state motor vehicle pollution control inspection program. The Secretary of Transportation would be able to impose, before approving any state's highway safety program, a requirement that the program include, as a part of vehicle inspection, procedures to assure the adequacy of performance of emission-control devices in motor vehicles. The Secretary of Transportation would establish standards based on pollution emission standards established by the Department of Health, Education, and Welfare. Grants would be available to assist in meeting the cost of this program.

Finally, H.R. 17113 repeals that section of the Clean Air Act—section 105(c)—which places a percentage limitation on the amount of Federal funds which may be received by any one state. It is obvious that industrialized states such as New York, California, and Illinois, have far more severe pollution problems than do the rural state. Consequently, their need for funds is far more acute, and repeal of section 105(c) recognizes this fact.

Obviously, money is a prime requisite and H.R. 17113 recognizes this by authorizing for the Clean Air Act $200 million for fiscal year 1971, $250 million for fiscal year 1972, and $300 million for fiscal year 1973. In addition, $50 million is authorized to conduct and accelerate research into and development of alternatives to the internal combustion engine.

I also want to briefly discuss the problem of waste disposal and the legislation which I have introduced—H.R. 642—to meet this problem. The statistics here are no less stark than those I recited earlier concerning air pollution. On the average, each person in this country generates about 7 pounds of trash a day.

About 73 percent of refuse now goes into open dumps; 15 percent is incinerated; 8 percent goes into sanitary land fills; 1 percent into compost; and only about 3 percent is salvaged.

Obviously, the need for solid waste disposal facilities is enormous. H.R. 642 would meet this need. It would permit the Secretary of Health, Education, and Welfare to make grants for surveys by state, interstate, municipal, and intermunicipal agencies of solid waste disposal practices and problems within their jurisdiction. Money would also be available for these agencies to develop solid waste disposal plans. In addition, the Secretary would be able to make grants for construction of solid waste disposal facilities, including completion and improvement of existing facilities.

At present, the national average expenditure on waste disposal is $6.81 a year per person. This amount in no way comes close to meeting the costs which must be incurred if we are to grapple in any way adequately with the annual total of 180 million tons of

solid waste. I recognize that to some degree this paltry total of $6.81 per person reflects a reluctance upon the part of local communities to meet their responsibilities. But, the overwhelming problem is not one of failure to recognize the problem, but rather, a lack of funds to deal with it.

H.R. 642 provides such funds. It raises the funding for those portions of the program administered by the Secretary of Health, Education, and Welfare for fiscal year 1970 from $19,750,000 to $152 million, and it authorizes $216 million for fiscal year 1971 and $236 million for fiscal year 1972. And for those portions of the program administered by the Secretary of the Interior, there is authorized $15 million for fiscal year 1970, $18 million for fiscal year 1971, and $21.5 million for fiscal year 1972.

In summary, I want to emphasize that the degradation of our environment calls for effective and forceful legislation. H.R. 17113 and H.R. 642 answer this call. But, equally as important, there must be a commitment, on our part, on the part of the Executive branch, and on the part of every citizen and business, to stop the slow but steady suicide we have embarked upon. We can deplore and we can impore endlessly, but rhetoric is no more than empty air—and in this case very dirty empty air. We can legislate and we can appropriate. But legislation and money are only allies of action and for enforcement. We are truly using up our trump cards, and the game may soon be over—permanently. I do not want to sound overly ominous or to be a prophet of doom, but the peril allows no less.

Mr. STAGGERS. Mr. Chairman, I rise to close the debate on this side, and to say I believe the committee has considered this bill very well.

As I have said, hearings started in December and ended in April. The committee members heard all the testimony. After hearing all the testimony they came up with the strongest bill they could.

I believe it is a good bill and a strong bill, regardless of any aspersions or innuendoes which might be cast against it.

It is a little like anything else we do in life. We would like to do things right now, but we do not have the technology necessary and have many times not done all the things which ought to be done.

The situation is a little bit like the situations which faced the late President Kennedy when he said in 1961 that he hoped to have a man on the moon and back during the decade. Well, this has happened, but it did not happen without a lot of hard work by those involved. We hope not 10 years from now but 3 years from now we will have the technology by which we can control a great many of these things. I know some say that the only way to control it is to get rid of the internal combustion engine. However, anybody who has any commonsense knows that we cannot do that now. It will take time. We are trying to clean it up so it will not be a pollutant to the air.

Mr. Chairman, this is a strong bill and as good a bill as we could come out with at this time. It certainly gives everyone a chance to develop those things and do those things that are necessary to stop pollution in this country.

Mr. SPRINGER. Mr. Chairman, in reiterating what the chairman of this committee has said, I would like to make two points if I can.

All of the amendments which are being submitted here today were before our committee in one form or another. They were up for discussion. We have considered everything here, every alternative that I know of.

The second point I want to make is that we in this bill greatly changed the existing law of 1967 and we strengthened it in five different ways that I outlined in my speech a few minutes ago.

Everything that has been talked about here today or which will be introduced by way of amendment was discussed at great length in the committee. We finally came to you with this bill. It is a good bill, it is an improved bill, and it is a strong bill. It has a tremendously increased authorization to back it up.

May I say that I think we went as far in this bill as we could go with the knowledge we have at hand at the present time and still make a reasonable commonsense version.

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

Mr. SPRINGER. This bill is a good bill. It has been well conceived and well thought out and is well appropriated for.

Now I yield to the gentleman.

Mr. YATES. Will the gentleman state why one of the States of the Union which wanted to promulgate stricter emission standards for automobiles than those which are set forth by the Federal Government should not be allowed to do so?

Mr. SPRINGER. This was gone into in great detail. I will not go into all of it here as to why it was, but it was felt that you could not have 50 different emission standards. That is the reason, and that could conceivably happen. The gentleman is talking about one of the amendments that the gentleman's colleagues will introduce, which I will be opposed to. Why? Because he will let any locality that wants to to set up its own emission standards. When you do that it means that you cannot drive from one county to another in Illinois, just the same as you could not drive in 50 different States, and you would have all different laws.

Mr. YATES. Suppose the State of Illinois wants to set up stricter emission standards for automobiles in the same way as the State of California. Why should it not be permitted to do so?

Mr. SPRINGER. May I say that we would not have done it in the State of California except in one county that has had the worst situation in the world, with the possible exception of London. There was a good reason for the exception of California.

Now, if I may, I would like to go ahead.

Mr. Chairman, I want to emphasize that I think this bill is a good one and the chairman would not have brought it out to you unless he thought it was a good bill. He has been strong for a good, sound, clean-air bill which was well financed. And, in that effort, I have taken every opportunity I could to back him up.

Mr. Chairman, this bill came out of the committee unanimously. I do not mean that everyone agreed with every single provision of it, but there certainly was not any opposition that I knew of to the bill as it finally came to the floor of the House.

Mr. Chairman, I wanted to make that statement to the members of the Committee at this time before we get into the amendments.

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

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

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported 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 this Act may be cited as the "Clean Air Act Amendments of 1970".

NATIONAL AMBIENT AIR QUALITY STANDARDS

SEC. 2. (a) Section 107 of the Clean Air Act (42 U.S.C. 1857c–2) is amended by adding at the end thereof the following:

"(e) (1) The Secretary shall publish in the Federal Register proposed regulations establishing nationally applicable standards of ambient air quality for any pollutant or combination of pollutants which he determines endanger or may endanger the public health or welfare and with respect to which criteria have been issued under this section, and he shall allow a reasonable time for comment thereon by interested parties.

"(2) Within thirty days after the date of enactment of the Clean Air Act Amendments of 1970, the Secretary shall publish proposed regulations establishing ambient air quality standards for each pollutant or combination of pollutants for which air quality criteria have been issued pursuant to this section before such date of enactment. The Secretary shall publish proposed regulations establishing such standards for any other pollutant or combination of pollutants within thirty days after he issues criteria with respect thereto pursuant to this section.

"(3) After considering the comments referred to in paragraph (1) and other relevant information, the Secretary shall, by regulation, promulgate such standards with such modifications as he deems appropriate. He may from time to time thereafter, by regulation similarly prescribed, revise standards promulgated under this section."

(b) (1) The first sentence of section 107 (c) of such Act is amended by striking out "criteria issued pursuant to subsection (b), including those criteria subject to the proviso in subsection (b) (1)" and inserting in lieu thereof "the standards issued under subsection (e)".

(2) Section 109 of such Act (42 U.S.C. 1857d–1) is amended by inserting "that prescribed or" before "approved".

(3) Section 306(4) of such Act (42 U.S.C. 1857j–2) is amended by striking out "State".

AIR QUALITY CONTROL REGIONS

SEC. 3. (a) Section 107 of the Clean Air Act (42 U.S.C. 1857 c–2) is amended by striking out the matter in such section which precedes subsection (b) thereof and inserting in lieu thereof the following:

"AIR QUALITY CONTROL REGIONS AND NATIONAL AMBIENT AIR QUALITY STANDARDS

"SEC. 107. (a) (1) For the purpose of insuring the expeditious attainment of ambient air quality standards throughout the United States, the Congress hereby declares that each State shall be an air quality control region.

"(2) In addition to the regions provided

for by paragraph (1), the following areas shall be considered air quality control regions:

"(A) Any air quality control region established under this section before the date of enactment of the Clean Air Act Amendments of 1970 which included all or part of more than one State.

"(B) Any region—

"(i) which the Secretary designates after such date,

"(ii) which includes all or part of more than one State, and

"(iii) the establishment of which the Secretary determines is necessary to deal with interstate air pollution problems.

The Secretary may designate an air quality control region under subparagraph (B) of this paragraph only after consultation with appropriate State and local authorities. The Secretary shall immediately notify the Governors of the affected States of any designation made under subparagraph (B) of this paragraph."

(b) Section 106 of the Clean Air Act (42 U.S.C. 1857 c-1) is repealed.

REVISION OF IMPLEMENTATION AND ENFORCEMENT PROVISIONS

SEC. 4.(a)(1) Section 108(c) of the Clean Air Act (42 U.S.C. 1857d(c)) is amended by striking out paragraphs (1) through (4), by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after subsection (b) the following:

"(c)(1) If—

"(A) within sixty days after promulgation of any new or revised national ambient air quality standard under section 107(e), the Governor of a State files a letter of intent that such State will within one hundred and eighty days after such filing, adopt, after reasonable notice of the proposed plan and public hearings on such proposal, a plan for the implementation, maintenance, and enforcement of such standard of air quality,

"(B) such plan is established in accordance with the letter of intent, and

"(C) the Secretary determines—

"(i) that the plan is consistent with the purposes of this Act insofar as it assures achieving such standard of air quality within a reasonable time,

"(ii) that an adequate means of enforcement by State action, including authority comparable to that in subsection (k) of this section, is provided,

"(iii) that such plan contains adequate provisions for intergovernmental cooperation, including, in the case of any area covering part or all of more than one State and designated as an air quality control region by the Secretary under section 107(a)(2), appropriate provision for dealing with interstate air pollution problems, and

"(iv) that such plan contains adequate provision for revision from time to time, as required by the Secretary, to take account of improved or more expeditious methods of achieving the standards,

then such plan shall be the plan applicable to such State. A State may adopt an ambient air quality standard applicable to such State or any portion thereof for any pollutant if the Secretary agrees such State standard is more stringent than the national ambient air quality standard for such pollutant. Upon application by a State, the Secretary may for good cause shown grant (with respect to all or part of a plan) an extension of such one hundred and eighty day period for such additional period, not to exceed one hundred and eighty days, as he determines necessary. If a State which has such a plan fails within 60 days after notification by the Secretary or such longer period as the Secretary may prescribe to revise it as required pursuant to subparagraph (C)(iv) or the last sentence of this paragraph, then such State shall be regarded for purposes of paragraph (2) as not having such a plan. Any revised State plan which the Secretary determines is consistent with this subsection shall be the plan applicable to such State. At such time as the Secretary, after consultation with the State, determines that the achievement of an air quality standard under section 107(e) requires inspection of motor vehicles in actual use and that such inspection is technologically and economically feasible, the State shall revise its plan to provide for such inspection.

"(2) If a State does not (A) file a letter of intent, or (B) have a plan in accordance with paragraph (1) of this subsection, the Secretary may after reasonable notice publish proposed regulations setting forth a plan for the implementation, maintenance, and enforcement of such standard of air quality to be applicable to such State. If, within thirty days from the date the Secretary publishes such proposed regulations, the State has not adopted a plan determined by the Secretary to be in accordance with paragraph (1) of this subsection, or a petition for public hearing has not been filed under paragraph (3) of this subsection, the Secretary shall promulgate the plan applicable to such State in accordance with the proposed regulations.

"(3) If, before the thirtieth day after proposed regulations have been published under paragraph (2) of this subsection, the Governor of the State affected by such proposed regulations petitions the Secretary for a hearing, the Secretary shall call a public hearing for the purpose of receiving testimony from State and local air pollution control agencies and other interested parties affected by the proposed regulations, to be held in or near one or more of the places where the plan will take effect. At least thirty days prior to the date of such hearing, notice of such hearing shall be published in the Federal Register and given to interested parties. On the basis of the evidence presented at such hearing, the Secretary shall within sixty days make findings as to whether the proposed plan should be modified. If the Secretary determines no modifications are necessary, the plan shall take effect. If the Secretary determines modifications in the plan as published are necessary, he shall promulgate revised regulations setting forth a plan in accordance with such modifications, which will become effective immediately upon promulgation.

"(4) Whenever, on the basis of surveys, studies, or reports, the Secretary finds that as a result of the failure of a State to take reasonable action to enforce the plan applicable to such State, the ambient air quality of any air quality control region or portion therefore does not meet an air quality standard established under section 107(e), the Secretary shall notify the affected State or States, persons not in compliance with the plan, and other interested parties, of such finding. If such failure by the State to take such action extends beyond the thirtieth day after the date of the Secretary's notification, the Secretary may request the Attorney General to bring a suit on behalf of the United States in the appropriate United States district court to secure abatement of the pollution. The court, giving due consideration to the practicability and to the technological and economic feasibility of complying with provisions of the plan established to implement such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require. In the case of any person who is notified by the Secretary of remedial action to be taken to abate such pollution and who fails to take such action within the time specified by the Secretary, the court may also assess a penalty of up to $10,000 for each day of violation after the end of such specified time. In determining the amount of such penalty, the court shall take into account the efforts of the defendant to abate the pollution in question.

"(5) For purposes of carrying out paragraph (4), officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner or person in charge, are authorized to enter, at reasonable times—

"(A) any establishment located in an air quality control region within any part of which the Secretary determines the air quality does not meet an air quality standard prescribed under section 107(e), in order to determine whether the requirements of the State plan applicable to such establishment are being enforced, or

"(B) any establishment which the Secretary has reason to believe is or may be—

"(i) contributing to air pollution subject to abatement under paragraph (4), or

"(ii) failing to take remedial action required by a notice issued under paragraph (4),

in order to determine whether any such contribution or failure is occurring,

including, for this purpose, inspection, at reasonable times, of records, files, papers, processes, controls, and facilities relevant to such purpose. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness."

(2) The heading for section 108 of such Act is amended by inserting "IMPLEMENTATION AND ENFORCEMENT OF" before "AIR QUALITY".

(b) Section 108(d)(1) of such Act is amended by adding at the end thereof the following new subparagraph:

"(E) A conference may not be called under subparagraph (A), (B), or (C) of this paragraph with respect to a pollutant for which (at the time the conference is called) a national ambient air quality standard has been prescribed under section 107(e)."

(c) With respect to each ambient air quality standard and each implementation and enforcement plan approved or submitted for approval by the Secretary before the date of enactment of this Act under section 108(c) of the Clean Air Act as in effect prior to the date of enactment of this Act, such section 108(c) shall continue in effect in the same manner and to the same extent as if this Act had not been enacted until such dates as the Secretary shall establish, except that no such date shall be later than one year after the date of enactment of this Act.

FEDERAL EMISSION STANDARDS FOR NEW STATIONARY SOURCES

SEC. 5. (a) Title I of the Clean Air Act (42 U.S.C. 1857 et seq.) is amended by adding after section 111 the following new section:

"EMISSION STANDARDS FOR NEW STATIONARY SOURCES

"SEC. 112. (a) For the purpose of preventing the occurrence of significant new air pollution problems arising from or associated with any class of new stationary sources which, because of the nature or amount of emissions therefrom, may contribute substantially to endangerment of the public health or welfare, the Secretary shall from time to time by regulation, giving appropriate consideration to technological and economic feasibility, establish standards with respect to such emissions. Such emission standards may be established only after reasonable notice and opportunity for interested parties to present their views at a public hearing. Any regulations hereunder, and amendments thereof, shall become effective on a date specified therein, which date shall be determined by the Secretary after consideration of the period reasonably nec-

essary for compliance. The Secretary may exempt any industry or establishment, or any class thereof, from this section, upon such terms and conditions as he may find necessary to protect the public health or welfare, for the purpose of research, investigations, studies, demonstrations, or training, or for reasons of national security.

"(b) Such emission standards shall provide that—

"(1) If such emissions are extremely hazardous to health, no new source of such emissions shall be constructed or operated, except where (and subject to such conditions as he deems necessary and appropriate) the Secretary makes a specific exemption with respect to such construction or operation.

"(2) In the case of other emissions, any new source of such emissions shall be designed and equipped to prevent and control such emissions to the fullest extent compatible with the available technology and economic feasibility, as determined by the Secretary.

"(c)(1) If, within such period as may be prescribed by the Secretary, any State or interstate air pollution control agency, adopts a plan for enforcement of the emission standards promulgated by the Secretary under this section, such plan shall, if the Secretary determines it provides adequately for the enforcement of such emission standards, be applicable within such State or other area.

"(2) If a State does not adopt a plan in accordance with paragraph (1) of this subsection, the Secretary shall after reasonable notice and a conference with representatives of appropriate Federal departments and agencies, prepare regulations establishing an enforcement plan for such State. If, prior to the date the Secretary publishes such regulations the State has not adopted such plan, the Secretary shall promulgate such regulations.

"(d) If at any time the Secretary determines that any person is violating the emission standards established by him pursuant to this section, and that the State or interstate agency is failing to carry out the plan adopted as provided in subsection (c)(1) or established as provided in subsection (c)(2), he shall notify the affected State or the interstate agency and the person violating the emission standard, and shall specify the time within which such violation must cease. If such violation does not cease within such time the Secretary may request the Attorney General to bring suit on behalf of the United States in the appropriate United States district court to secure abatement of the pollution. The court shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require. The court may also assess a penalty of up to $10,000 for each day of violation after the time specified by the Secretary pursuant to this subsection for the cessation of the violation, except that, in determining the amount of such penalty, the court shall take into account the efforts of the defendant to abate the pollution involved.

"(e) Prior to establishing emission standards under subsection (a), the Secretary shall consult with appropriate Federal departments and agencies and State agencies having responsibilities related to any stationary sources to which such emission standards will be applicable.

"(f) For purposes of enforcement of this section, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner or person in charge, are authorized to enter, at reasonable times, any establishment which the Secretary has reason to believe is or may be in violation of regulations issued under this section to determine whether any such violation is occurring (including, for this purpose, inspection, at reasonable times, of records, files, papers, processes, controls, and facilities relevant to compliance with the regulations). A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness."

(b) Section 108(b) of such Act (42 U.S.C. 1857d(b)) is amended by inserting before the period at the end thereof the following: "or under section 112 of this Act".

CONTROL OF AUTOMOTIVE EMISSIONS

SEC. 6. (a) Section 206 of the Clean Air Act (42 U.S.C. 1857f–5) is amended to read as follows:

"MOTOR VEHICLE AND MOTOR VEHICLE ENGINE COMPLIANCE TESTING AND CERTIFICATION

"SEC. 206. (a) The Secretary shall test, or require to be tested in such manner as he deems appropriate, any new motor vehicle or new motor vehicle engine submitted by a manufacturer to determine whether such vehicle or engine conforms with the regulations prescribed under section 202 of this Act. If such vehicle or engine conforms to such regulations, the Secretary shall issue a certificate of conformity upon such terms, and for such period (not in excess of one year), as he may prescribe.

"(b)(1) In order to determine whether new motor vehicles or new motor vehicle engines being manufactured by a manufacturer do in fact conform with the regulations with respect to which the certificate of conformity was issued, the Secretary is authorized to test such vehicles or engines. Such tests may be conducted by the Secretary directly or, in accordance with conditions specified by the Secretary, by the manufacturer.

"(2)(A) If, based on such tests, the Secretary determines that such vehicles or engines do not conform with the regulations with respect to which the certificate of conformity was issued, he may suspend or revoke such certificate in whole or in part, and shall so notify the manufacturer. Such suspension or revocation shall apply in the case of any new motor vehicles or new motor vehicle engines manufactured after the date of such notification (or manufactured before such date if still in the hands of the manufacturer), and until such time as the Secretary finds that vehicles and engines manufactured by the manufacturer do conform to such regulations. If, during any period of suspension or revocation, the Secretary finds that a vehicle or engine actually conforms to such regulations, he shall issue a certificate of conformity applicable to such vehicle or engine.

"(B)(i) At the request of any manufacturer the Secretary shall grant such manufacturer a hearing as to whether the tests conducted on the vehicles or engines are appropriate, whether any sampling methods which have been applied are appropriate, or whether the tests have been properly conducted, and make a determination on the record with respect to such suspension or revocation; but suspension or revocation under subparagraph (A) shall not be stayed by reason of such hearing.

"(ii) In any case of actual controversy as to the validity of any determination under clause (i), the manufacturer may at any time prior to the sixtieth day after such determination is made file a petition with the United States court of appeals for the circuit wherein such manufacturer resides or has his principal place of business, for a judicial review of such determination. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his determination as provided in section 2112 of title 28 of the United States Code.

"(iii) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendations, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

"(iv) Upon the filing of the petition referred to in clause (ii), the court shall have jurisdiction to review the order in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

"(v) The judgment of the court affirming or setting aside in whole or in part, any such determination of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

"(vi) Any action instituted under this subparagraph shall survive, notwithstanding any change in the person occupying the office of Secretary or any vacancy in such office.

"(c) For purposes of enforcement of this section, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the manfacturer or person in charge are authorized (1) to enter, at reasonable times, any plant or other establishment of such manufacture, for the purpose of conducting tests of vehicles or engines coming off the production line, or (2) to inspect, at reasonable times, records, files, papers, processes, controls, and facilities used by such manufacturer in conducting tests under regulations of the Secretary. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness.

"(d) The Secretary shall establish methods and procedures for making tests under this section and inform the manufacturers with respect thereto."

(b)(1) Section 203(a) of such Act (12 U.S.C. 1857f–2(a)) is amended by striking out "or" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or", and by adding at the end thereof the following:

"(4) for any manufacturer of a new motor vehicle (A) to sell any new motor vehicle to which subsection (e) of section 206 applies unless such vehicle is warranted, and a label or tag is affixed thereto, in accordance with such subsection, or (B) to fail to comply with such a warranty."

(2) Section 206 of such Act (as amended by subsection (a)) is further amended by adding at the end thereof the following:

"(e) Every new motor vehicle or new motor vehicle engine sold by a manufacturer shall be warranted to have systems or devices for the control or reduction of substances emitted from the vehicle or engine that are substantially of the same construction as systems or devices, on test vehicles or test engines, for which a certificate has been issued to the manufacturer under subsection (a), and the manufacturer shall

furnish with each vehicle or engine written instructions for necessary maintenance by the ultimate purchaser. In addition, the manufacturer shall indicate by means of a label or tag permanently affixed to such vehicle or engine that such vehicle or engine is covered by a certificate of conformity issued for the purpose of assuring achievement of emissions standards prescribed under section 202 of this Act. Such label or tag shall contain such other information relating to control of motor vehicle emissions as the Secretary shall prescribe by regulation."

(3) Section 204(a) of such Act (42 U.S.C. 1857f–3) is amended by striking out "or" after "(2),"; and by inserting ", or (4)" after "(3)".

(4) The first sentence of section 205 of such Act (42 U.S.C. 1857f–4) is amended by striking out "or" after "(2),"; and by inserting ", or (4)" after "(3)".

(5) The second sentence of such section 205 is amended by striking out "and"; by inserting a comma in lieu thereof; and by inserting ", or 203(a)(4)" before "shall".

(c) Section 203(a)(1) of such Act is amended—

(1) by striking out "the manufacture for sale,", and

(2) by striking out "it is in conformity with" and inserting in lieu thereof "such vehicle or engine is covered by a certificate of conformity issued (and in effect) under".

(d) The amendments made by subsections (a), (b), and (c) of this section shall apply in the case of motor vehicles and motor vehicle engines manufactured after the thirtieth day after the date of enactment of this Act; except that if prior to such thirtieth day the Secretary prescribes and publishes in the Federal Register an effective date (not earlier than thirty days and not later than one hundred and eighty days after the date of enactment of this Act), such amendments shall apply to vehicles and engines manufactured after such effective date.

(e)(1) Paragraph (1) of subsection (a) of section 203 of such Act is amended by inserting "(in the case of any person, except as provided by regulation of the Secretary)," after "commerce, or"; and by striking out "United States for sale or resale" and inserting in lieu thereof "United States".

(2) The first sentence of paragraph (2) of subsection (b) of such section is amended by striking out "by a manufacturer" and inserting in lieu thereof "or imported by any person".

(3) Paragraph (3) of section 212 of such Act (42 U.S.C. 1857f–7) is amended by striking out "The" and inserting in lieu thereof "Except with respect to vehicles or engines imported or offered for importation, the"; and by adding before the period at the end thereof "; and with respect to imported vehicles or engines, such terms mean a motor vehicle and engine, respectively, manufactured after the effective date of a regulation issued under section 202 which is applicable to such vehicle or engine (or which would be applicable to such vehicle or engine had it been manufactured for importation into the United States)".

(4) The amendments made by this subsection shall apply in the case of motor vehicles and motor vehicles engines imported into the United States on or after the sixtieth day following the date of enactment of this Act.

TESTING REPORT

SEC. 7. The Secretary shall report to Congress within one year after the date of enactment of this Act the results of research and development conducted under section 104(b)(1) of the Clean Air Act with respect to low-cost instrumentation techniques to facilitate the determination of the quantity and quality of air pollutants emitted from motor vehicles, and such report shall include his recommendations for a program of testing to assure the emission standards for motor vehicles and motor vehicle engines are met during the life of such vehicles and engines.

STANDARDS WITH RESPECT TO FUEL

SEC. 8. (a) Section 210 of the Clean Air Act (42 U.S.C. 1857f–6c) is amended by adding at the end thereof the following:

"(f)(1) The Secretary may, on the basis of specific findings made in accordance with subsection (g), establish standards respecting the composition or the chemical or physical properties of any fuel or fuel additive by specifying limitations on (or providing for elimination of) ingredients (including additives) or on the physical or chemical characteristics of any fuel or class of fuels (A) if any emission products of such fuel or fuel additive will endanger the public health or welfare, or (B) if such fuel or fuel additive will impair to a significant degree the performance of any emission control device or system which is in general use, or which the Secretary finds has been developed to a point where in a reasonable time it will be in general use, on a significant number of motor vehicles or motor vehicle engines.

"(2) For the purpose of carrying out such standards the Secretary may prescribe regulations prohibiting the manufacture for sale, the sale, the offering for sale, or the delivery of any fuel or fuel additive unless it is in conformity with such standards as may be applicable to it.

"(3) This subsection shall not apply to aviation fuel or additives thereto.

"(g)(1) Any standards pursuant to clause (A) of subsection (f)(1) shall be established by the Secretary on the basis of specific findings derived from relevant medical and scientific evidence, including (in the case of a standard with respect to a motor vehicle fuel or fuel additive) a finding that it is not otherwise technologically or economically feasible to achieve the emission standards established pursuant to section 202 of this Act.

"(2) Any standards pursuant to clause (B) of subsection (f)(1) shall be established by the Secretary on the basis of specific findings derived from scientific evidence, including a cost-benefit analysis comparing emission control devices or systems which are or will be in general use and require the proposed standard, with emission control devices or systems which are or will be in general use and do not require the proposed standard.

"(h) For the purpose of making his findings under subsection (g), the Secretary may require the manufacturer of any fuel or fuel additive and the manufacturer of any motor vehicle or motor vehicle engine to furnish any information which has been developed concerning the emissions from motor vehicles resulting from the use of any fuel or fuel additive, or the effect of such use on the performance of any emission control device or system."

(b) Section 210(c) of such Act is amended by inserting after "subsection (b)" the following: "or subsection (h)".

(c) Section 210(d) of such Act is amended (1) by inserting "or the regulations prescribed under subsection (f)(2) or fails to furnish any information required by the Secretary within the period specified by him pursuant to subsection (h)" after "subsection (a)"; (2) by striking "$1,000" and inserting in lieu thereof "$10,000"; and (3) by inserting "or failure" after "violation".

AIRCRAFT EMISSION STANDARDS

SEC. 9. (a)(1) Title II of the Clean Air Act (42 U.S.C. 1857f–1, et seq.) is amended by adding at the end thereof the following new part:

"PART B—AIRCRAFT EMISSION STANDARDS

"ESTABLISHMENT OF STANDARDS

"SEC. 231. (a) The Secretary shall by regulation, giving appropriate consideration to technological feasibility and economic costs, prescribe as soon as practicable standards applicable to the emission of any kind of substance from any class or classes of aircraft or aircraft engines which in his judgment cause or contribute to, or are likely to cause or to contribute to, air pollution which endangers the health or welfare of any persons, and such standards shall apply to such aircraft or aircraft engines whether they are designed as complete systems or incorporate other devices to prevent or control such pollution. Any such standards shall include requirements with respect to the manufacturers' warranty of such systems or devices necessary for the purposes of this Act.

"(b) Any regulations initially prescribed under this section, and amendments thereto, with respect to any class of aircraft or aircraft engines shall become effective on the effective date specified in the order promulgating such regulations, which date shall be determined by the Secretary after consideration of the period reasonably necessary for compliance.

"(c) Any such regulations, or amendments thereto, with respect to aircraft, shall be prescribed only after consultation with the Federal Aviation Administrator in order to assure appropriate consideration for aircraft safety. The Administrator shall apply such standards and regulations in the certification and inspection of aircraft or aircraft engines pursuant to his authority under the Federal Aviation Act of 1958.

"STATE STANDARDS

"SEC. 232. (a) No State or any political subdivision thereof shall adopt or attempt to enforce any standard relating to the control of emissions from aircraft or aircraft engines subject to this part. No State shall require certification, inspection, or any other approval relating to the control of emissions from any aircraft or aircraft engine as a condition precedent to the initial retail sale, titling (if any), or registration of such aircraft or aircraft engine."

(2) Title II of the Clean Air Act is amended—

(1) by striking out "this title" wherever it appears in sections 202 through 212 and inserting in lieu thereof "this part";

(2) by striking out "TITLE II" in the heading for section 212 and inserting in lieu thereof "PART A"; and

(3) by inserting after section 201 the following:

"PART A—MOTOR VEHICLE EMISSION AND FUEL STANDARDS"

(b)(1) Section 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1421) is amended by adding at the end thereof the following new subsection:

"AVIATION FUEL STANDARDS

"(d) The Administrator may prescribe, and from time to time revise, regulations (1) establishing standards governing the composition or the chemical or physical properties of any aircraft fuel or fuel additive for the purpose of controlling or eliminating aircraft emissions which the Secretary of Health, Education, and Welfare (pursuant to section 231 of the Clean Air Act) determines endanger the public health or welfare, and (2) providing for the implementation and enforcement of such standards."

(2) Section 610(a) of such Act (49 U.S.C. 1430(a)) is amended by striking out "and" at the end of paragraph (7); by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and" and by adding after paragraph (8) the following new paragraph:

"(9) For any person to manufacture, deliver, sell, or offer for sale, any aviation fuel or fuel additive in violation of any regulation prescribed under section 601(d)."

(3) 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. 601. General Safety Powers and Duties." is amended by adding at the end thereof the following:

"(d) Aviation fuel standards.".

FEDERAL FACILITIES

"SEC. 10. Section 111 of the Clean Air Act (42 U.S.C. 1857f) is amended to read as follows:

"CONTROL OF POLLUTION FROM FEDERAL FACILITIES

"SEC. 111. Each department, agency, and instrumentality in the executive, legislative, and judicial branches of the Federal Government having jurisdiction over any real property or facility, or engaged in any activity resulting in the discharge of pollutants into the air, shall comply with applicable Federal, State, interstate, and local emission standards and with the purposes of this Act in the administration of such property, facility, or activity. The Secretary is authorized to exempt any department, agency, instrumentality, property, facility, or activity, in whole or in part, from compliance with any applicable emission standard if he determines it to be in the paramount interest of the United States to do so. An exemption may not be granted under the preceding sentence for a period in excess of one year. Nothing in the preceding sentence shall be construed to prevent the granting of additional exemptions to the same parties and with respect to the same activities upon expiration of the original exemption. The Secretary shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption."

EXTENSION OF AUTHORIZATIONS

SEC. 11. (a) The first sentence of section 104(c) of the Clean Air Act (42 U.S.C. 1857b–1(c)) is amended by striking out "and", and by inserting before the period at the end thereof the following: ", for the fiscal year ending June 30, 1971, $75,000,000, for the fiscal year ending June 30, 1972, $100,000,000, and for the fiscal year ending June 30, 1973, $125,000,000".

(b) Section 309 of the Clean Air Act (42 U.S.C. 1857(l)) is amended (1) by striking out "and" immediately following "June 30, 1969,", and (2) by inserting before the period at the end thereof the following: ", $125,000,000 for the fiscal year ending June 30, 1971, $150,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973".

(c) Such section 309 is further amended by adding at the end thereof the following new sentence: "Such portion as the Secretary may determine, but not more than 1 per centum, of any appropriation for grants, contracts, or other payments under any provision of this Act for any fiscal year beginning after June 30, 1970, shall be available for evaluation (directly, or by grants or contracts) of any program authorized by this Act."

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

There was no objection.

AMENDMENT OFFERED BY MR. VAN DEERLIN

Mr. VAN DEERLIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VAN DEERLIN: On page 44, line 3, strike out "or".

Page 44, line 4, insert before the period the following: ", or (C) to fail to comply with the requirements of section 206(f)(2)".

Page 44, line 24, strike out the quotation marks.

Page 44, insert after line 24 the following:

(f)(1) The Secretary shall conduct, or cause to be conducted such inspections, tests, studies, research and investigations as may be necessary to determine whether new motor vehicles or new motor vehicle engines conform to the regulations prescribed under section 202 of this title, after such vehicles or engines have been in operation, under normal conditions of maintenance and use, at least 4000 miles. Any inspection of a new motor vehicle or new motor vehicle engine, after its sale to the ultimate purchaser, shall be made only if the owner of such vehicle or engine voluntarily permits such inspection to be made, except as may be provided by any inspection program established pursuant to the last sentence of subsection 108 (c)(1) of Title I of this act.

"(2) If through testing, inspection studies or other investigation of representative numbers of any class or category of motor vehicles or motor vehicle engines, or by other means, the Secretary determines that such class or category of new motor vehicles or new motor vehicle engines, operated under normal conditions of maintenance and use, does not conform to the regulations prescribed under section 202 of this title he shall immediately notify the manufacturer or manufacturers thereof of such determination of non-conformity. The notice shall contain the finding of the Secretary and shall include all information upon which the findings are based, and shall be published in full in the Federal Register as promptly as possible. The Secretary shall within thirty days of such notice afford all interested parties an opportunity to present their views and evidence in support thereof, at a public hearing or in writing, with regard to the Secretary's determination of non-conformity. The Secretary shall within a reasonable time, but in no event more than 60 days from the date of notice of nonconformity, direct the manufacturer to provide prompt notification of such non-conformity to the owners of all motor vehicles or motor vehicle engines included within the class or category, unless the Secretary, on the basis of all the facts and evidence in the public record of such proceedings, shall conclude that the class or catgeory or new motor vehicles or new motor vehicle engines is in conformity with the regulation, and publish such conclusion together with the reasons therefore in the Federal Register as promptly as possible.

"(3) The notification to the owner provided for in this subsection shall contain a clear descripiton of the non-conformity, a statement of measures to be taken to remedy such non-conformity and a commitment of the maunfacturer to cause such non-conformity to be remedied at no cost to the owner.

"(4) The U.S. District Court shall have jurisdiction to restrain violations of this section or any order of the Secretary issued under this subsection, upon petition by the appropriate U.S. Attorney or the Attorney General on behalf of the United States."

Mr. VAN DEERLIN. Mr. Chairman, I regret the need for imposing both on the Clerk and on the Members of the House the reading of such a long amendment, but it is one which is quite important in a piece of legislation which is in itself of paramount importance.

The existing law provides only for the testing of prototype vehicles of emission-control devices. The committee bill which we have before us would improve upon this to the extent that it would require assembly line testing. If that is the best we can manage I am for it, but I think we can do still better. I think that the consumer out there who has bought a car, and has relied upon the warranty of purchase, should have some way of making certain that the car he is driving will hold up in the kind of condition that it was when it left the assembly line.

The committee report itself bears out the need for this. It says:

> Experience has shown that the testing and certification of prototypes does not of itself assure that automobiles coming off the assembly line which are sold to the public comply with the Federal emission standards. Therefore, the legislation authorizes inspection of assembly plants and the testing of automobiles and engines coming off the assembly line.

That is from page 3 of the report.

The experts tell us that no testing is really valid until the devices have been operating at least 4,000 miles—and that means operating under driving conditions, not under protected conditions that prevail in the testing of prototypes at the factory.

As a matter of fact, the present regulation on the prototype says that we should expect these devices to work for 50,000 miles.

Now, some interesting tests have been conducted in California, conducted on a controlled basis within the Hertz rental car fleet, and the findings there were that 53 percent of the Hertz cars tested between 10,000 and 11,000 miles were deficient in one respect or another in regard to their effluent-control devices.

Adequate test equipment for this purpose costs about $10,000 per unit, and it is possible that through the adoption of this amendment it would mean that $1 million would have to be spent across the Nation to provide these consumer tests. The fact of the matter is that we shall be spending about $750 million as consumers on these devices, and it seems reasonable that $1 million should be spent to make sure that we are not wasting the $750 million. The American public is entitled to know that the devices will last, that they are working, that they are going to help restore clean air.

Mr. Chairman, I would be willing to answer any questions anyone may have on this amendment.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. Mr. Chairman, I notice that the amendment would require this to be voluntary. Is that correct?

Mr. VAN DEERLIN. The reason that wording, I would say to the gentleman from Florida, is that many States have a requirement for mandatory testing. We would not want to exclude these from coming under the protection of the amendment, but in addition to those States which do require mandatory testing, I would like to know that every consumer could obtain it voluntarily.

Mr. ROGERS of Florida. I think the gentleman would want the House to know that there is no State, insofar as I know, that has mandatory automobile testing for air pollution. Is that not correct?

Mr. VAN DEERLIN. If these failures turn up in ordinary inspections as required, I want them to be corrected.

Mr. ROGERS of Florida. Not for emission standards. There is really no test, because we do not have the testing devices. Frankly, is that not basically the problem now in the country?

Mr. VAN DEERLIN. We have it in California, and we are doing something about it.

Mr. ROGERS of Florida. The gentleman knows that they are not doing anything as far as requiring testing on emission standards.

Mr. VAN DEERLIN. I will state to the gentleman from Florida that my son has spent time in court for violating the air with his car.

Mr. ROGERS of Florida. They did not have any testing devices. Many communities have ordinances which say if a person causes excess pollution, where they see a lot of smoke coming out, but what the gentleman is talking about is a lot different than emission standards as such, as I am sure the gentleman knows.

Mr. VAN DEERLIN. The gentleman from Florida knows that these devices are available.

Mr. ROGERS of Florida. I am not sure that they are yet available.

But in this case you are concentrating research and developing testing devices that can be used.

I think the House should also know before you vote on any amendment like this that we have directed the Secretary to develop testing devices which we do not have.

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

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I certainly recognize the intentions of the gentleman from California (Mr. VAN DEERLIN), one of the very able members on our committee. I am very sure his intentions are only the finest and certainly insofar as his intention is concerned, certainly it is right. But I would like to point this out to the Members of the Congress right now.

The bill contains this language:

At such time as the Secretary, after consultation with the State, determines that the achievement of an air quality standard under section 107(e) requires inspection of motor vehicles in actual use and that such inspection is technologically and economically feasible, the State shall revise its plan to provide for such inspection.

This is a part of the bill. They can do that under the State plan.

Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California, Mr. VAN DEERLIN.

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. VAN DEERLIN. Mr. Chairman, I demand tellers so that we might see a little show down the middle aisle and a little of the feeling and the mood of the membership.

Tellers were refused.

So the amendment was rejected.

Mr. WAGGONNER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to try to make a little legislative history that might in time come to be important to all of us.

I do not think there is any argument among us about whether or not we ought as best we can to provide for cleaner air. Certainly, we all agree in this respect.

But I want to ask some questions of the committee chairman or the ranking minority member.

First as to section 206 on page 39 of the bill, which has to do with motor vehicle and motor vehicle engine compliance testing and certification.

Is it intended in the language of the committee bill that the Secretary of Health, Education, and Welfare will be required to test on the assembly line and certify every single engine produced for a period not to exceed 1 year before the manufacturer can sell that engine?

Mr. STAGGERS. I might say "No," categorically.

Mr. WAGGONNER. Then what is proposed?

Mr. STAGGERS. It means he can keep testing and when there is evidence that there is any failure or they do not come up to place, they can stop the assembly line right there and stay there.

Mr. WAGGONNER. It means he can, until he is so satisfied?

Mr. STAGGERS. That is right.

Mr. WAGGONNER. Is it necessary every time an engine design is changed by the manufacturer that he submit this new engine design to the Secretary of Health, Education, and Welfare for testing and certification?

Is the answer to that "No"?

Mr. STAGGERS. I would say this. I do not think he has to, if it is a trade secret, as to whatever he is doing—I do not think you would have to give this in advance. But they do have to meet certain standards. This is the criteria—they have to meet certain standards. I do not think they would have to show the design or anything, but after they started performance they have to meet certain performance standards.

Mr. WAGGONNER. How can this determination be made unless the Secretary of Health, Education, and Welfare engages in this testing which will precede certification?

Mr. STAGGERS. I would certainly say that he would have to. The only way he could do it would be on the first ones tested.

Mr. WAGGONNER. Then, in view of the gentleman's answer, if an automobile manufacturer or an engine manufacturer should change the design of the engines that he produces in mass production—and just for argument's sake we will say he produces 100,000 of these engines—then the Secretary of Health, Education, and Welfare could come in and revoke or suspend the certification of an engine for which the design has been changed because, in his opinion, the new engine does not meet the standards that he had set forth.

Mr. STAGGERS. According to the legislation, the manufacturer would have to submit a prototype and it would have to be tested.

Mr. WAGGONNER. Then the answer to my first question should properly have been that when an engine design is changed, the manufacturer must submit a prototype for testing?

Mr. STAGGERS. That is correct. I did not understand your question and I did not answer it correctly.

Mr. WAGGONNER. Let us talk a little bit about fuel. Section 8 of the bill, which has to do with standards with respect to fuel, states that:

"(f)(1) The Secretary may, on the basis of specific findings made in accordance with subsection (g), establish standards respecting the composition or the chemical or physical properties of any fuel or fuel additive by specifying limitations on (or providing for elimination of) ingredients (including additives) or on the physical or chemical characteristics of any fuel or class of fuels (A) if any emission products of such fuel or fuel additive will endanger the public health or welfare, or (B) if such fuel or fuel additive will impair to a significant degree the performance of any emission control device or system which is in general use, or which the Secretary finds has been developed to a point where in a reasonable time it will be in general use, on a significant number of motor vehicles or motor vehicle engines.

Am I to believe that under the authority of this section establishing standards with respect to fuels, the Secretary of Health, Education, and Welfare can, today, because no time is prescribed, if he so desires and feels he has sufficient information, say to the manufacturers and producers of fuels, "You have got to take lead out of gas. You have got to put another additive in. You have got to change your formula"?

Mr. STAGGERS. Under another section of the bill the Secretary is required to make specific findings that it affects either the health or the operation, and so forth, before he can put these measures into operation, and it must be based upon the facts and not allegations that he does not know about, and they have to be so stipulated.

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

(By unanimous consent, Mr. WAGGONNER was allowed to proceed for 5 additional minutes.)

Mr. WAGGONNER. I would like to ask the chairman this question. Let us consider the Department of Health, Education, and Welfare. Under existing legislation, the Secretary of Health, Education, and Welfare made application of existing law which would allow him to remove from the market under conditions he could prescribe DDT. Now they are having second thoughts about DDT and they think they made a mistake. The scare has already been introduced in the minds of the public that lead is harmful to health, that it is a pollutant, and the administration apparently shares some concern because they apparently want to get lead out of gasoline. It might well be. I do not know. But they propose that a tax be placed on leaded gasoline, in effect, to try to take leaded gasoline off the market as well as produce revenue.

If the Secretary feels that he already has sufficient information, can he now

say, "You cannot manufacture gasoline and market it any longer that has lead in it"?

Mr. STAGGERS. No, he cannot. If the gentleman is talking about present law, as it is now constituted, he cannot.

Mr. WAGGONNER. I am talking about the law as it will be by these amendments.

Mr. STAGGERS. He will have that authority.

Mr. WAGGONNER. And he could do that tomorrow?

Mr. STAGGERS. If he has the facts, and he has proven this by facts, that they are a danger and poisonous—I am trying to find it in the bill so I can cite it to the gentleman.

Mr. WAGGONNER. We are getting into some dangerous ground, because we are talking about something we have not thought through.

Mr. STAGGERS. It says in this clause under section 8:

"(g)(1) Any standards pursuant to clause (A) of subsection (f)(1) shall be established by the Secretary on the basis of specific findings derived from relevant medical and scientific evidence, including (in the case of a standard with respect to a motor vehicle fuel or fuel additive) a finding that it is not otherwise technologically or economically feasible to achieve the emission standards established pursuant to section 202 of this Act.

Mr. WAGGONNER. Then the gentleman is saying to me, Mr. Chairman, that if information already exists or they believe they have that information which will prove that lead in itself in gasoline is harmful, whether they are right or not, but they believe they are right, if they have developed this information before this proposal is signed into law, it will be within the power of the Secretary of Health, Education, and Welfare at any point he desires to say that they must take lead out of gasoline.

Mr. STAGGERS. It is not based on belief. This says specifically that it is based upon specific findings.

Mr. WAGGONNER. When must those findings have been made?

Mr. STAGGERS. If this is possible, and I do not think it is at the present time, then it would have to be constituted on specific findings derived from relevant medical and scientific evidence.

Mr. WAGGONNER. The gentleman's answer is quite interesting. The gentleman just made the statement he did not think this was the case or possible at the present time. Is the gentleman saying to this House that nothing during the course of consideration of these amendments was produced in evidence to show that lead was harmful in gasoline?

Mr. STAGGERS. I did not say that.

Mr. WAGGONNER. That is the net effect, Mr. Chairman, of what the gentleman just said.

Mr. STAGGERS. No; I do not want the House to believe that.

Mr. WAGGONNER. Let us get this record straight because this legislative history is important, and none of us has had a chance to study this except those on the committee. This legislation was scheduled yesterday, and it came out of the blue, with many of us not having had an opportunity to prepare ourselves.

Mr. STAGGERS. The chairman of the committee had nothing to do with that. The chairman of the committee was called yesterday and asked if he could appear before the Rules Committee, and I am complying with what I was requested to do.

I think there is nothing wrong with this. I think it is perfectly clear. There is no shenanigan. Some legislation was needed on the floor, and the chairman said he would agree to be helpful to the House and to carry on business.

Mr. WAGGONNER. I know there is no shenanigan. I do not imply that.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. ROGERS of Florida. Mr. Chairman, I think if the gentleman will look at this in context, he will see what we have done. As the gentleman knows, under the existing law, all of the burden of cleaning up emissions that were polluting the air from automobiles was placed on the automobile industry. That was where the burden was placed. The automobile industry said, "We cannot meet Government standards in 1975 if there is lead in gasoline." Now there was no authority for the Secretary to do anything about gasoline.

Mr. WAGGONNER. Let me ask a question. Does that mean that Government standards are bad, or that lead in gasoline is bad?

Mr. ROGERS of Florida. We are saying it is the joint burden of the oil industry and the automobile industry, because both products go to produce the pollution, so what this amendment does very simply is to say that the Secretary will also have the right to bring in the oil industry to help meet the problem, and he does this in a very precise way.

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

(By unanimous consent, Mr. WAGGONNER was allowed to proceed for 5 additional mintues.)

Mr. ROGERS of Florida. Mr. Chairman, if the gentleman will yield further, it is outlined how the Secretary does it. If all the emissions standards could be met and we could clean up the air without going into regulating any one industry, that would be fine, but it happens that this is not so.

So we have established now the authority where, if there is evidence that it is necessary to take out or eliminate certain components or certain additives to gasoline—and lead is one—that will be considered, no question about it, and if that is necessary, this bill will give the Secretary that authority.

Mr. WAGGONNER. Is it intended that in changing the gasoline formulas, if the Secretary says that they must take something out, that the formulas, as is the case with engines, for new fuels must be submitted to the Secretary for approval?

Mr. ROGERS of Florida. Let me say, we did not give authority—which is what I believe the gentleman is concerned about—for the Secretary to go in and tell the companies how to make gasoline. We do not tell them how to make an automobile engine. We do not want to get into that and do not want the Federal Government to do it.

Mr. WAGGONNER. And there is a good reason. We do not know how to do it, either.

Mr. ROGERS of Florida. I understand. We are not going to permit that.

We have said that if there is a component part of the gasoline or if there is an additive, which the facts show will affect the public health, and medical and scientific facts show this, or will prevent the emission standards from being met, the Secretary may act as to that component part or that additive.

Mr. WAGGONNER. What appeals are made available to the manufacturer of an engine or the producer of a fuel, if they take issue with the findings of the Secretary of Health, Education, and Welfare?

Mr. ROGERS of Florida. They have the Administrative Procedure Act.

Mr. WAGGONNER. And only the Administrative Procedure Act?

Mr. ROGERS of Florida. And an appeal to the court, from the Administrative Procedure Act.

Mr. WAGGONNER. In some cases they would.

Mr. ROGERS of Florida. They would in this case.

Mr. WAGGONNER. Not in all cases do people have the right of appeal to the court under the Administrative Procedure Act. In some instances under the Administrative Procedure Act the decisions are final, when they render a decision.

Mr. ROGERS of Florida. I believe they would in this instance.

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

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

Mr. KAZEN. Let me see if I can understand this. If the Secretary of Health, Education, and Welfare decides that lead is injurious to public health and that they then order lead be taken out of gasoline, and lead happens to be a component upon which high-compression engines depend to run——

Mr. WAGGONNER. As it is.

Mr. KAZEN. As it is—and those engines are already on the road now, that means they will stop the manufacture of that gasoline, and those cars then must stop. Is that the idea?

Mr. WAGGONNER. I should like to have an answer from some member of the committee.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Florida (Mr. ROGERS) for an answer.

Mr. ROGERS of Florida. I thank the gentleman for yielding.

First of all, it will have to be established. As we know, the automobile industry is now reducing the compression in the engines. This is already being accomplished in the 1971 models.

Mr. KAZEN. I will take a 1970 high-compression engine. What will I do for gasoline?

Mr. ROGERS of Florida. Now, first of all, there is a nonleaded, high-test gasoline already being produced for high-compression engines, and already one company is producing it—Amoco.

Mr. KAZEN. Yes; but that does not work in the high-compression engines.

Mr. ROGERS of Florida. Yes; that is already a nonleaded gasoline. Amoco produces it for the high-compression engine, not for the low-compression engine. That is all they produce now. Other companies are also producing.

Mr. WAGGONNER. At a cost of 2 cents a gallon more and it still contains pollutants in the form of aromatics.

Mr. ROGERS of Florida. They will have the necessary gasoline to run the automobiles now on the road.

Mr. WAGGONNER. Does the gentleman recognize that conservative estimates made by people who know something about the refinery operation, capacity, and cost in this country are that it will take in excess of a minimum of $6 billion to convert the refineries of this country to produce unleaded gasoline?

Mr. ROGERS of Florida. I have heard the claim made, and that other people say it may go $2 billion. That is quite possible. Amoco is now producing high-compression gasoline without lead at 1 cent over the regular price.

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

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

Mr. SATTERFIELD. I should like to make this observation; the hearings are replete with evidence, statement after statement that if we go to nonleaded gasoline at this time then for the next 10 years we will have two classes of gasoline in this country one to take care of the present population of automobiles, and a different class of fuel for the new population of motor vehicles and that this will cost somewhere between $3 billion and $6 billion to the petroleum industry alone to deal with such a situation.

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

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. PICKLE. I do not just yet. I will try to yield later.

This is a section of the bill that came in for considerable discussion in the hearings and later in meetings of individuals trying to find a better answer. The members of the committee know that I have had reservations about this particular section, and I felt we ought to eliminate the words "the composition of" when we talked about gasoline. The committee felt, though, that we ought to keep it in there. I must say that there are certain safeguards, and I want to be fair to the committee. I believe they tried to protect what they thought were the best interests of those people who manufacture gasoline. Overall the Secretary must make specific findings based, exactly as the chairman of the committee read, on medical and scientific evidence. Then the secretary could establish certain safeguards specifying a limitation on the composition of the fuel or the additives if two things take place: One, if they endanger the public health and, second, if they would impair to a significant degree the performance of any emissions product. I think those are good safeguards. The Secretary must meet those two requirements. That does give us some assurance that you will not just automatically overnight have a change in the formulas.

I will ask this committee this question. I understand the intent of the committee was that it would just use the word "additives." Additives are our real problem. There is no intent on the part of the committee to try to establish a formula here for one grade of gasoline. You are not trying to get at the composition of gasoline but rather to control the emissions of pollutants that come out of the exhaust. We are really trying to get at the additive problem and not so much at the composition or the grade form of the gasoline?

Mr. ROGERS of Florida. Will the gentleman yield?

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

Mr. ROGERS of Florida. I think the gentleman knows that we are not trying to say to a manufacturer that he has to make his gasoline in a particular way. What we are saying is we want the Secretary to have the authority wherever the facts show that a particular component or an additive of gasoline—a particular item—affects adversely the public health or prevents emission standards from being met, then the Secretary can say that this item should be reduced or eliminated. It is put on that basis and the findings are made. He does not go in and say that that is the way you will make gasoline. Yes. You are correct on that.

Mr. PICKLE. The committee is not attempting to establish one grade of gasoline for all manufacturers?

Mr. ROGERS of Florida. We are not trying to establish any kinds of grades. What we want is for the public health to be protected and auto emission standards to be met for the benefit of the public health.

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

Mr. PICKLE. I yield to the chairman.

Mr. STAGGERS. I think the gentleman from Louisiana was worried about the fact that this would be a hard ruling made in the courts. Of course, these matters come up under the Administrative Procedure Act, and then they have recourse to the courts. If they feel, after all of the hearings have been laid before them, that these were not the facts and that the ruling was wrong, the court will have the final decision.

Mr. PICKLE. The chairman, I think, would say that those people who manufacture gasoline have given full cooperation in the consideration of this bill. They are not trying to throw roadblocks in the way. But certainly they will be concerned if you are trying to say to them that the Secretary can establish standards that will allow the manufacturer to have only one grade of gasoline. I think if we can have that assurance, it will give them the sense of assurance that they are entitled to.

Mr. STAGGERS. I think it is the intent of the committee all the way through.

Also I repeat again what the bill has to say here. Certain criteria must be met or if they do not, they can take those into consideration.

Mr. PICKLE. I thank the chairman.

AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR: On page 46, insert after line 25 the following:

"(f) Section 208(b) of such Act is amended to read as follows:

"'(b) The Secretary shall, after notice and opportunity for public hearing, waive application of this section to any State which has adopted standards for the control of emissions from new motor vehicles or new motor vehicle engines, unless he finds that such State does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of this Act.'"

Mr. SAYLOR. Mr. Chairman, first let me commend the committee for bringing this bill to the floor. The improvements that are contained in this bill in my opinion are excellent. But the amendment that I have offered I think is an amendment which is absolutely necessary if we are going to clear up the air pollution in this country.

The basic question is whether or not the Federal law is going to become the floor or the ceiling on air pollution.

Now, Mr. Chairman, the committee has already made one exception to the State of California. They say they have good reason for making that exception in the State of California. Very frankly, if you will read the record, you will find out that the same conditions that exist in California exist in every metropolitan area of the United States.

What my amendment, if adopted, would do is to say that if the States will establish standards which are higher than those of the Federal Government, it is perfectly proper for the Secretary to approve those standards.

Now, very frankly, while California has made out a good case, the industrial State of Pennsylvania from which I come has had more deaths due to air pollution than any other State in the Nation. Under the law at the present time we are bound by what the Federal standards are.

Mr. Chairman, the State of Pennsylvania is interested in increasing its standards. They are trying to see to it that the automobiles that are sold in Pennsylvania meet a higher standard than the Federal standard.

Now, I cannot see why, if this committee is really interested in cleaning up air pollution and not in trying to see that the Federal Government is the sole monitor or the sole agent to determine what is air pollution, that they would give other States who have these unusual problems the right to have higher standards.

Now, I did not put in this amendment the fact that the States could do it automatically. I have seen to it that this amendment is so drafted that they must confer with the Secretary and when they establish to his satisfaction that they

have a condition which requires a greater standard, then they should be permitted to put those standards into effect. I think this is in the interest of good legislation.

Let me point out to you that the conditions in Alaska, which is one of our sister States, are not the same as they are in Massachusetts or Pennsylvania or New Jersey or the highly industrialized States. New York has a problem with fog and smog that is just as bad as that condition which exists in California. California has made a great to-do about their condition because it is concentrated in one local area. But everyone of you who comes from a metropolitan area has this same problem.

Mr. Chairman, all I am seeking to accomplish through the adoption of this amendment is to say that if your States come in and show the Secretary that they have a problem, give the States the right to establish for the cars that are sold in their States a higher standard of emission than the general rule that the Federal Government has established.

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

Mr. SAYLOR. I am happy to yield to the gentleman from Texas.

Mr. ECKHARDT. Do I not understand that your amendment does not permit 50 different rules? As a matter of fact, it would only permit the number of rules suitable to the Secretary; would it not?

Mr. SAYLOR. That is correct; you would not have 50 unless they could give proof to the Secretary that would be adequate, but where there is a special situation and the Secretary is satisfied it is a special situation, and the State proves to him, then he could approve higher standards to be set up for that State.

Mr. ECKHARDT. So that there would be two guarantees against the rule being overly burdensome: One, the good judgment of the legislature of the State, which presumably would not enact legislation putting an extra burden on its citizens and, two, the judgment of the Secretary of Health, Education, and Welfare; is that correct?

Mr. SAYLOR. That is correct.

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

Mr. SAYLOR. I am happy to yield to the gentleman from New York.

Mr. FARBSTEIN. Am I to understand, then, that all that you seek is that the other States of the Union have the same right that the State of California has in setting standards that they deem necessary for the health and safety of their people?

Mr. SAYLOR. That is all that I am asking, and I ask that they go to the Secretary and make out their case just as California must go.

Mr. FARBSTEIN. Mr. Chairman, I believe that the amendment offered by the gentleman from Pennsylvania (Mr. SAYLOR) shoud be passed unanimously, because there is no reason that I can see why only California shall be permitted to set healthful standards for its citizens, and none of the others.

I thank the gentleman for yielding.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the wording has been very carefully made in this amendment in order to try to get around the amendments which have been offered by several gentlemen that I know of over here who are planning to offer one which gives not only States but localities the right to set any standards they want.

The gentleman from Pennsylvania has offered an amendment with a slight modification—if they can convince the Secretary what the facts are.

Mr. Chairman, we made an exception. We thought we were sound. We did not try to make a lot of exceptions, because, Mr. Chairman, I think we have gone into this matter very carefully when we made the last survey that I know of, that was made by the Public Health Service, which showed that the situation in one county, Los Angeles, in this country was 4.98 worse than any other city in the country. That is almost five times as much. We felt that the county of Los Angeles had made out a case, and we had to observe it.

There is not any other situation in this country that is even comparable to that in Los Angeles. Anyone who wants to make a study of this will find out that there is no other place where engine emissions from automobiles are anything like they are there. There is not any place in this country where the weather conditions are like they are in Los Angeles. It is merely one weather condition which, combined with all the other factors of engine emission, make up quite a dangerous situation. But if you had not had Los Angeles in this, California would not have gotten this exception. Any of you gentlemen who live in California and have gone to San Francisco know there certainly is no situation like that there. I have been in both places, and I do not have to be a stranger—all I have to do is walk around in the streets, or go over the freeways, to see that the situation is not the same. And that is the reason, because there is this one county of Los Angeles that we made the exception.

Mr. Chairman, we cannot, may I say, have 50 different standards, but it could be possible. The reason the gentleman has drawn this amendment the way he has is because he says it is only possible to do it, under his amendment, if you can convince the Secretary.

Let me just give you an illustration of what would actually happen if you wanted to give everybody this right to set up their own standards. There is nothing to prevent them from setting up their own standards and penalties where you could have 15 or 20 States which could prohibit the use of an automobile on the highways of that State unless you had a motor that conformed with the standards of that State. You cannot be any more ridiculous than that. And that is what you are getting into when you start letting every State in the Union set up its own standards. And that is exactly the problem that is involved in this.

I am not going to go into the expense problem. But some of you gentlemen surely can understand if you have an automobile manufacturer manufacturing 15 or 16 different engines at 15 or 16 different rates, depending on what the local body thought was necessary in its own particular situation, you can see what the problem would be.

I merely develop that point to give you some of the problems which we did not go into today but which we talked about in committee.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. I yield to the gentleman.

Mr. ROGERS of Florida. I certainly concur with the gentleman.

As was pointed out, you just cannot drive from one State to the other if we permitted this type of thing, without everybody paying a fine or else having his car pulled off the road.

Second, we direct the Secretary that he shall set standards, and we want him to set the highest standards, the strictest standards, so that the people in Alaska are going to be protected just as much as anybody else. They ought to be and they will be under the committee bill.

I agree with the gentleman that this amendment definitely and any amendment like it, should be voted down.

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

Mr. SPRINGER. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I would just like to call to your attention that the only State that has had any deaths from air pollution is the State of Pennsylvania. You can talk all you want to about Los Angeles, but the only State that had any deaths from pollution coming from automobiles is the State of Pennsylvania in the town of Donora. This is a matter of record.

Mr. SPRINGER. I do not know about the situation altogether in Donora. But it was my understanding that there were other conditions than autos which had to do with the death in Donora.

If anybody has ever traveled through that town, as I used to, when I came from Illinois each time going back and forth—I can very well understand the situation because there was a great deal of pall hanging over that town which did not come from auto engine ignitions but came from the large factories all up and down that valley and that river.

Mr. SAYLOR. The reverse of that situation is essentially what you had ir Los Angeles for which you made an exception. Carrying that argument to its conclusion, you would say that the other 49 States of the Union should not allow any car licensed in California to drive anywhere else because they have different standards than we have in the other States.

Mr. SPRINGER. It would not conflict because their standards are higher and they can just drive in the other States without fear of prosecution. I will say to the gentleman again, the only reason we made an exception for California was because of the situation being five times as bad as anywhere else in the country, in Los Angeles.

Mr. ECKHARDT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I had proposed to support a modified amendment that would have permitted States to make their own rules governing standards of automobile construction relating to emission of pollutants. But, frankly, I believe this is more guarded and it answers some of the objections that would be, or could be, presented to an amendment that permitted each State to make its own rules so long as the rule was stricter than the existing Federal law.

I think it answers the contention that there could be an inordinate number of rules that would make it too burdensome for a manufacturer to comply.

With that in mind, I would favor the approach here above those of such type that might be offered later.

Incidentally, I should like to point out to the House that if any of the other approaches did pass, at least it would arguably make the bill difficult to enforce. This does not do so. But I do want to be sure as to precisely what the amendment does, and I should like to ask the gentleman from Pennsylvania a few questions on the matter. First, do I understand that no standard can be established by any State unless the Secretary concurs?

Mr. SAYLOR. That is correct.

Mr. ECKHARDT. Second, do I correctly understand that the Secretary could not under this provision concur unless the standard adopted by the State was consistent with section 202(a) of this act?

Mr. SAYLOR. That is correct.

Mr. ECKHARDT. Do I also correctly understand that such a standard could not be adopted by a State unless it addressed itself to an extraordinary condition in that State and constituted a stiffer rule than the Federal rule?

Mr. SAYLOR. That is correct.

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

Mr. ECKHARDT. I yield to the gentleman from New York.

Mr. FARBSTEIN. In connection with the statement about conditions in various States, I would just like to say for the record that right now there is an air pollution alert in New York City. The last time such an alert took place 175 people died. New York has asked people not to drive their cars because people are dying now. It would seem to me that the least we could do would be to amend the law so that the very minimum would be the standard set by California. I believe an amendment will be offered today to set the minimum standards as those of California in connection with antipollution.

Mr. ECKHARDT. Mr. Chairman, I support the amendment.

Mr. FARBSTEIN. I will go for that amendment.

Mr. MIKVA. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MIKVA. Mr. Chairman, originally I had intended to offer a separate amendment, which the distinguished gentleman from Illinois (Mr. SPRINGER) referred to. However, after hearing the amendment that has been offered and some of the discussion on it, I rise in support of this amendment. This amendment avoids some of the questions that have been raised about the proposal I was going to offer, and yet at the same time meets the very pressing problem which the committee did not address itself to, either in its report or in the bill itself, namely how do we meet the fact that whatever was true in 1967, as far as California was concerned, is true today in many of the urban areas of this country? The gentleman from Pennsylvania, the author of the amendment, referred to the fact that deaths have occurred in Pennsylvania. Deaths have occurred in Chicago; deaths have occurred in other big cities as a result of automobile pollution; because the fact of the matter is that you cannot separate out pollution caused by automobile emissions, from the other pollutants which as a total create the conditions under which there is real danger to the life and health of our population.

The Governor of my State, Governor Ogilvie, specifically addressed a letter to me, and I believe to the other members of the Illinois delegation, in which he strongly urged that a strong effort be made to repeal the preemption clause which exists in the 1967 act. Governor Ogilvie wrote:

STATE OF ILLINOIS,
OFFICE OF THE GOVERNOR,
Springfield, May 8, 1970.

Hon. ABNER MIKVA,
Member of Congress,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN MIKVA: I should like to enlist your support for the repeal of a provision in the Federal Clean Air Act that unreasonably restricts state and local authority to regulate air pollution caused by motor vehicles.

Federal emission standards are a necessary minimum. But existing standards do not adequately control emissions even of carbon monoxide and hydrocarbons, much less of nitrogen oxides and other pollutants. Indeed, it is improbable that nationwide standards will ever be strict enough for our most congested areas since they are applicable to rural areas as well. Nevertheless, Congress in 1967 forbade the states to regulate emissions from new vehicles in response to the manufacturers' request for a single national standard.

An exemption from this pre-emption was provided only for California, which had demonstrated the existence of a special problem. Now, with the recent issuance of federal criteria for automotive air pollutants, it is clear that many other states may be confronted with the need to go beyond the federal standards in order to protect the public health and welfare. While federal law allows state regulation of automobile use, it deprives the states of one of our most effective weapons—the control of emissions from new vehicles.

It would be unfortunate enough if federal law merely denied the states power to protect their own citizens. But the federal law is also internally inconsistent, for the preemption section is wholly incompatible with the simultaneous federal expectation that the states set and achieve air quality standards for automotive pollutants. Congress has told us we must develop automotive controls and at the same time has deprived us of the authority to do so.

A bill to amend the Clean Air Act will soon reach the floor of the House of Representatives, where an effort will be made to insert a provision repealing the pre-emption section in accord with bills introduced earlier in this session. I support this effort to restore to state and local governments the power to prevent pollution from motor vehicles, and I am writing each of the Nation's Governors and to the Illinois Congressional delegation to ask for expressions of support.

Sincerely,

RICHARD B. OGILVIE,
Governor.

An expression of support has come from many of the mayors of the large cities of this country. One such letter I have received is as follows:

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS,
Washington, D.C., April 29, 1970.

Hon. ABNER J. MIKVA,
U.S. House of Representatives,
Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN MIKVA: The National League of Cities and U.S. Conference of Mayors support enactment of H.R. 16013 to repeal the present federal pre-emption of state and local motor vehicle emission standards which are more stringent than federal standards. We believe that there should be no federal pre-emption of any state or local regulations controlling air pollution which are stricter than federal requirements.

The National League of Cities National Municipal Policy for 1970 states in its section on air pollution: "States and local governments should not be precluded from adopting more restrictive standards than those adopted at the federal level."

Many local communities have air pollution problems which they believe to be more serious than generally appreciated at the federal level. These communities must be free to act positively to control air pollution to the extent they believe necessary for the health and well being of local citizens.

We commend you for your interest in this problem and look forward to working with you in support of H.R. 16013.

Sincerely,

ALAN BEALS,
Director, Congressional Relations.

Very simply, I say to the members of this committee that we have no way of meeting the problems unless there is some authority in State government to impose stricter standards on motor vehicles.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. In order that I may better understand the provisions of the amendment offered by the distinguished gentleman from Pennsylvania, I wonder whether or not the effect of his amendment would be to control the sale of vehicles alone or control the sale of vehicles and the use of vehicles? What I have in mind is a family that is leaving one State and going to 15 or 20 States in a car they bought in their home state. Is it the use of the vehicle or the purchase and use of the vehicle that your amendment is directed to?

Mr. MIKVA. I shall yield to the gentleman from Pennsylvania in a moment. First, I would like to say that as I read the present law—and I made a serious inquiry into the present provisions—used automobiles are not affected. The only provision relates to new automobiles. In answer to the gentleman's question, I would say that a State, such as the State of Illinois, can today, whether or not this

amendment passes, tell you that you may not drive your automobile into Illinois unless you meet certain standards in regard to your vehicle. The restriction is on new vehicles.

I yield to the gentleman from Pennsylvania to answer the question more specifically.

Mr. SAYLOR. My amendment itself is directed merely to the sale of new automobiles and not to the transportation of automobiles.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. Of course, this would give the Secretary a complete out from meeting his responsibilities. What we have directed him to do is set tough pollution standards. California was already into this before the Federal Government got into it. That was why they were granted this arrangement. Now the Federal Government is going to set strict standards, if the Secretary will do it. We will have a situation where the Secretary can say, "You will meet these strict standards." Instead, under this, he can say, "In New York, if you cannot meet it, you do not have to." I do not think we ought to give them that out. I oppose the amendment.

Mr. REES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address the Committee on this matter, because, when I was in the California State Senate, I wrote the present State legislation we have on automobile emissions. This was written with almost the unanimous opposition of the automobile manufacturers.

In California, to register a car, one has to have an approved device which has been approved by the Motor Vehicle Pollution Control Board. For example, as a Member of the U.S. Congress, and as a legal resident of the State of California, when I purchased a car here, I had to have a special order, because I could not register that car in California unless I had a certification that I had an approved air-pollution-control device that was approved by the State of California.

If I were not from the State of California, and I were traveling to the State of California, I could drive all through the State just as long as I did not become a resident and register my car there as a legal resident of the State of California.

If we approve this amendment, it does not mean we have to stop and leave the car at the New York, California, or Illinois border, but it means, if we wish to become residents of that State, we have to come up to the minimum health standards regarding automobile emissions.

We allow the States to develop minimum health standards. This is what we are talking about. We are not talking about automobiles. We are talking about health of human beings.

In 1955 when I was a freshman in the California State Legislature, I was chairman of a special subcommittee on health effects of air pollution. We were just beginning to develop information on emphysema, which is a lung disease. We did not know about emphysema. Now we find emphysema is becoming one of the major causes of death in the State of California. It is a lung disease, the inability of the lungs to function. Its probable cause is living in air polluted areas. We find the doctors, in southern California are telling many families they had better move out of this smog basin and go some place where they will not have this concentration of pollutants.

Many people say pollution might not necessarily be caused by the automobile or maybe only a small contribution. In California we have very tough laws. We have basin type controls on stationary sources. In Los Angeles we outlawed all open air burning and all open air incinerators about 15 years ago. We outlawed all industrial air pollutants quite a few years ago. We will not even allow the steam plants to build within the Los Angeles Basin. We have effective control on stationary pollutants, all stationary sources of pollutants, but still we have air pollution because of the last uncontrolled source, the motor vehicle, continues to pollute the atmosphere.

Detroit has not admitted this. They would not admit it 10 years ago or 5 years ago. They always say it is something else. In California we had to fight the automobile industry every foot of the way, because they say they are not responsible. I think they are. I think every State has the right to look at the health of the people of that State and to come up with minimum standards to fit that State. I think if we do not grant to the several States, as we have granted to California, this right, then we are going to have bare minimal standards dictated by States with minimal pollutants. I think to protect the health of our people we have to have maximum standards where States deem that they need maximum standards to protect the health of their citizens. I urge an aye vote on this amendment.

Mr. KOCH. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment.

It is hard for me to understand why there would be any objection to voting for this amendment since it was brilliantly conceived. It does not impose these high standards on every area. It does not even give to every area the right to impose those standards for its own protection.

What it says is that the Secretary of Health, Education, and Welfare may, upon application, where the facts warrant it, permit an area to impose upon itself the standards that California now has.

It is hard for me to believe that the Members here would want to permit the residents of California and the Members who come from California to say, "Well, we in California saw the problem. We recognized it, and we are protecting our own constituency while the rest of the country is not protected."

It appears to me that the constituency in California should be protected and its Members should be commended for their foresight, and that we have an obligation to say, "Yes; if a like condition exists in the State of New York, or any other State, that application could be made to the Secretary of Health, Education, and Welfare, to grant the same prerogatives to such State that California has been granted."

I should like to say to the Members, as an example of our special problem in New York City that in the borough of Manhattan at times nearly 70 percent of the vehicles, during certain hours of the day, are taxis. They, with other vehicles are the prime cause for the pollution in the borough of Manhattan.

Is it unreasonable to permit the State of New York, if upon application it establishes that the air pollution in the State is so bad that action needs to be taken and higher emission standards imposed? Is it unreasonable to say that the Secretary of Health, Education, and Welfare may hear such an application and if the Secretary of Health, Education, and Welfare finds after a hearing that our problem is equal to that of California that New York may take the same measures taken by California?

I should like to ask the distinguished gentleman from Florida (Mr. ROGERS), if he is present—and if not, then the chairman of the committee—why, sir, is it not right to give to the Secretary of Health, Education, and Welfare the right to pass upon an application of an individual State which wishes to bring before him facts which would show that the problem existing in California exists elsewhere?

I see that both the gentlemen are present. Do they not have confidence in the Secretary that he would only make a finding permitting the change if in fact a like situation existed?

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. ROGERS of Florida. I hope the gentleman realizes what we are doing in this legislation now is tightening it up and saying to the Secretary, "We want you to have strict standards." They have already published standards the same as those in California for 1975. I am sure they are going to be tightened up in the interim years.

Mr. KOCH. May I ask the gentleman another question along the same line?

Mr. ROGERS of Florida. Certainly.

Mr. KOCH. If tomorrow, or upon the passage of this bill, the State of New York wanted to make an application to the Secretary, and if it were to establish that right now our problem in New York is the equal of that in California, is it the gentleman's judgment that we should wait until 1975 to deal with that problem?

Mr. ROGERS of Florida. I am sure the gentleman knows under present law the Secretary of Health, Education, and Welfare can move in any of these fields any time there is an imminent danger to health.

Mr. KOCH. I ask the gentleman again: Is it his judgment that if the State of New York were to make an application under the new law, the Secretary of Health, Education, and Welfare ought not to have the power to approve the stricter standards if the facts show that New York has the same kind of pollution as that which exists in California?

Mr. ROGERS of Florida. What I am

saying to the gentleman is we want the Secretary to impose those strict standards all over the Nation. We give him this authority in the bill. I do not believe he should have the right to get out of it by saying, "I will let some State assume the burden."

The gentleman knows that many States will not even assume a burden.

Mr. KOCH. But, I say to the gentleman, assuming for a moment that the pollution standards are adequate for the State of Iowa, which perhaps does not have as many taxis and other vehicles as the State of New York, is the gentleman saying that New York shall not have that right in the interim and must wait until 1975 when the Secretary says, "These California standards shall apply to the whole United States"?

Is not the issue of States rights involved here?

Mr. ROGERS of Florida. What I am saying is if there is an imminent danger to New York, then the Secretary can act now under the authority of the law. He has that authority now.

Mr. MOSS. Mr. Chairman, I rise to support the amendment offered by the gentleman from Pennsylvania, and I do so after giving it a great deal of very careful thought.

I listened with interest to the comments of my colleague from California (Mr. REES). I recall my service in the legislature of my State back in 1949 when we passed some of the pioneering legislation dealing with the problems of air pollution. I realize fully how frustrated we would have been had we been confronted with Federal standards which were inadequate to meet the needs of California and the peculiarities of the Los Angeles basin. I recognize that there are other sections of this Nation having peculiarities—we live in one right here in the Washington metropolitan area—where the pollutants from motor vehicles frequently cause considerable personal discomfort. This is an area of intensive pollution. If the States can advance the technology to deal with this problem and can make a convincing show to the Secretary—and the language of the amendment is drafted so as to avoid any crazy "pattern of standards"—it is reasonably drafted—I assume the man occupying the office of the Secretary, whoever he might be, would give very, very careful consideration to any excessive economic impact upon what constitutes one of the basic industries of this Nation and not impose onerous or unreasonable burdens upon it. I think this is a reasonable request, and it is in the sense of the reasonableness of the request that I extend my support to it and urge the support of the members of the Committee.

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

Mr. MOSS. I am very pleased to yield to my friend, the distinguished gentleman from Texas.

Mr. ECKHARDT. Does the gentleman from California not agree with me that with respect to emission standards for new automobiles this act does preempt the field and requires a single standard everywhere except California?

Mr. MOSS. I think that it does. Yes, indeed.

Mr. ECKHARDT. The gentleman from Florida was indicating that special problems might be met by the Department of Health, Education, and Welfare in areas where that special problem existed in his answer to the gentleman from New York in the discussion with him, but as I understand the law as drafted, special problems may be met in every field except emissions from new automobiles. The provision referred to by the gentleman from Florida is found in section 108(k) but it is aimed at a contributor to the alleged pollution and provides for injunctions to stop the emission of contaminants. It is not directed at the manufacturer of a facility which may cause pollution. Is that not true?

Mr. MOSS. I think that is quite true.

Mr. ECKHARDT. And all we are attempting to do here is to provide a minimal relaxation of that preemption.

Mr. MOSS. I think it is the bare minimum that a State could reasonably expect to take care of problems peculiar to that State or to an area within that State.

I am very pleased to yield to my friend, the gentleman from Florida.

Mr. ROGERS of Florida. I thank the gentleman for yielding.

I want to clear this up. There is provision in the law that says whenever there is an imminent danger the Secretary may act.

Mr. MOSS. I think we are envisioning something here short of an imminent danger.

Mr. ROGERS of Florida. I say if it is all that serious, the Secretary may act.

Mr. MOSS. It would require moving so quickly and the danger would have to be of such magnitude that Ithink this would not deal with that problem. That contemplates an entirely different problem. However, I think this is a reasonable request of the committee and of the Congress.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am in favor of national standards to be met by all States in fighting air pollution. But I think we have to recognize the fact that in more States than just California we do have special problems.

Just to set the record straight I have heard talk here today about having different types of engines and numerous types of gasoline in order to get away from the lead additive, a great air polluter, which is now placed in gasoline in order to get a higher octane rating.

Mr. Chairman, I want to tell the members of the committee that this is just not true. The additive which can be placed in gasoline and which can take the place of lead and which will burn in the process of combustion and not discharged into the atmosphere as a pollutant, are aromatic hydrocarbons that are a product of the cracking of crude oil.

If we say to every oil company in this country today, "We are going to give you 2 years to phase out the use of lead as an additive," we could do it and add an additional 1 cent a gallon to the cost of gasoline. The cost of putting lead in gasoline is 2 cents a gallon, approximately. The expense of aromatic hydrocarbon which has to be refined and added to the gasoline would be less than 3 cents a gallon and would produce the same high-octane gasoline.

Mr. Chairman, all this talk about $6 billion or $7 billion could be amortized at a cost of 1 cent a gallon.

So, we do not need a lot of different types of engines. But, we should give consideration to phasing out the diesel engine which is a great polluter.

However, Mr. Chairman, to get back to this specific amendment, you have to realize the fact that in a State like Pennsylvania we have numerous unusual conditions where other air pollutants emitted by automobiles and I have reference to industrial pollutants. For instance, in the city of Philadelphia, in the Greater Philadelphia area, we have a great concentration of refineries, an unbelievably large concentration of refineries. We have steel mills and every other type of industry. The vehicles that we are talking about in the States which would set higher standards would be applied only to those vehicles registered in that State.

You have already heard the distinguished gentleman from Pennsylvania (Mr. SAYLOR) talk about the deaths that occurred in one of our smaller cities and I can tell you that the concentration of steel mills around the city of Pittsburgh sets that city apart as much as any other city insofar as air pollution is concerned.

Mr. Chairman, we must take into consideration the fact that while we do support national standards, at the same time we have to recognize the possible adverse conditions which exist in some States and we must provide the legislation for dealing with those special cases. Therefore, I recommend the support of this amendment?

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

Mr. WILLIAMS. I am happy to yield to the gentleman from Pennsylvania.

Mr. SAYLOR. Mr. Chairman, I have heard our colleague, the gentleman from Florida (Mr. ROGERS), say that this bill has a provision to the effect that the Secretary has a right in the case of imminent danger to act. Do the other 49 States have to wait until he acts while citizens are in danger of losing their lives, rather than giving the State legislatures the opportunity to act, or do they have to come down to the Secretary and ask for some relief? That is what the bill presently provides. Therefore, I would like to see this amendment adopted.

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. ROGERS of Florida. The gentleman knows that the bill—and it is already being done under present law—the Secretary is setting strict standards for automotive emissions. This is done because these automobiles are moving emission sources. In other words, they go from one State to another. That is why we are approaching it in this manner and not allowing one State to set a high standard and another not to do likewise.

Mr. WILLIAMS. I understand the gentleman's statement, but I also understand that the national standards are not as high as your committee would like to have reported out at this time—not as high standards that you will probably be reporting out 5 or 6 years from now.

So that all I am saying to you is that we must realize that there are special conditions in States other than California that will require standards higher than the Federal standards at this time.

Mr. COLLIER. Mr. Chairman, will the gentleman yield for a question?

Mr. WILLIAMS. I yield to the gentleman from Illinois.

Mr. COLLIER. Mr. Chairman, I would ask the gentleman, do I understand that for years the States have had the authority to set the standards in their own States? Is there anything that prohibited all of the States from doing what California did?

Mr. WILLIAMS. I do not know that there was any.

Mr. COLLIER. Then, if there was not, why have they been silent all these years? Why is it that all of a sudden we find that the Federal Government is going to set standards? It just seems to me that somebody has been asleep at the switch.

Mr. WILLIAMS. The answer is that everybody has not been asleep at the switch and they have not been asleep at the State levels in certain instances.

The city of Philadelphia today has the highest anti-air pollution elimination standards in the country in all probability, as far as any municipality. Years ago the city of Pittsburgh adopted regulations and they cleaned up the atmosphere in Pittsburgh tremendously.

Mr. COLLIER. Will this lower the standards?

Mr. WILLIAMS. No, it will not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAGGERS. Mr. Chairman, I would like to find out what time limit we can place on this amendment to close debate on it.

I believe we have been debating this one amendment for an hour, and I think that is sufficient time. I would just like to find out how much time would be required.

Does the gentleman from Michigan desire time?

Mr. DINGELL. Yes, I do.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Anyone else?

Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 10 minutes.

The motion was agreed to.

Mr. DINGELL. Mr. Chairman I rise in opposition to the amendment offered by my dear friend, the gentleman from Pennsylvania, and I move to strike the requisite number of words. As every one here knows, the author of this amendment is not only one of our most able, sincere, and valuable Members, but he is one of our Nation's truly great conservationists.

Mr. Chairman, I think the best argument against this amendment was made by one of its proponents and supporters, the gentleman from California (Mr. REES).

We have had a long fight to get uniform Federal standards on water quality and air quality. I was the author of the first legislation to create uniform Federal standards on water pollution. I was the first author of legislation to create Federal standards on air pollution, both on moving and stationary sources.

A few years ago on the floor of this House this body adopted a piece of legislation which set up a requirement that the Federal Government would have uniform Federal standards in all kinds of air pollution, moving and stationary. On the offering of my friends from California we adopted an exemption which permitted California, because of the supposedly unique circumstances there, to create local standards which would be stronger upon the showing of need. Now we have made great progress under the uniform Federal standards on moving sources, and many of my colleagues seem to think and seem to express the thought that we do not have strong Federal standards, and that we will not have strong Federal standards between now and 1975. Nothing is further from the truth. There is a very simple answer to this point that I think has to be brought out. The fact of the matter is that between now and 1975 the Federal Government is going to adopt exactly the same standards that will be adopted by the State of California on moving sources of pollution. If California is doing as well as its representatives say—then that is all that can possibly be done for any State.

I think that should make it quite plain that there is no desperate need to Balkanize this Nation and have to have 50 different assembly lines and 50 different designs of automobiles and 50 different kinds of automobile engines produced and marketed in this country.

I think it should be known that everyone in this country should understand that his Federal Government is not going to allow marketing of autos that do not meet the highest possible technological and economic standards that can be achieved for the prevention of air pollution. The law says that it should be thus, and the Congress and your committee will insist it be so.

Now it is assumed that California is unique. I am here to tell you that it is not unique. My friend, the gentleman from Pennsylvania, complains that they have air pollution problems in Pennsylvania. He is right. I am here to tell you we have air pollution problems in Michigan. I am here to tell you you have them in New York City.

I am satisfied that there is not a single metropolitan area that does not have grave air pollution problems. These problems are related to the meteorological conditions and are related to industrial emissions and are related to the number of automobiles and the concentration of people and to geographical factors.

This is precisely the reason why we need strong high Federal standards. Not 50 different standards that are going to involve all of us in innumerable and immeasurable and everlasting disputes over what shall be the 50 different automotive air pollution abatement standards in this Nation.

I say that strong Federal standards are the only device under which we can have a meaningful cleanup and abatement of pollution from automobiles that is emitted into the atmosphere of the United States. Automobiles move from State to State, city to city, area to area. California, New York, Michigan, and Pennsylvania should know that the innumerable visiting autos meet the very highest and best standards.

I want to make one thing very clear. The proponents of this amendment would have you believe it is not possible for a State to challenge the Federal standards. This demonstrates the clear lack of knowledge of the standards on their part because before the standards can become promulgated, it must be done pursuant to a hearing where all viewpoints are heard. Each and every State can then come forward and stress both the problems which it has with regard to pollution and the need for a particular kind of device and relief to abate pollution which happens to afflict their people.

The Federal Government will be responsive to the wishes of the States for stronger and better standards, and we, the representatives of the people, will see that it be so.

There is further the opportunity of a judicial review of Federal standards if they are not strong enough and the States are fully qualified to speak on behalf of their people.

So anyone who has the idea that the Federal standards are not the approach is entirely in error, and I would urge the House to reject this amendment summarily.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Chairman, I think this has been well debated. I think certainly everyone has made up his mind on the basis of the debate that we have had here.

The committee in 1967 considered this most carefully. We again considered it most carefully this year on the expiration of the 1967 act. We think we have made a broad improvement in five areas. We came to the conclusion that we simply could not leave this thing open to the possibility where you could have as many as 50 different standards.

There has been a lot of talk here today about what a State could or could not do. But if a State does get permission to set up its own standards upon, we will say, even a petition to the Secretary, they can include in their legislation and prevent any other automobile from being driven on the highways of that State, if that State wants to do it.

There are broad indications here that they would not do it. But that does not keep a State from doing it if it wants to do it.

This committee is faced with a very practical situation, gentlemen. We simply could not throw the door open to the possibility where you could have even as many as eight, 10, or 12 different engines out on the highway unless your consumers want to pay for that. That is

exactly what you have to do in this instance if you allow that kind of standards to be created in so many States as I have indicated could possibly happen.

I think the committee has done a good job in thinking and working this thing through this whole matter and every facet of what the gentleman from Pennsylvania is talking about has been debated.

Some of the members of the committee here have joined in the debate on both sides so that you have a picture of this. It means that we should vote against this kind of amendment and the vote against this kind of amendment was very strong in committee because we felt it simply was not practical to undertake this kind of amendment to leave the door open to what would happen and what I think the Members here think would happen and what could and is most likely to happen if we got the kind of pressures that have been indicated here on the floor might be put on the various States for the various problems that arise.

Putting all this aside, whatever has been said here, about my city being as bad as Los Angeles—it simply is not true because the Public Health Service has made a survey of all of these. There is not any place in the world, as I have indicated to you, except London, that is anywhere near as bad as Los Angeles.

Los Angeles is roughly five times as bad as any other city in this country. I am giving you a picture of why we allowed a relaxation in the case of the State of California. I felt that the State of California, upon the presentation they made, should have that relaxation. And if it had not been for the one county, which had 10 to 12 million people in it, which is Los Angeles County, they would not have gotten the exemption which they did. I felt that they were entitled to this kind of exemption by virtue of what the Public Health Service found there. The Public Health Service did not find any city in the country more than one-fifth as bad as the county of Los Angeles, and that is the reason that we allowed the exemption.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. If I have any time remaining, I yield to the gentleman from California.

Mr. VAN DEERLIN. I would like to refresh the gentleman's memory. In the bill before the committee 3 years ago there was no exemption for California. It came to the floor and had to be fought out on the floor the same as this one has to be fought out. This amendment was not even offered in committee. This is a States rights amendment which seems to me every bit as valid as the one relating to California before.

Mr. SPRINGER. The subject was well debated in the committee. The whole issue of what should be done was discussed under almost exactly the same kind of amendment discussed by the gentleman from California, whether anyone actually offered the amendment or not. That I do not know. But I can say it was discussed from one end of the hearings to the other.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from New York.

Mr. LOWENSTEIN. Mr. Chairman, I appreciate the gentleman's yielding. I merely wish to support the remarks of the gentleman from New York (Mr. KOCH).

Mr. STAGGERS. Mr. Chairman, we are here to legislate for the 50 States. That is our purpose. We are trying to present a strong, national clean air bill and not to split its provisions in different ways and let the States go their own ways, which the gentleman from Illinois spoke about. Where were the States during all the years until 1965, and even after that when Federal legislation was passed in 1967, which was not strong enough. We realize that, and we have attempted to make it stronger. We expect the Secretary to make the automotive standards as strong or stronger than the California ones. We do not want it to stop with those standards. We want the best national standards which America can have. We want the best for the land. But we do not want to split these standards up 15 different ways.

What are the possibilities if we do not have strong national standards? I do not oppose the objectives of the amendment offered by the gentleman from Pennsylvania, but I think his amendment would result in exactly the opposite of what is intended. We would have weak Federal standards. We would in effect be saying, "Let the States do it."

You will abrogate your responsibility as a Congressman of the United States if you say, "Let us leave it to the States to do this." If you want uniform standards so that cars can travel out of one State and into all 50 States, as they do today, vote against the amendment. We ought to have a strong law. We ought to have the standards stronger than California has. We can say to the Secretary, "Let us have stringent standards." Let us not abdicate our responsibility. Let us defeat the amendment, pass a bill, and get it on the books.

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

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

Mr. NELSEN. I wish to join with our good chairman. I served on the subcommittee that sat through all the hearings, and I am in full agreement with the chairman. I hope the amendment is defeated and the bill is passed in its present form.

The CHAIRMAN. The time of the gentleman from West Virginia has expired. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SAYLOR).

The question was taken; and on a division (demanded by Mr. SAYLOR), there were—ayes 49, noes 79.

Mr. VAN DEERLIN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. SAYLOR and Mr. STAGGERS.

The Committee again divided, and the tellers reported that there were—ayes 50, noes 66.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. TIERNAN

Mr. TIERNAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TIERNAN: Page 47, strike out line 12 and all that follows down through line 20 on page 49, and insert in lieu thereof the following.

"REGISTRATION AND REGULATION OF FUELS AND FUEL ADDITIVES

"SEC. 8. (a) Subsection (a) of section 210 of the Clean Air Act is amended to read as follows:

"'(a) The Secretary may by regulation designate any fuel or fuel additive, and after such date or dates as may be prescribed by him, no manufacturer or processor of any such fuel or fuel additive may sell or deliver it unless the manufacturer of such fuel or fuel additive has provided the Secretary with the information required under subsection (c) of this section and unless such fuel or fuel additive has been registered with the Secretary in accordance with subsection (c) of this section.'

"(b) Section 210 of such Act is amended by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively, and by inserting after subsection (a) the following new subsection:

"(b) The Secretary may, on the basis of information obtained under subsection (c) of this section or any other information available to him, establish standards respecting the composition or the chemical or physical properties of any fuel or fuel additive to assure that such fuel or fuel additive will not cause or contribute to emissions which would endanger the public health or welfare, or impair the performance of any emission control device or system which is in general use or likely to be in general use (on any motor vehicle or motor vehicle engine subject to this title) for the purpose of preventing or controlling motor vehicle emissions from such vehicle or engine. For the purpose of carrying out such standards the Secretary may prescribe regulations—

"(1) prohibiting the manufacture for sale, the sale, the offering for sale, or the delivery of any fuel or fuel additive; or

"(2) limiting the composition or chemical or physical properties, or imposing any conditions applicable to the use of, such fuel or fuel additive (including the maximum quantity of any fuel component or fuel additive that may be used or the manner of such use)."

"(c) Section 210(c) of such Act (as so redesignated by subsection (b) of this section) is amended—

"(1) by striking out 'For the purposes of this section the Secretary shall' and inserting in lieu thereof 'For the purpose of establishing standards under subsection (b), the Secretary may require the manufacturer of any fuel or fuel additive to furnish such information as is reasonable and necessary to determine the emissions resulting from the use of the fuel or fuel additive or the effect of such use on the performance of any emission control device or system which is in general use or likely to be in general use (on any motor vehicle or motor vehicle engine subject to this Act) for the purpose of preventing or controlling motor vehicle emissions from such vehicle or engine. If the information so submitted establishes that toxic emissions or emissions of unknown or uncertain toxicity result from the use of the fuel or fuel additive, the Secretary may require the submission within a reasonable time of such scientific data as the Secretary may reasonably prescribe to enable him to

determine the extent to which such emissions will adversely affect the public health or welfare. To the extent reasonably consistent with the purposes of this section, such requirements for submission of information with respect to any fuel additive shall not be imposed on the manufacturer of any such additive intended solely for use in a fuel only by the manufacturer thereof. Among other types of information, the Secretary shall';

"(2) by inserting in clause (2) 'the description of any analytical technique that can be used to detect and measure such additive in fuel,' after 'above,';

"(3) by striking out in such clause 'to the extent such information is available or becomes available,';

"(4) by striking out 'clauses (1) and (2)' in the second sentence and inserting in lieu thereof 'the provisions of this subsection'; and

"(5) by striking out 'such fuel additive' in such sentence and inserting in lieu thereof 'such fuel or fuel additive'.

"(d) Section 210(d) of such Act (as so redesignated by subsection (b) of this section) is amended—

"(1) by inserting after the first sentence the following new sentence: 'The Secretary may disseminate any information obtained from reports or otherwise, which is not covered by section 1905 of title 18 of the United States Code and which will contribute to scientific or public understanding of the relationship between the chemical or physical properties of fuels or fuel additives and their contribution to the problem of air pollution.'; and

"(2) by striking out 'subsection (b)' in the first sentence and inserting in lieu thereof 'subsection (c)'.

"(e) Section 210(e) of such Act (as so redesignated by subsection (b) of this section) is amended (1) by inserting 'or subsection (b)' after 'subsection (a)'; and (2) by striking out '$1,000' and inserting in lieu thereof '$10,000'.

"(f) The amendment made by subsection (e) (2) of this section shall be effective with respect to any fuel or fuel additive to which a regulation issued under section 210(a) of such Act or a standard established under subsection (b) of such section (as amended by this Act) applies."

Mr. TIERNAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD. As I have already explained to the chairman, this amendment is a section of the administration bill which was presented to the committee and was not adopted by the committee. I believe it will save time for the committee if we consider it read.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. TIERNAN. Mr. Chairman and members of the committee, what I have attempted to do here today is to present to the committee for its consideration the language in the bill which was presented by the administration to the committee, because I believe this is very important, and I believe it is necessary that we talk about the standards with respect to the fuels.

I commend the committee for its work on this bill because, as the chairman indicated, it is a step forward. I certainly agree with the chairman in a sense that it is something to improve the situation we have.

What my amendment will do is to go a little bit further, to be more stringent. It certainly will give the Secretary more power with regard to the type of fuels and additives that will be used in the future.

For example, it requires anyone who is using an additive to submit his findings and research data, which he has obtained, without making it necessary for the Secretary to undertake independent research.

Since the administration has put this forth in its bill, I believe we should support the administration in its efforts to curtail the pollutants that are put into the air.

The present bill now before us puts the burden on the automobile industry solely. It does not affect the manufacturer of the fuels used in the automobiles. I believe that the administration bill and the amendment I offer, which is the administration language, goes much further than the committee bill and it is necessary because of the situation we have here in America today.

We all know that the number of cars in our country today is increasing every year. Particularly those Members who come from large urban areas know of the situation which has certainly been exemplified by the situation in Los Angeles. In my own State, in all the urban areas, we have this problem. I know those who live in the cities know what it means to go into the city when it is rainy and a cloudy day, and there is heavy traffic downtown, not only with fuel being used in automobiles but also fuel being used for the heating and power of our great country.

I believe this is a time the Secretary should have made available to him through this amendment the information, the scientific data, which would be made available by the language under the administration bill.

Therefore, I believe we should not only require the automobile industry to meet this challenge, this grave challenge, which everyone recognizes here, but also the fuel industry. It is a question of balancing the needs of industry against the needs of our people.

I believe we have reached the point where we will look back, a few years from now, and say, "Why did we not do something about this five years ago?" This is the time to do something. The country needs it. This is the time for us to act.

I move the adoption of my amendment.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

I shall take only a moment of the time of the committee, because the time is late. I hope we will not take too much time on these amendments.

Under the amendment offered by the gentleman from Rhode Island any Secretary, no matter who he is—and he might be changed; there has been a change recently—could take arbitrary actions. We think what is required by the bill is in accordance with our American way of doing things. I think the amendment ought to be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. TIERNAN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FARBSTEIN

Mr. FARBSTEIN. Mr. Chairman, I offer an amendment, and I ask unanimous consent that reading of the amendment be waived and that I may explain it.

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

There was no objection.

The amendment is as follows:

Page 46, insert after line 25 the following:

"(f) Section 202 of the Clean Air Act is amended by striking out in subsection (b) thereof 'prescribed under this section,' and inserting in lieu thereof "prescribed under subsection (a) of this section' and by adding at the end thereof the following:

"'(c) (1) The Secretary shall immediately commence the testing of motor vehicle engines propelled by any system other than the internal combustion engine which have emission characteristics superior to the internal combustion engine. On the basis of such tests, the Secretary shall, by regulation prescribe as soon as practicable, but not later than December 31, 1971 regulations for the control of automobile emissions which in his judgment cause or contribute to, or are likely to cause or to contribute to, air pollution which endangers the health or welfare of any persons, and such standard shall apply to such vehicles or engines whether they are designed as complete systems or incorporate other devices to prevent or control such pollution.

"'(2) The regulations initially prescribed under this subsection shall be applicable (A) on and after January 1, 1975, to all new motor vehicles propelled by engines having 375 horsepower or more and to all new motor vehicle engines having 375 horsepower or more, (B) on and after January 1, 1976, to all such new vehicles and engines having 275 horsepower or more, (C) on and after January 1, 1977, to all such new vehicles and engines having 175 horsepower or more, and (D) on and after January 1, 1978, to all new motor vehicles and new motor vehicle engines. Amendments to any regulations prescribed under this subsection shall become effective on the effective date specified in the order promulgating such regulations which date shall be determined by the Secretary after consideration of the period reasonably necessary for industry compliance.'"

Mr. FARBSTEIN. Mr. Chairman, this is a very simple amendment. I will not take my 5 minutes.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield to me?

Mr. FARBSTEIN. I yield to the gentleman.

Mr. STAGGERS. So we might get a time limit on that. I will wait until the gentleman gets through first.

Mr. FARBSTEIN. This is the same amendment I offered I think either last year or 2 years ago when the question of air pollution was the local issue in Los Angeles. At that time I said that the internal combustion engine ought to be banned by 1978. Of course, at that time it seemed as though it was an odd-ball amendment, but strange as it may seem, it has caught on. It has caught on in the sense that the people of this Nation realize that something has to be done about the pollution that is killing so many of our citizens.

What my amendment seeks to do is to ban the internal combustion engine in the sense that the amendment would set auto emission standards beginning in 1975 on the basis of the cleanest of the

propulsion systems. Internal combustion engines which cannot meet the standards would be phased out first on the basis of their power on the following timetable: based on sales of 1969 American automobiles, the phaseout would have the following effects: the automobile engines with 375 horsepower would be outlawed in 1975. In other words, you have 5 years within which to use up an automobile that has a 375-horsepower engine. Less than 5 percent of the new-car sales had this horsepower, so there will not be very much of a loss. Second, in 1976 275-horsepower engines will be outlawed. There you get 35 percent of your new-car sales. Third, in 1977, 175-horsepower engines will be outlawed, and all but 10 percent of the new-car sales are those. Then in 1978 there will no longer be permitted an internal combustion engine.

Mr. Chairman, I have ridden in and I know for a fact that there can be produced other engines which are equal to the internal combustion engine. I have ridden in a steam car out here 2 blocks away from where I am standing only a couple of months ago. I understand that steam car can be built to cost no more than the automobile of a similar type that is mass produced today costing between $2,800 and $3,500.

We have to realize that the time has come when we must plan ahead in order that our people will be protected. It seems to me 8 years is time enough for the automobile industry to use its technology in a fashion that will no longer make necessary the internal combustion engine. I think they can do it. The only thing that is missing is the will and the fact that they have a large investment in the internal combustion engine.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman.

Mr. VAN DEERLIN. Mr. Chairman, the California Senate last year by a vote of 26 to 5 voted favorably on a bill which would have outlawed the internal combustion engine by the year 1975. That bill did not become law, but it reflected the sentiment of the people of California and the concern for what is happening through the use of an engine that cannot avoid emitting pollutants.

Mr. Chairman, I want the gentleman from New York to know that this was a branch of our State government which was not only a rather conservative body, but which had and still has a majority of Republicans.

Mr. FARBSTEIN. I thank the gentleman for his remarks.

Mr. Chairman, I know that the internal combustion engine is inherently deadly, dirty, and cannot be cleaned up. The only thing we can do to save the lives of our people is by adopting this amendment.

The amendment would establish automotive emission standards beginning with the 1975 model, based on what the cleanest feasible propulsion system can achieve.

The amendment is premised on the belief that the quality of the air should be determined on the basis of the best available technology, even if that means moving away from technology currently in general use.

The internal combustion engine is inherently a high polluting system. The theory of current antipollution technology is that add-on devices and mechanical adjustments in the engine can filter or catalytically remove the harmful pollutants produced by the internal combustion engine.

In the last 3 years the American public has spent a billion and a half dollars buying devices and mechanisms to control the internal combustion engine; and yet learned this year that up to 80 percent of those devices fail after only a few thousand miles of normal driving.

More importantly the quantity of automotive poisons entering our atmosphere is rising at a dramatic pace.

Most important of all, health, impairment of property and vegetative damage due to air pollution is on the climb. In my own city of New York death rates from emphysema have increased by over 500 percent in the last 10 years; deaths from chronic and acute bronchitis have increased by 300 percent; lung cancer and heart disease are at an all time high.

The last 3 years' experience indicates that the internal combustion engine is, by nature, dirty. Moreover, every auto expert not indentured to the auto industry agrees that the internal combustion engine could be cleaned up only at unacceptable costs and then only up to the approximate level of the administration's proposed standards for 1975 models.

But with the increase in the number of automobiles on the highways, these standards will be sadly deficient by the end of this decade. The only really economically feasible method of cleaning up auto pollution once and for all is to ban the internal combustion engine or to insist that Detroit meet the rigorous standards of other nonconventional modes of propulsion.

I have personally driven in a sleek, modern, efficient, and fast steam car, employing the Rankin system.

I have also personally observed vehicles powered by gas turbine engines. Both the steam car and the gas turbine work, and work well. You have not only my word as to this but the word of governmental studies like the Morse panel, the Battelle Memorial Institute, the Senate Commerce Committee, and the California Assembly which confirm what I saw with my own eyes.

The question now is whether Detroit will abandon its present obsolete and environmentally destructive technology and give the American people the best that 20th century science and engineering can offer.

Mr. BELL of California. Mr. Chairman, I rise in favor of the amendment offered by the gentleman from New York.

My Los Angeles constituents' awareness of the dangers of automotive pollution—smog—is exceeded by none.

They suffer from it daily.

Thanks to the progressive action of local Los Angeles and California State government some years ago, pollution in our area caused by stationary sources has been virtually eliminated. As my good friend Congressman REES has said.

At the time these ordinances were enacted, many claimed that they were too drastic. Too unreasonable. That they would cause inordinate expense.

These naysayers were proved wrong and I am proud that residents of my area exercised the courage of their convictions.

Today we are considering an amendment against which the same charges will be leveled.

The health crisis caused by automotive pollution again demands so-called "drastic" measures.

This time, however, we cannot depend on local administrative remedies.

We are forced to turn to national policies to stimulate answers to what is increasingly a national problem.

Ninety percent of the smog in Los Angeles is caused by automotive pollutants.

Sixty percent of all smog in the Nation stems from the same source.

We have all been hopeful that the automobile industry would itself undertake to remedy the dangers to health and life brought about by the products of the internal combustion engine.

And to some extent they are doing this, and for these efforts I commend them.

We are also aware, however, that there can be degrees of commitment. A commitment can be wholehearted, as in our successful moon landing, or it can half-heartedly limp along with too much rhetoric and too little action.

I am confident that some day, if we waited long enough, Detroit would inevitably build clean cars.

But can we afford to wait that long?

Is there not some way we can speed up the process, enhance the commitment? It is like Chairman STAGGERS has said: In quoting the late President Kennedy about a moon landing in this decade. He points up the same point inadvertently that I am making. Sometimes it is better to set a goal and force the kind of action that will meet it.

We cannot legislate with the stroke of a pen an instant pollution-free engine. But we can legislate the commitment incentive that is presently lacking.

The pending amendment would do just that.

This amendment would provide us with a positive, rational approach to a critical problem.

It would not automatically outlaw the internal combustion engine.

On the contrary, it is possible that through fuel research and other technological developments the internal combustion engine can be made livable.

It is also possible, however, that the solution will lie in a new propulsion system such as a revised steam or turbine engine.

My constituents do not care what we call it, or how it works.

They do care that it will provide the transportation required in our society today while simultaneously sparing their environment and health the kind of devastation we are now witnessing.

Mr. Chairman, I am certainly aware

that the urgency felt by residents of Los Angeles and New York is not shared by those who are presently being spared the suffocating stench of smog.

They can argue that automotive pollution is not their problem.

But I call on my colleagues from such areas to contemplate the long-run inevitability that without action now, they, too, will ultimately have to face the same problems.

If we can cooperate today, we can ensure early relief for citizens such as I represent, while guaranteeing that those not now burdened by dangerous pollution need never fear it.

There is no need to wait another 10 or 15 years.

We can act now by approving the pending amendment and I strongly urge that we do so.

Mr. STAGGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like at this time to see if we could arrive at a time limitation on the consideration of this bill because some Members of this body have other obligations. Therefore, I wonder if we could reach a decision to vote on this amendment and all other amendments to the bill by 6:30 p.m.? I do not feel that that would be cutting off unduly the time of anyone. I would like to do this in order to get the bill passed this evening.

Therefore, Mr. Chairman, I ask unanimous consent that we vote on this amendment and all other amendments thereto and vote on the bill at 6:30.

The CHAIRMAN. The gentleman's request is that debate on all amendments close at 6:30?

Mr. STAGGERS. That is right; and vote on the bill.

Therefore, Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments to the bill conclude at 6:30.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I will only take one-half minute of that time right now.

Mr. Chairman, I rise in opposition to the amendment just proposed to the House for the reason that this just is not possible. It is not a feasible amendment to say that we are going to do this at a certain time. The experts say we can have a clean internal combustion engine and we expect to hold them to their statements. We can take another look at this when this law comes again before Congress 3 years from now. If progress has not been made by that time, we can take the necessary action which will be required.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. FARBSTEIN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. KLEPPE

Mr. KLEPPE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KLEPPE: On page 49, line 10, strike out the quotation mark.

Page 49, insert after line 10 the following:

"(i) The Secretary is authorized to conduct as soon as practicable a full investigation and study (including, if appropriate, a pilot or demonstration project) respecting the feasibility of combining gasoline with alcohol made from grain, in order to produce a cleaner burning motor vehicle fuel, thereby reducing both air pollution and grain surpluses."

Mr. STAGGERS. Mr. Chairman, I reserve a point of order against the amendment offered by the gentleman from North Dakota (Mr. KLEPPE), but I will not raise the point of order until the gentleman has spoken and has given his views.

The CHAIRMAN. The gentleman from West Virginia reserves a point of order on the amendment.

Mr. KLEPPE. Mr. Chairman, I want to take a very brief moment to discuss this amendment. We have been talking about fuels all afternoon in this debate, and this amendment deals with fuels also. There is nothing new about this proposal. It is very self-explanatory. It is something that has been under consideration for many years. As a matter of fact, during the Eisenhower administration there was a congressional commission appointed to study this question, and the only reason nothing was done was because of the cost involved.

To make alcohol out of grain and to blend it with gasoline to reduce pollution in the air from automobiles is something that works, but it is more costly than to make alcohol from ethylene, which is a petroleum product.

The point I want to make, Mr. Chairman, is that there are some offsetting costs involved when you use grain as a raw material. The offsetting costs are that we have a surplus of grain today, and we could reduce the cost to the taxpayers and our Federal Government if we would utilize more grain to make alcohol to blend with the gasoline.

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

Mr. KLEPPE. Mr. Chairman, I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I agree with the objectives of the amendment offered by my colleague, the gentleman from North Dakota. I wish to say that the Secretary already has the needed authority—I will not take time to read the language—but it is under section 104, subsections 1 and 3 of that, that gives him the authority already. We will urge the Secretary to proceed along these lines. I think it is a worthy objective, and that he should be doing this kind of research.

Mr. KLEPPE. Mr. Chairman, I thank the gentleman for his comments.

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

Mr. KLEPPE. I am happy to yield to the gentleman from Illinois.

Mr. SPRINGER. Mr. Chairman, may I say that I want to commend the gentleman from North Dakota (Mr. KLEPPE), for his excellence in the pursuit of this subject of making alcohol from grain to blend with gasoline.

I too recall—because I was here during the Eisenhower administration—when this commission to study this matter was set up. Again I want to commend the gentleman for bringing this matter to the attention of the committee, and I certainly wish to assure the gentleman that we will do all that we can to assure that this very important subject which the gentleman has raised will be studied.

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

Mr. KLEPPE. I yield to the gentleman from Kansas.

Mr. SEBELIUS. Mr. Chairman, I thank the gentleman for yielding, and I would like to associate myself with the remarks made by the gentleman from North Dakota.

Mr. Chairman, this legislation to amend the Clean Air Act would be a positive step by Congress to protect the quality of our environment.

H.R. 17255 would extend the duration of this act, provide for national standards of air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions and establish standards for dangerous emission from stationary sources.

Regarding this obviously needed legislation, I am particularly interested in the amendment introduced by my good friend and colleague, the Honorable TOM KLEPPE, from North Dakota. The gentleman from North Dakota's amendment would provide for an urgently needed study and pilot program in the use of grain alcohol as an additive to gasoline to eliminate tetraethyl lead pollution of the atmosphere.

For some time now, it has become obvious air pollution from tetraethyl lead now used in gasoline as an antiknock additive is a most serious pollution problem. Leading scientists across the Nation have warned of the serious dangers from possible lead poisoning. There is reason to believe this proposed pilot study could provide us with a reasonable answer to this problem through the use of grain alcohol.

Using grain alcohol as a substitute for lead would have many obvious side benefits. Not only could we reduce dangerous pollution, but we could provide a tremendous grain market and thereby reduce the farm surplus and the farm program cost. We could also provide a high protein grain residue for low-cost health food and livestock needs as well. The social impact of this research has far-reaching implications.

Since the cost feasibility of this proposal has been questioned, I feel a full investigation and study, including a pilot or demonstration project in the wheat belt, should be implemented as soon as possible.

Mr. KLEPPE. Mr. Chairman, with the assurances of the gentleman from West Virginia (Mr. STAGGERS), I ask unanimous consent that I may be permitted to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

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

Mr. KLEPPE. I yield to the gentleman from Montana.

Mr. MELCHER. Mr. Chairman, I want to commend the gentleman from North Dakota for his very fine explanation of the possibilities of the utilization of our grain resources, and I want to join with the gentleman in his efforts. Not only would this help control pollution but also promote a broad market for grains.

Mr. KLEPPE. I thank the gentleman.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HECHLER of West Virginia: on page 54, line 12, strike out $75,000,000 and insert $750,000,000; on page 54, line 13, strike out $100,000,000 and insert $1,000,000,000."

On page 54, line 14, strike out "$125,000,000" and insert "$1,250,000,000".

On page 54, lines 18 and 19, strike out "$125,000,000" and insert "$1,250,000,000".

On page 54, lines 19 and 20, strike out "$150,000,000" and insert "$1,500,000,000".

On page 54, line 21, strike out "$200,000,000" and insert '$2,000,000,000".

The CHAIRMAN. The gentleman from West Virginia (Mr. HECHLER) is recognized for 2 minutes.

Mr. HECHLER of West Virginia. Mr. Chairman, the current legislation that we are considering authorizes only a total of $200 million in the fiscal year 1971. My amendment would enable the expenditure of ten times that amount and ten times the amounts authorized for subsequent fiscal years.

What will $200 million buy? I have checked with the Department of Defense and find that $200 million will buy one, only one Poseidon nuclear submarine now under construction. Is not human life on this planet worth more than one nuclear submarine? Air pollution threatens the very existence of human life on this planet.

How many Members on the floor if faced with the choice in 1961 of whether they would prefer to invest $30 billion to go to the moon or to make life livable for human beings on this planet by eliminating air pollution, would not have chosen to eliminate air pollution? We have the chance to eliminate air pollution if we have the will to undertake it.

We have the opportunity to make a bold stroke to achieve a genuine cleaning up of the air. Air pollution is costing the American public conservatively $11 billion, and more probably $15 billion a year. This does not include the impairment to health and medical payments and loss of productivity or damage to architectural buildings. I see by the evening paper that even the Lincoln Memorial is threatened by air pollution. Our forests are threatened by air pollution. Our crops are threatened. But more important, human beings and their health are seriously threatened.

Here is an opportunity for the Congress to authorize sufficient funds to solve the problem. These funds will be expended, I am assured by S. Smith Griswold, former director of the National Air Pollution Control Administration, for the purpose of strengthening the State agencies which have the primary responsibility under the new legislation.

The States and not the regions will be the entities which will enforce the Secretary's standards. The Secretary will promulgate ambient air standards. Ambient air standards are used under the Air Quality Act of 1967 and the problem has been that the States where regions have been designated very often do not have the manpower or ability to come up with implementation plans. In other words, they do not know how to translate ambient air standards into emission standards. The inadequately staffed, inadequately equipped State air pollution control programs do not have the resources to evaluate their air pollution problems nor the means to resolve these problems. Increased funding is not always the answer, but in this case adequate Federal support is sorely needed to beef up the State programs.

I would say that less than 10 States out of the 50 have adequate pollution control agencies today, and even these are hard pressed for adequate financial support.

While I am talking about this question of State responsibility under the pending proposed legislation, I would like to point out that the legislation we are considering does not provide any authority for the Secretary of Health, Education, and Welfare to establish a maximum period within which each State must meet the national air quality standards. The bill does not authorize HEW to enforce the national standard or the plan except where the State fails "to take reasonable action to enforce the plan." It is absolutely unclear what "reasonable action" means.

Additional financing might not prevent these long, drawn-out delays, and I am pleased that the authors feels that the injunctive process can help. Yet the Secretary of Health, Education, and Welfare will only be able to enjoin those who emit pollutants for which standards and a plan has been developed.

I am disturbed that the Secretary cannot issue standards until criteria reports have been published. The NAPCA has identified between 30 and 50 pollutants, but has only published criteria for five since 1967. A crash program, utilizing the additional funds which I would authorize through my amendment, would enable the publication of criteria for these additional pollutants, as well as development of the technology to abate this pollution.

We really ought to directly control emissions from larger plants by setting national emission control levels, not ambient levels, and let the States in the first instance try to enforce Federal emission standards. If this does not work out in a particular State, then the Secretary can move much more quickly than he would under the proposed legislation. If emission controls are set for new facilities, we really ought not to discriminate, but should set them for all facilities above a certain size.

Another aspect of this proposed bill which disturbs me are the clauses contained on pages 33 and 36 which relate to technological and economic feasibility. For example, page 33 of the bill refers to a suit in the U.S. district court by the Attorney General to secure abatement of the pollution. There follows this sentence:

The court, giving due consideration to the practicability and to the technological and economic feasibility of complying with provisions of the plan established to implement such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and equities may require.

And on page 36, the bill states:

The Secretary shall from time to time by regulation, giving appropriate consideration to technological and economic feasibility, establish standards with respect to such emissions.

Now I do not understand why these phrases are necessary. Obviously the Secretary will take such factors into consideration where necessary, but keeping uppermost the public interest. To write these phrases into legislation emphasizes their importance above and beyond the public interest. I doubt whether Columbus would have succeeded had Queen Isabella stressed practicability, technological, and economic feasibility. Certainly it was not technologically or otherwise feasible to go to the moon in 1961. If Jefferson had placed these factors uppermost he never would have allowed Lewis and Clark to embark on their expedition. We have long since passed the point where we should allow polluters to plead that their economic interests are being threatened by having clean air. I believe the following letter puts the issue of economics into a little clearer perspective:

PRATT, W. VA.,
April 30, 1970.

HON. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR SIR: The residents of the Upper Kanawha Valley are facing the problem of air pollution, which in the Montgomery, West Virginia, area, has assumed absurd proportions.

There are several reasons why I say this. First is the obvious financial burden it places on home owners in the area. It is necessary to repaint at least every other year due to the large quantities of grit, spot and fiyash forever present in the air. Second, there is the mental and spiritual depression brought on by the continuous, ever increasing blanket of smog which covers our beautiful mountains and threatens to obliterate the sun. Finally and most important, is the effects of this blanket of gloom on the health of the citizen victims who must live and work in the area. It is a rare person, indeed, who does not suffer sinus and bronchial irritations from breathing this stinking, malodorous air. After all, we haven't much choice but to breathe this so-called air, have we?

The source of these abysmal conditions? The Union Carbide Metals plant at Alloy, West Virginia.

According to the public relations department of Union Carbide, it will be at least five or six more years before we are allowed to breathe in safety. I find this six year estimate hard to believe, though; since, for the past 35-years, Union Carbide has been promising that "within five or six years" they will have the problem solved. I have begun to get the impression that by "solving the problem" they mean to wipe out the entire

population of the Montgomery area, and by doing so will have no need to curb their destruction of nature.

In fact, Union Carbide seems to have very little concern for its employees either. Among the employees with whom I am acquainted, my father included, not one is entirely free from emphysema, bronchitis, and other respiratory diseases. I think their plight is similar to the coal miners who are victims of "black-lung."

The reason nothing has been done about these toxic conditions eludes me. There is no valid excuse which can be offered by Union Carbide; they are financially as well as technically capable of putting an end to the health hazard of air pollution around Montgomery. I sincerely feel and hope that something can be done to force Union Carbide to stop the pollution. The citizens of the Upper Kanawha Valley put their lives in your capable hands, Mr. Hechler.

Very truly yours,

EDGAR F. SCALES, Jr.

We have made some bold decisions in this Congress to increase the recommendation of a paltry $214 million in the President's budget for waste treatment plants and water pollution control to $1 billion. I therefore feel that we should take similar action in the area of air pollution control, and initiate a meaningful program such as outlined in my amendment.

Right now we are losing the battle to control air pollution.

The air is getting dirtier and dirtier.

The high-sounding titles of the two basic pieces of legislation which Congress has passed: the "Clean Air Act" of 1963 and the "Air Quality Act" of 1967 have not lived up to their titles.

The Nation is far ahead of the Congress in demanding clean air, and tough regulations with teeth in them to enforce the law.

Now we have a chance to move forward boldly and launch an all-out fight against air pollution. I hope that my amendment will receive support. For the future of the human race, we can afford to spend more than the cost of one nuclear submarine to preserve human life on the planet earth.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. HECHLER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. BUTTON

Mr. BUTTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUTTON: Page 46, insert after line 25 the following:

"(f) Title II of the Clean Air Act is amended by inserting after section 212 the following new section:

"'STATUTORY STANDARDS

"'SEC. 213. (a) Notwithstanding any other provision of this title, the maximum level of emission from any new motor vehicle or new motor vehicle engine, expressed in grams per mile, with respect to reactive hydrocarbons, carbon monoxide, and oxides of nitrogen shall be as follows: Reactive hydrocarbons—2.2 for 1971, 1.5 for 1972, 1973 and 1974; carbon monoxide—23.0 for 1971 through 1974; oxides of nitrogen—4.0 for 1971, 3.0 for 1972 and 1973, and 1.3 for 1974. For the years after 1974, such levels shall be determined by the Secretary in accordance with this title but such levels shall not exceed those established herein for 1974.

"'(b) Nothing in this section shall be construed to prohibit the Secretary from establishing for any year with respect to reactive hydrocarbons, carbon monoxide, and oxides of nitrogen, emission standards establishing lower levels of emission than those provided in this section.'"

The CHAIRMAN. The gentleman from New York (Mr. BUTTON) is recognized for 2 minutes.

Mr. BUTTON. Mr. Chairman, this amendment seeks the same goals as the amendment proposed by the gentleman from Pennsylvania (Mr. SAYLOR) but it uses a different avenue.

I believe it meets the objections of the gentleman from Michigan (Mr. DINGELL) and some of the others who feel that there should not be a patchwork of different regulations among the States.

This would move up by 5 years the period of time when there would be standards set nationwide—and move it up from 1975.

The Federal standards under the provisions of this bill will match those projected for California by 1975 but meanwhile the rest of the Nation must suffer with inadequate control standards.

This amendment will begin the process of cleaning up the air 5 years earlier, which time has been lost and we cannot afford to lose much more time.

Mr. Chairman, I move the adoption of the amendment.

Mr. GUDE. Mr. Chairman, I rise in support of the gentleman from New York's amendment and commend him for his concern with reducing the harm from the principal source of air pollution, the internal combustion engine. Although this bill, H.R. 17255, as reported from committee, will substantially strengthen our efforts to curb air pollution, it was weakened in committee from the administration's initial recommendations to alleviate pollution from the automobile.

The Public Health Service states that the automobile is responsible for 60 percent of all air pollution in the United States and is costing Americans $30 billion annually. Here in the Washington metropolitan area we have a particular problem with the automobile. It is astonishing to note that the 61 square miles that the District encloses has the highest auto density in the entire country, and traffic is constantly increasing. This year the District is approaching 5,000 cars per square mile. Therefore, to the extent in fighting air pollution nationally and in the Washington metropolitan area, we know that automobiles are a prime target.

Our goal must be the attainment of pollutant free vehicles as a complete substitute for our present types in the shortest period of time. We must not flag in our efforts to achieve this end. The diseases scientists associate with air pollution are definitely on the upswing. Emphysema, for example, an ailment which permanently destroys sections of the lung, had a rate in 1950 of less than two deaths per 100,000 while in 1966 the rate increased to more than 12 deaths per 100,000.

Although it is difficult to pinpoint a specific pollutant as causing a specific disease, scientists assure us that we can not only look for a decrease in emphysema but also for a real improvement in man's general health and welfare with the removal of all filth from the air regardless of its origin.

Therefore, while we are making some progress against air pollution in Washington—we have had a 46-percent reduction in oxides of sulfur and a cessation of most open burning—we must in no way slacken our efforts. For this reason I urge the adoption of this amendment as well as the other amendments which are being offered which would restore the requirements of H.R. 17255 to the more stringent levels recommended by the administration.

Mr. STAGGERS. Mr Chairman, I rise in opposition to the amendment. I think it is unwise at this time to legislate in this way. The subcommittee and the full committee considered these and all other approaches. We hope we can do much better than the standards that would be set by the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BUTTON).

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

(By unanimous consent, Mr. KOCH yielded his time to Mr. RYAN.)

AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RYAN: On page 36, line 4, strike out "and economic feasibility" and on page 37, line 3 and 4, strike out "and economic feasibility".

Mr. RYAN. Mr. Chairman, the purpose of the amendment is to strike from the new section 112, which empowers the Secretary to establish Federal emission standards for new stationary sources, the requirement that the Secretary give appropriate consideration to the economic feasibility of proposed emission standards. In both section 112(a) on page 36 and section 112(b)(2) on page 37 the bill refers to "economic feasibility." I believe that the threat to our environment is so great that, as a matter of public policy, industry should be required to use the most advanced technology regardless of whether or not a particular industry finds it economically feasible. I fear that the language of the bill as presently written, will encourage industry to say, "This will cost too much and we can't do it." The only way to achieve clean air is to set the standards and require compliance.

For example, in New York City, before the city of New York required Consolidated Edison to reduce the sulfur content of its fuel, the utility said it was simply impossible, that it would cost too much. But when faced with a deadline, it not only met the standard but did so a year sooner than required. It did cut down the sulfur content of its fuel. Although the cost was some $15 million a year, when prorated among all the users, it came out to something like 14 cents a month for the average residential user of electricity.

I do not think the Secretary should be

put in the position of determining economic feasibility. Experience shows that industry will not reveal its cost figures to him. Similar provisions have been adopted in various State laws, and State control agencies have time and again run into difficulty because they cannot obtain the cost factors and other information. Then they wind up in court litigating the question of economic feasibility.

The task of the Secretary should be to set standards strict enough to control and eliminate air pollution. His hands should not be tied.

I urge support for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RYAN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RYAN: On page 36, lines 1 and 2, strike out "substantially to endangerment of the public health or welfare" and insert in lieu thereof "to the deterioration of the quality of environment".

Mr. RYAN. Mr. Chairman and members of the Committee, this amendment also applies to the new section 112, which makes possible Federal emission standards for new stationary sources. Under the provision as proposed by the committee, the source must contribute "substantially to the endangerment of the public health or welfare." My proposed substitute language would require that the source contribute "to the deterioration of the quality of the environment."

I think this is a very important distinction. Our concern should be whether or not the pollutant, which is to be controlled, does, in fact, affect and cause deterioration of the environment. To impose on the Secretary the burden of determining whether pollutants endanger public health and welfare reverses the place where the burden should be. The burden should be upon the polluter to establish that he does not contribute to the deterioration of the environment.

The test for setting standards should be environmental deterioration.

Section 112(b)(1) imposes an "extremely hazardous to health test" for an absolute prohibition on construction and operation. That restriction should be more than sufficient in terms of requiring a health danger. If we are to achieve clean air and save our environment, then we must not unduly restrict the Secretary.

I urge support for this amendment.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment. I might say this is taken care of in the State plans and certainly it is not needed in this bill. The amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RYAN).

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. VAN DEERLIN).

Mr. VAN DEERLIN. Mr. Chairman, the committee has been most patient. I am happy to yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. Mr. Chairman, I urge the passage of this bill. It will clean up the air in America.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

(By unanimous consent, Mr. DINGELL yielded his time to Mr. STAGGERS.)

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I ask unanimous consent to yield my time to the distinguished chairman of the full committee.

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

Mr. ROSENTHAL. Mr. Chairman, reserving the right to object, there has been a serious time limitation. I had no amendment to offer, but many others have been precluded from offering an amendment by the serious time limitation. Is there some special reason why the gentleman wants to yield the additional time to the chairman of the committee?

Further reserving the right to object, Mr. Chairman, are there any other members of the committee who plan to engage in this same type of operation?

I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. ECKHARDT. Mr. Chairman, I wish to use my time.

Mr. Chairman, I merely would offer my time to anybody who had something to say and who could say it in that period of time, so it is really up for grabs, except that I was quite sure the chairman could use it.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. SPRINGER).

Mr. SPRINGER. Mr. Chairman, I think this bill has been well stated. I think everybody has had his say on it, and in view of the way in which it has been received, I hope this bill will pass.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS), the chairman of the committee.

Mr. STAGGERS. Mr. Chairman, I am not going to take the full 4 minutes. I do appreciate the courtesy of my colleagues in yielding time to me.

What I have to say I can make very brief.

I want to compliment the Committee for the way they have conducted themselves in talking about and arguing over this bill.

This is a bill with which I am sure none of us fully agrees, but we have come out with a strong bill. The subcommittee presented a strong bill which the Members thought was for the best interest of our Nation. The full committee concurred in that and has brought it to the floor. We believe it is a strong bill. We believe it is one that will help to curb this environmental danger we have.

This is a problem we will be taking a look at again 3 years from now.

I commend the bill to the House for passage.

AMENDMENT OFFERED BY MR. STAGGERS

Before we close debate, Mr. Chairman, I offer an amendment which I believe is concurred in by the committee.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Page 35, line 15, insert after the period the following: "The amendments made by this section shall not be construed as repealing or modifying the powers of the Secretary with respect to any conference convened under section 108(d) of such Act before the date of this Act."

Mr. STAGGERS. Mr. Chairman, I do not desire to discuss the amendment.

Mr. SPRINGER. Mr. Chairman, we have no objection to the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment was agreed to.

Mr. STAGGERS. Mr. Chairman, before the Committee rises, I do want to compliment the subcommittee. The members did work long and hard, for many hours, to bring this bill to the full committee and to the House.

I thank the gentleman from Illinois, the ranking minority member of the committee, the gentleman from Illinois (Mr. SPRINGER) and all who serve on the committee for their cooperation. They have done a grand job. And I believe we have brought a good bill to the floor for the good of the country.

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

The committee substitute amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. GALLAGHER, 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. 17255—to amend the Clean Air Act to provide for a more effective program to improve the quality of the Nation's air, pursuant to House Resolution 1069, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute? If not, the question is on the amendment.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CUNNINGHAM. In its present form, Mr. Speaker, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CUNNINGHAM moves to recommit the bill H.R. 17255 to the Committee on Interstate and Foreign Commerce.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

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

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

Mr. SPRINGER. 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 pro tempore. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 375, nays 1, not voting 53, as follows:

[Roll No. 164]

YEAS—375

Abbitt	Cabell	Farbstein
Abernethy	Caffery	Fascell
Adair	Camp	Feighan
Adams	Carey	Findley
Addabbo	Carter	Fish
Albert	Casey	Flood
Alexander	Cederberg	Flowers
Anderson, Calif.	Celler	Flynt
	Chamberlain	Foley
Anderson, Ill.	Chappell	Ford, Gerald R.
Anderson, Tenn.	Chisholm	Foreman
	Clancy	Fountain
Andrews, Ala.	Clausen, Don H.	Frelinghuysen
Andrews, N. Dak.		Frey
	Clawson, Del	Friedel
Annunzio	Cleveland	Fulton, Pa.
Arends	Cohelan	Fulton, Tenn.
Aspinall	Collier	Fuqua
Baring	Collins	Gallagher
Barrett	Colmer	Garmatz
Beall, Md.	Conable	Gettys
Belcher	Conte	Giaimo
Bell, Calif.	Conyers	Gibbons
Bennett	Corbett	Gilbert
Berry	Corman	Goldwater
Betts	Coughlin	Gonzalez
Bevill	Crane	Goodling
Biester	Culver	Gray
Bingham	Daniel, Va.	Green, Oreg.
Blackburn	Daniels, N.J.	Green, Pa.
Blanton	Davis, Ga.	Griffin
Blatnik	Davis, Wis.	Griffiths
Boggs	de la Garza	Gross
Boland	Dellenback	Grover
Bolling	Denney	Gubser
Bow	Dennis	Gude
Brasco	Dent	Hagan
Brinkley	Derwinski	Haley
Brock	Devine	Hall
Brooks	Dickinson	Halpern
Broomfield	Diggs	Hamilton
Brotzman	Dingell	Hammer-schmidt
Brown, Calif.	Donohue	
Brown, Ohio	Dorn	Hanley
Broyhill, N.C.	Downing	Hanna
Broyhill, Va.	Dulski	Hansen, Idaho
Buchanan	Duncan	Harrington
Burke, Fla.	Dwyer	Harsha
Burke, Mass.	Eckhardt	Hastings
Burleson, Tex.	Edmondson	Hathaway
Burlison, Mo.	Edwards, Ala.	Hawkins
Burton, Calif.	Edwards, La.	Hays
Burton, Utah	Eilberg	Hébert
Bush	Erlenborn	Hechler, W. Va.
Button	Eshleman	Heckler, Mass.
Byrne, Pa.	Evans, Colo.	Helstoski
Byrnes, Wis.	Fallon	Henderson
Hicks	Mills	Schadeberg
Hogan	Minish	Scherle
Holifield	Mink	Schneebeli
Horton	Minshall	Scott
Hosmer	Mize	Sebelius
Howard	Mizell	Shipley
Hull	Mollohan	Shriver
Hungate	Monagan	Sikes
Hunt	Montgomery	Sisk
Hutchinson	Morgan	Skubitz
Ichord	Morse	Slack
Jacobs	Morton	Smith, Calif.
Jarman	Mosher	Smith, Iowa
Johnson, Calif.	Moss	Smith, N.Y.
Johnson, Pa.	Murphy, Ill.	Snyder
Jonas	Murphy, N.Y.	Springer
Jones, Ala.	Myers	Stafford
Jones, N.C.	Natcher	Staggers
Jones, Tenn.	Nedzi	Stanton
Karth	Nelsen	Steed
Kastenmeier	Nichols	Steiger, Wis.
Kazen	Nix	Stokes
Kee	Obey	Stubblefield
Keith	O'Hara	Sullivan
King	O'Konski	Symington
Kleppe	Olsen	Taft
Kluczynski	O'Neal, Ga.	Talcott
Koch	O'Neill, Mass.	Taylor
Kuykendall	Patten	Teague, Calif.
Kyl	Perkins	Teague, Tex.
Kyros	Pettis	Thompson, Ga.
Landgrebe	Philbin	Thompson, N.J.
Landrum	Pickle	Thomson, Wis.
Langen	Pike	Tiernan
Latta	Pirnie	Tunney
Leggett	Poage	Udall
Lennon	Podell	Ullman
Lloyd	Poff	Van Deerlin
Long, La.	Preyer, N.C.	Vanik
Long, Md.	Price, Ill.	Vigorito
Lowenstein	Price, Tex.	Waggonner
Lujan	Pryor, Ark.	Waldie
Lukens	Pucinski	Wampler
McClory	Purcell	Watkins
McCloskey	Quie	Watson
McClure	Quillen	Watts
McCulloch	Railsback	Weicker
McDade	Randall	Whalen
McDonald, Mich.	Rarick	Whalley
	Rees	White
McEwen	Reid, Ill.	Whitehurst
McFall	Reid, N.Y.	Whitten
McKneally	Reifel	Widnall
Macdonald, Mass.	Rhodes	Wiggins
	Rivers	Williams
MacGregor	Roberts	Wilson, Bob
Madden	Robison	Wilson, Charles H.
Mahon	Rodino	
Mailliard	Rogers, Colo.	Winn
Mann	Rogers, Fla.	Wold
Marsh	Rooney, Pa.	Wolff
Martin	Rosenthal	Wright
Mathias	Rostenkowski	Wylie
Matsunaga	Roybal	Wyman
May	Ruppe	Yates
Meeds	Ruth	Yatron
Melcher	Ryan	Young
Michel	St Germain	Zablocki
Mikva	Sandman	Zion
Miller, Calif.	Satterfield	Zwach
Miller, Ohio	Saylor	

NAYS—1

Cunningham

NOT VOTING—53

Ashbrook	Fisher	Pepper
Ashley	Ford, William D.	Pollock
Ayres		Powell
Biaggi	Fraser	Reuss
Brademas	Galifianakis	Riegle
Bray	Gaydos	Roe
Brown, Mich.	Hansen, Wash.	Rooney, N.Y.
Clark	Harvey	Roth
Clay	Kirwan	Roudebush
Cowger	McCarthy	Scheuer
Cramer	McMillan	Schwengel
Daddario	Mayne	Steiger, Ariz.
Dawson	Meskill	Stephens
Delaney	Moorhead	Stratton
Dowdy	Ottinger	Stuckey
Edwards, Calif.	Passman	Vander Jagt
Esch	Patman	Wyatt
Evins, Tenn.	Pelly	Wydler

So the bill was passed.

The Clerk announced the following pairs:

Mr. Ashley with Mr. Ayres.
Mr. Rooney of New York with Mr. Wydler.
Mr. Passman with Mr. Cowger.
Mr. Delaney with Mr. Vander Jagt.
Mr. Biaggi with Mr. Pelley.
Mr. Stratton with Mr. Pollock.
Mr. Roe with Mr. Brown of Michigan.
Mr. Moorhead with Mr. Roth.
Mr. McMillan with Mr. Ashbrook.
Mr. Brademas with Mr. Riegle.
Mr. Daddario with Mr. Meskill.
Mr. Clark with Mr. Esch.
Mr. Evins of Tennessee with Mr. Cromer.
Mr. Dowdy with Mr. Bray.
Mr. Galifianakis with Mr. Steiger of Arizona.
Mr. Gaydos with Mr. Wyatt.
Mr. Patman with Mr. Roudebush.
Mr. Fisher with Mr. Schwengel.
Mr. Stephens with Mr. Mayne.
Mr. Pepper with Mr. Reuss.
Mr. Edwards of California with Mr. Clay.
Mr. William D. Ford with Mr. Powell.
Mr. Dawson with Mr. Scheuer.
Mr. Fraser with Mr. Ottinger.
Mrs. Hansen of Washington with Mr. Stuckey.
Mr. McCarthy with Mr. Kirwan.

The result of the vote was announced as above recorded.

The doors were opened.

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 bill (H.R. 17255) just passed.

The SPEAKER pro tempore (Mr. PRICE of Illinois). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COST OVERRUNS FOR THE SAFEGUARD ABM SYSTEM ARE INCREASING

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

Mr. OBEY. Mr. Speaker, tomorrow we will be voting on a military construction bill which includes $357 million for the Safeguard program. Before Members vote on this bill they should be aware of the fact that cost overruns for the Safeguard ABM system have been increasing by over $130 million per month for the past year. This is how we got where we are on ABM:

On March 14, 1969, President Nixon announced his position in favor of the Safeguard system. At that time he said:

> The present estimate is that the total coast of installing this system will be $6–$7 billion."

The frequenty quoted administration cost figure was $6.6 billion.

In early May 1969, it was revealed that the $6.6 billion cost of the system did not include $1.2 billion for the warheads, money included in the Atomic Energy Commission budget.

On May 22, 1969, it was revealed that another $2.5 billion had to be added to the total cost of the system for research and development. This made the total cost of the system $10.3 billion, including the cost of the warheads.

On May 22, 1969, it was also revealed that it was later decided to extend the

Safeguard system to cover Alaska and Hawaii, the cost of the program would increase $450 million to $500 million.

On December 1, 1969, Senator JOHN STENNIS, chairman of the Senate Armed Services Committee, issued a report on cost overruns indicating no overrun on the $4.185 billion cost of phase I, that part of Safeguard which had been approved by the Senate in August and the House in October.

On December 16, 1969, Senator HATFIELD revealed, and the Department of Defense acknowledged, that the overrun on phase I was $277 million.

On February 24, 1970, Deputy Secretary of Defense, David Packard announced that the cost of phase I had increased from $4.1 to $4.5 billion.

On April 8, 1970, Mr. Packard told members of the House Appropriations Committee that the cost of phase I had increased another $100 million, from $4.5 to $4.6 billion. At that time, he indicated that the total cost of the system is now estimated to be $10.7 billion, a cost overrun of $1.6 billion over the $9.1 billion estimated cost 1 year earlier.

In his April testimony Mr. Packard also acknowledged that the $10.7 billion total did not include the $1.2 billion for warheads, $158 billion for research on advanced radars, an unknown amount for warheads for the improved Spartan missiles, or operating costs which will range from $100 million per year for a two-site system to $350 million per year for a 12-site system.

These figures indicate that the cost overrun of this system has averaged over $130 million per month during the past year.

Furthermore, the total estimated cost of phase II deployment has almost doubled from the first announced figure of $6.6 billion to at least $12 billion, with millions more to be added in for warheads, the improved Spartan missile, operating costs, and perhaps the extension of the system to Alaska and Hawaii.

I have serious doubts, too, that costs for the ABM will stop here. Deputy Secretary Packard has conceded that inflation and design improvement may cause "some continuing cost growth of this defense."

With a system as complex as Safeguard, future design changes would certainly seem to be a reasonable expectation. Inflation will surely be a factor also, just as it is with nondefense expenditures.

In light of this, it is difficult to doubt that Mr. Packard's concerns for continuing cost growths will be justified.

INFORMATION ON THE ABM SYSTEM

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

Mr. SIKES. Mr. Speaker, in my remarks in the body of the RECORD today I shall include information on the ABM system, which I think will be of interest and value to the Members of the House.

Presumably on tomorrow we will take up the military construction appropriation bill, and I believe that the factual material which I shall place in the RECORD will be useful for a better understanding of the ABM system; what is proposed and what will be achieved. I trust you will study my statement.

FACTS YOU WILL NEED ON THE ABM

Mr. Speaker, the Committee on Appropriations has reported the fiscal 1971 military construction appropriation bill. It is H.R. 17970. Contained in this bill is the sum of $357 million for construction on the Safeguard program and $8.8 million for family housing to support Safeguard. The program is discussed in the committee's report issued June 8, 1970. In the report separate views appear on the ABM system. They are in opposition to the Safeguard system and I feel that I should comment on the statements contained therein.

First let me touch on the charges made that the costs are too high. Admittedly, the costs for Safeguard are high. So are the costs of all advanced weapons systems. Instead of looking at the cost of Safeguard, let us look at the alternatives. Without some measure of protection against missile strikes against the United States, an open invitation exists for any belligerent to risk inflicting a crippling blow if it should appear to be sufficiently in their interests to do so. I do not think anyone can calculate the cost of that risk, but I do not want to assume responsibility for imposing it upon us.

We anticipate that the ABM program will provide a high level of protection for our own strike capability and some protection for the people of our cities. Thus, in the event of a hostile strike, a substantial measure of death, damage and destruction could be averted. I do not know how to place a dollar value on that accomplishment either, but I will guarantee it would save human lives and much more than the cost of the Safeguard system. It would give us a chance to survive as a Nation which otherwise we would not have.

Now let us look at the actual costs of proceeding with the development of Safeguard.

The currently estimated Department of Defense investment costs for the Safeguard program which has been approved by the President—Grand Forks, Malmstrom, and Whiteman plus advanced preparation for five additional sites—is $5.9 billion.

In the event that the President decides to implement up to an eight-site Safeguard system and the Congress authorizes it, the total Department of Defense acquisition cost would be as much as $9 billion.

If it is necessary to go to a full 12-site system, the total Department of Defense acquisition cost would be $10.7 billion.

In evaluating these costs, it should be noted that about $2 billion has been obligated to date. For example, the $5.9 billion figure represents an additional obligation of about $4 billion. The corresponding figure for the 12-site deployment is approximately $8.8 billion.

The remaining obligations and expenditures required for any of these deployments would be spread over a period of more than 5 years.

Safeguard, whether a three-site or a 12-site deployment is worth the cost. Here is what the system would accomplish.

The three-site deployment provides substantial capability to protect a necessary number of Minuteman missiles against both SS–9 and SS–11 missiles. The U.S.S.R. does not presently have the capability to successfully attack our total Minuteman missile force in a first strike. The three-site deployment, by itself, will significantly increase the cost for our enemies to attain this capability.

A "picket line" defense will save substantial numbers of American lives in the event of a Chinese attack or an accidental attack.

The improved Spartan missile will have higher performance. Given a line of Safeguard sites across the northern boundary of the United States, plus the Whiteman and National Capital Area sites, such as is envisioned by the five additional sites, and given the improved Spartan, significant early protection temporarily can be provided from the Chinese threat. Clearly, in the event of such an occurrence, the additional expenditures involved would be well worthwhile.

A full 12-site defense would protect U.S. citizens against accidental launch and the kind of attack which the Chinese could launch within the decade. It would also provide substantially increased protection to U.S. land-based forces above that provided by the three-site deployment.

Safeguard is a program which can be implemented in a phased basis as the threat develops. Its costs must be evaluated against other alternatives.

First, there is no other alternative which would protect the American people in the event of an accidental launch or a Chinese attack.

Second, with regard to the protection of the U.S. land-based deterrent in the 1975 time period, in the absence of Safeguard, several programs would have to be started from scratch in fiscal year 1971 while the SALT talks are still in progress. These programs would have to be pursued simultaneously on a crash basis, with the additional costs which that would involve. There is no guarantee that these programs would be less expensive than the Safeguard system, that they would work, or that they could be deployed in time to meet the threat.

Finally, the full costs of other alternatives are not known, but they are apt to be equally expensive. As a point of reference, the Minuteman system, through fiscal year 1971, will have cost about $13 billion to build. A decision to resite Minuteman, whether in hard sites or on mobile launchers, would not be cheap. There are funds in the fiscal year 1971 budget to begin studies of various Minuteman point defense systems. However, their radars would still not be as hard as a missile silo. There is no guarantee that a point defense of Minuteman would be any cheaper than a Safeguard defense of Minuteman. An address by Dr. John S. Foster, Jr., on May 12, 1969, makes this clear:

The NIKE–X R&D program, upon which both Sentinel and Safeguard were based, always had a Sprint missile for point defense of targets, specifically Minuteman and cities. We have, from time to time, examined specialized systems, designed only to hard point defense, with the hope that we could find something much cheaper or much better. But we haven't found it.

The committee's hearings indicate that the cost to build and operate an additional 40 Poseidon submarines is estimated to be approximately $8 billion. The Navy's ULMS system is expected to cost substantially more.

Now let us talk about another charge which is carried in the separate views. The charge is that the capabilities of the Safeguard system are marginal and that its effect on the strategic arms race is explosive. These charges are not new. They are, however, usually not stated so succinctly. Stripped of their usual rhetoric, they reveal their basically contradictory nature. First let us talk about the effect on the strategic arms race.

There is no longer a race. We established goals years ago which we felt would provide an adequate capability for America's defense in our missile program. For a long time we were far ahead of the Soviets. That is no longer true. They have built a larger number of missiles than we, and their missiles are larger and more destructive. They are continuing to add to their missile capability by increasing the numbers. Both we and the Russians are improving the missiles that we have, but only the Russians are continuing to add significantly to the number of missiles in inventory. So we are not in a race with the Russians. We are not even trying to catch up.

In addition to their lead in missiles, the Russians have an advantage in experience. The Russians have built an ABM system. We do not know how good it is, but good or bad, they are several years ahead of us because their's is operational and our's is not. To seek a measure of protection for our own missile sites can hardly be seized upon by the Russians as an indication that we are stepping up the arms race. It is notable, however, that Communists negotiate more realistically when the odds favor the other side. We have never learned to throw our weight around in a conference, but the Russians have. It can be recalled that we flexed our muscles over the Cuban missile crisis and the Russians backed down. That is the only similar incident in recent history. Where we made our intentions and our determination very clear, the Russians backed down and that should tell us something. The Russians will deal much more realistically on arms limitations when they realize we mean to have an ABM capability to the extent that we need it.

Much is now being made of the fact that the Safeguard system is not adequate to defend American cities against a Russian attack. This is true. Safeguard is severely limited as a city defense against a Russian attack. The concept of an ABM system built primarily for city defense was abandoned when the Safeguard program was initiated. This system is intended to defend some of our Minuteman missiles and some of our strategic bombers so that they cannot be destroyed and the United States left helpless by a Russian first strike. As a result, the primary function of the Safeguard interceptors will be to defend Minuteman missiles and strategic bombers. Because of this and because of the configuration of the Safeguard deployment only a few interceptors would be available to defend a particular city. Nevertheless, the system will provide a limited defense of the American population against a Russian attack.

COMMENTS ON SEPARATE VIEWS

More significantly, the capabilities of the Safeguard system are adequate for missile defense against the U.S.S.R. provided there is only a moderate increase in Soviet missile capability in quantity and quality. The system is designed not to protect the whole 1,000 Minuteman force but to protect some portion of that force which is necessary to preserve the effectiveness of our land-based deterrent. It will do this job until it is overwhelmed—that is, its interceptors are exhausted. Clearly it has a limited number of interceptors. If the Russian threat increases by a very large factor, the Safeguard system will maintain its ability to destroy a given number of enemy missiles but will no longer guarantee the survival of a specific number of Minutemen. However, the cost to the Russians of building a force sufficient to guarantee that they could overcome this limited number of interceptors and also deliver a sufficient number of missiles in a first strike would be tremendous. In order to knock out the U.S. land-based second strike capability, the U.S.S.R. must deplete Safeguard area defense missiles nationwide with SLBM-launched missiles in order to destroy our bomber force. They must exhaust Safeguard defense missiles protecting Minuteman, and employ other missiles to destroy Minuteman. Finally, they must keep a sufficient number of missiles in reserve to destroy U.S. cities.

In summary, it is the nature of the Safeguard to greatly increase the cost of attaining a first strike capability while having little or no effect on the U.S.S.R.'s second strike capability. It is a limited system with limited purposes and for this reason it should slow, not accelerate, the acquisition of strategic weapons by the United States and Russia.

There is this statement in the separate views:

We predicted last year the Department of Army . . . would immediately seek its expansion into a nationwide system . . . the two-site Safeguard is now being expanded into an eight-site system.

Let me comment on this. Secretary of Defense, Melvin R. Laird, stated during the fiscal year 1971 budget hearings:

We are not moving ahead hastily with this program, but rather on a measured basis which preserves our deployment momentum. If we waited until Phase I was completed and tested before authorizing any additional deployment, we would lose several years in our deployment schedule. Certainly we could not complete a deployment before the end of the decade at the earliest, considering the necessity of rebuilding our entire production and construction team. This rebuildup would add significantly to the total cost of the program. But, most importantly, at the rate the threat is growing, Safeguard would not be available in time to match the expanding threat.

In an address before the annual luncheon of the Associated Press in New York on April 20, 1970, the Secretary of Defense, Melvin R. Laird, stated that—

Clearly, this administration has not accelerated the previously planned deployment of offensive systems during our 15 months in office. On the contrary, we have slowed it down. . . . We slowed the original deployment plan Congress approved, keyed it to the emerging threat on an annual review basis, and reoriented it to provide more timely protection needed for our land-based deterrent forces.

If the programed forces established by the last administration some years ago and approved by Congress were deemed appropriate and necessary for the security of the U.S. in the 1970's against the then projected threat, I am at a loss to understand how critics can claim that the Nixon administration has escalated the arms race. The record clearly shows that we have not done so. We have chosen instead to defer major new weapons decisions as long as possible pending developments in the Strategic Arms Limitation Talks.

With regard to the contention that the Safeguard system is being expanded from a two-site system to an eight-site system, it should be noted that funds are being requested only for advance preparation at five of the eight sites.

The purpose of advanced preparation is to start early on long leadtime tasks such as site survey and site selection. Advance preparation does not imply either authorization or commitment to deploy at the five sites. Furthermore, expenditures for these sites will be minimal in the fiscal year 1971 program.

The Deputy Secretary of Defense, David Packard, stated in the 1971 budget hearings that the advance preparation of the five additional sites does not commit us to full phase II deployment without further review and further decisions. The deployment can be modified as required by changes in the threat, arms limitation negotiations, or unilateral actions of the Soviets or Chinese Communists.

There are a number of other statements made in the separate views on which I propose to treat briefly. For instance, the separate views state:

As far as the protection of our Minuteman ICBM's is concerned, the Safeguard ABM is not a plausible defense. . . . If the Soviet Union should ever undertake the destruction of our Minuteman ICBM's, the Safeguard ABM could be easily neutralized by a concentrated attack on the missile site radars.

By way of comment, let me state this: As previously mentioned, the U.S.S.R. would have to exhaust Safeguard defensive missiles in an attack on missile site radars.

Dr. Charles Johnson, scientific adviser to General Starbird, testified before the Military Construction Subcommittee last year—part 1, page 175. Part of the discussion was as follows:

Mr. LONG. Arthur Biel of Lawrence Radiation Laboratory says: The missile site radars have been designed to handle multiple reentering objects and hence should be effective against saturation attack, including attacks on themselves. The most probable mode

of failure would be through the exhaustion of defending Sprints.

Dr. JOHNSON. That is right. When you design a system of this sort you try to design it so that you will only fail under exhaustion. You can add Sprint if you expect the attack to be larger. We try to avoid failing from, what I mentioned earlier, leakage, or blackout, or things we call Achilles heels.

If we fail by exhaustion, that means we have taken one of his reentry vehicles out for each Sprint that he might have shot at the radar or silo.

The Safeguard system is designed to protect against or increase the cost of a first strike attack. The U.S.S.R. must provide additional missiles to knock out Safeguard radars. This will greatly increase the cost to them of a first-strike attack. Also in order to achieve a first strike capability against Minuteman defended with Safeguard, they would have to build a tremendous number of additional SS–9's and equip them all with MIRV's or, more likely, build many SS–9's with MIRV's and build and re-equip a substantial number of SS–11 rockets with more accurate warheads.

I have already discussed the Chinese threat. But it is evident that a thin system will be able to give early protection against the Chinese, a full 12-site system will give protection through the next decade, and the 12-site system likely can be modified to give substantial protection against the Chinese threat long into the decade of the 80's.

Let me point out also in connection with accidental launch, that such a launch would come from the same direction as a purposeful launch and be handled in the same manner as a purposeful launch.

Consequently, the same detection and defense would be effective.

I note also this paragraph in the separate views:

> There was a great protest . . . against the proliferation of nuclear-warheaded Sprint and Spartan missiles within our shores. The President's rejection of the Sentinel and his limitation of the system . . . hushed the protest. But apparently the shrinking of the ABM was only a temporary pause . . . bringing into existence again the possibility of the American people having to live in proximity to the nuclear antimissiles.

Let me make this comment.

This statement implies that the Safeguard system, like the Sentinel program, would place nuclear warheads in very close proximity of large population centers. This contention does not consider the basic difference between the Sentinel and Safeguard systems. The President stated in his news conference of March 14, 1969, that—

> The program also does not do some things which should be clearly understood. It does not provide defense for our cities, and for that reason the sites have been moved away from our major cities. I have made the decision with regard to this particular point because I found that there is no way, even if we were to expand the limited Sentinel system which was planned for some of our cities to a so-called heavy or thick system—there is no way that we can adequately defend our cities without an unacceptable loss of life.

Deputy Secretary of Defense David Packard in a statement before the Senate Foreign Relations Committee said:

> The Safeguard deployment away from cities shows the Soviets that we are not to gain a first strike capability against them. Our cities . . . cannot be and will not be protected from heavy Soviet attack.

Secretary of Defense Melvin R. Laird stated before the same committee that:

> We are recommending that we change from what could be construed as a provocative deployment around our cities—the original Sentinel—to a defensive, and clearly nonprovocative, phased deployment.

Finally some Safeguard critics point to this year's Defense budget request of some $365 million for research, development, test, and evaluation of Safeguard and argue that there is obviously too much concurrency between research and development and the procurement and deployment activities. They ask, How can we be justified in moving ahead with deployment, particularly deployment beyond phase 1, when we are still being asked to put up that kind of money for research and development?

To those critics I say let us review the cold, hard facts. An unbiased review of these facts can only lead to the conclusion that concurrency is no real problem and that we must move ahead now with the modified phase 2 deployment.

First, it is a fact that the Soviet Union has built up a rather alarming momentum in the development and deployment of their strategic offensive missile forces—a momentum which, if continued, will result in a serious threat to the survivability of our land-based retaliatory forces by the mid-1970's. Also, the recent Chinese demonstration of competence in the satellite field and their continuing progress in nuclear weapons technology pose a potential threat to our population which could also materialize in the next 5 or 6 years.

Second, it is a fact that the 365 million dollars I mentioned is to cover not just research and development but also test and evaluation and, I might add, will be distributed much more toward the test and evaluation end of the spectrum than toward the research end. The research part of this program, most of the development, and much of the testing, as far as the major components are concerned, is now history.

After all, this hardware is, as of now, backed up by years of solid, intensive development and test effort. The Spartan is a direct descendant of the Zeus missile, whose development history goes back some 14 years; the phased-array radars and Sprint missile development go back 7 years to the beginning of the former Nike-X program. The Spartan and Sprint missiles have done quite well in their development testing phase. The missile site radar, data processors, and computer programs have been tied together at Meck Island and made to operate successfully. A limited engineering development model of the perimeter acquisition radar has been operating with good results.

There are simply no big scientific problem areas or high risk development questions to cause us worry. There now remains, of course, a lot of good hard, honest engineering effort to be put into making these components work together as an integrated system through system testing. That effort will be expensive and time consuming and will be funded for the most part from R.D.T. & E. appropriations, as it is on any large complex system, but it does not in any practical sense preclude moving on with production and site construction. The modified Spartan missile is somewhat of an exception since it still must go through a development and component test period, but it is a rather straight-forward development with no known high-risk features. In the case of all of the major components, though, including modified Spartan, the program is being managed so that concurrency between component development and testing and the production and installation of those components will be kept to a minimum.

Third, it is a fact that some of the system integration work will be carried out on the ground at the phase 1 sites as they are deployed.

For example, they will provide for multiplesite radar internetting tests that can only be done when there are two sites. Again, though, this is not a high-risk effort but just a considerable amount of shakedown and adjustment work. It is also a fact that the equipment readiness dates for these two sites and the third site, for which funds are being requested this year, have been carefully planned to be at least 4 months apart so that orderly use can be made at each site of the deployment and test experience gained at the earlier sites.

Fourth, it is a fact that to get any large and complex weapon system installed and operating to meet the very real threats that could confront us by the mid-1970's requires action now. For example, if we waited for phase 1 to be completed and only then decided to move further with the deployment, it would be 1980 at the earliest before such additional deployments could be realized.

My analysis of these facts leads me to the conclusion that the very least we can do is to move ahead with the very prudent modified phase 2 deployment proposed by the administration. Any lesser course of action would mean taking intolerable risks with our national security.

ADM. CHESTER R. BENDER, COMMANDANT OF THE COAST GUARD

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

Mr. GIBBONS. Mr. Speaker, because of an important meeting of the Ways and Means Committee, I was unable to be present at the swearing-in ceremony of Adm. Chester R. Bender as our new Commandant of the Coast Guard. He and his family have my heartiest congratulations.

We in the Sixth Congressional District of Florida are especially proud that Admiral Bender grew up in Plant City, Fla., and many of his family still reside there. He was graduated from the Coast Guard Academy in 1936. A pilot, he earned his wings in June 1940.

He has had a distinguished service in the Coast Guard. Admiral Bender re-

ceived the Bronze Star Medal during World War II for service in the Philippines as air-sea rescue advisor and liaison officer with the Far East Air Forces under the commander, 7th Fleet.

After the war he commanded air stations at Traverse City, Mich., and Barbers Point, Hawaii, and the cutter *Bering Strait* in the Pacific. He also held several posts at Coast Guard headquarters in Washington, serving at one time as aide and pilot to the Commandant.

He was promoted to rear admiral in 1964 and served as commander, 9th Coast Guard District—covering U.S. Coast Guard activities on the Great Lakes—and Superintendent of the Coast Guard Academy. Most recently, Admiral Bender served in San Francisco as commander, 12th Coast Guard District and as commander, western area. In the latter capacity, he exercised certain operational controls over all Coast Guard commands in the Pacific.

He was nominated to be Commandant of the Coast Guard with the rank of admiral, on April 16, 1970, for a 4-year term beginning June 1.

Admiral Bender is married to the former Annamarie R. Ryan of Sault Ste. Marie, Mich. They have one son, Mark Allan.

We in the Sixth District have especial reasons to be grateful to the Coast Guard for its services. Recently, the Coast Guard assisted in the removal of oil from two derelict ships in Tampa Harbor, which if not removed, would have endangered our beaches and polluted a large area.

Because I think the public needs to be reminded of the vast and varied activities of the Coast Guard not only in oil pollution control, but in marine safety, hazardous cargo operations, port security, and marine law enforcement, I would like to conclude these remarks by attaching a fact sheet of the vital services performed by the Coast Guard.

May I say again, congratulations to Adm. Chester R. Bender for his many services to our Nation. I am confident the Coast Guard will continue to perform its many vital services to our Nation under his able command.

The fact sheet referred to follows:

FACT SHEET: U.S. COAST GUARD—TODAY AND TOMORROW

Search & Rescue—In 1969 the Coast Guard responded to more than 48,000 calls for assistance and provided help to 4,675 persons in peril. The value of vessels and aircraft (including cargo) aided came to $2.5 billion, or more than four times the Service's entire budget for the year.

Operating Forces—The Coast Guard operates some 330 ships, 168 airplanes (including 104 helicopters) and over 700 shore units of all types. There are approximately 38,500 military personnel in the Service, including 900 cadets at the Coast Guard Academy. Through a modernization program begun several years ago, the Coast Guard has constructed a sizable fleet of medium and high endurance cutters.

Aids to Navigation—The Coast Guard maintains over 45,000 aids to navigation in the U.S. and in certain overseas areas. They range from familiar lighthouses (many are now automated) to buoys, lightships, offshore towers, and LORAN transmitting stations. The latter form a global network, extending from Europe, the Far East and Southeast Asia as well as the U.S.

Icebreakers—Seven Coast Guard polar icebreakers and one for the Great Lakes, make up the U.S. icebreaker fleet. These cutters bring vital supplies to Arctic and Antarctic bases and conduct scientific and oceanographic missions. The Coast Guard's 1971 budget includes appropriations for the first new icebreaker to be built by the U.S. since 1954. The powerful cutter will be 385' in length, displace 12,200 tons, and have a 40,000 shaft horsepower.

Law Enforcement—As the chief federal agency for maritime law enforcement, the Coast Guard enforces a number of federal laws dealing with navigation, pollution, port safety and conservation. In the latter area, Coast Guard ships and aircraft enforce fisheries conservation agreements with Canada, Russia and Japan.

Vietnam—Under the President's Vietnamization program, the Coast Guard is training South Vietnamese Navy personnel to take over operation of the 82-foot patrol boats which the service has manned there since 1965. Thus far, 19 of 26 cutters have been transferred. Two large Coast Guard cutters are also being turned over to the Republic of Vietnam.

Oil Pollution Control—A Coast Guard research and development team has successfully tested an air-delivered anti-pollution transfer system (ADAPTS) which can remove oil from damaged tankers. The system uses collapsible, inflatable, rubber-coated bladders, each capable of storing and transporting as much as 140,000 gallons of oil. Coast Guard aircraft drop the bladders and associated pumping equipment by parachute. ADAPTS is one element of a comprehensive pollution control effort in which the Coast Guard is involved. Other features include a harbor advisory RADAR system for improved traffic control, pollution containment systems, clean-up systems, and increased surveillance. The Coast Guard has also been designated to administer a clean-up contingency fund under the provisions of the Water Quality Improvement Act of 1970.

A COLLEGE PRESIDENT'S APOLOGY TO THE PRESIDENT OF THE UNITED STATES

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

Mr. WAGGONNER. Mr. Speaker, the current issue of U.S. News & World Report—June 15—carries excerpts from a letter written by Dr. Miller Upton, president of Beloit College in Beloit, Wis., to President Nixon under the headline, "I Apologize for the Grotesque Failure of the Campuses."

The good doctor has displayed more honesty, more commonsense, more understanding of the difficulties facing the President than has any man I know. In a few hundred words, he has said what most college presidents in the Nation have had neither the courage nor the intelligence to say about the tragic lack of rational leadership on the campuses across the Nation.

I will shorten my introductory remarks about his letter in the hopes that my colleagues will take the few minutes necessary to read Dr. Upton's letter in its entirety. Few have ever said so much in so few words. This is his letter:

COLLEGE PRESIDENT'S OPEN LETTER—"I APOLOGIZE FOR THE GROTESQUE FAILURE" OF THE CAMPUSES

(NOTE.—Recently the president of Beloit college in Beloit, Wis., Dr. Miller Upton, wrote an open letter to President Richard M. Nixon. Excerpts follow:)

As a college president, a past scholar-teacher, and one who has consciously devoted his whole life to the cause of higher education . . . I wish to apologize to you and the nation for the grotesque failure of the academic community at this hour of national trial and turmoil. . . .

I was a conscientious objector during World War II, and were I of draft age now I would be a conscientious objector again. But my moral opposition to war—however deeply and conscientiously held—does not entitle me on any ethical or moral grounds to take violent action against those who disagree. I must bear witness to truth as I see it, but I must also respect the right of the other person to do the same. Certainly I must never hurt or demean another simply because he won't go along with my own conviction. . .

We in the colleges and universities have tolerated unspeakable intimidation and thought control on the part of radical students, faculty and others. And yet when Vice President Agnew speaks out forcefully against such, the only voices that are heard from the academy are those who castigate him and you for repressing dissent.

There are few college campuses, if any, where Vice President Agnew—or any member of your Cabinet, for that matter—could speak without disruption and even physical abuse and intimidation. But a convicted murderer, dope peddler, or one committed to the forceful overthrow of the Government will receive not only a respectful hearing but will be paid a handsome honorarium in addition.

In the light of his high position, I have been embarrassed by some of the Vice President's intemperate language. But surely he has as much right to dissent and to be given a respectful hearing as any of the criminal element of our society.

Much of the academic community is now telling you how to settle the war in Vietnam and being critical of your effort to protect lives and shorten the war by moving troops into Cambodia. I find it highly unbecoming of us to presume to tell you how to fight the war in Vietnam when we aren't even able to settle the wars on our own campuses.

Nor do I use the word "war" in this context lightly. The throwing of missiles to do physical harm, the throwing of fire bombs to burn buildings, the use of guerilla tactics via arson and vandalism, the shooting and killing of combatants and noncombatants is every bit as much war as that which prevails in Vietnam, Cambodia and the Near East. I have often wondered sardonically how many protesters of napalm have themselves thrown fire bombs or engaged in arson.

I have also been appalled by a certain arrogance and inconsistency on our part with regard to the way we are free to tell you and others how to handle your jobs but become deeply resentful, insulted and even hostile when there is any suggestion of your intrusion into "our" domain. I am quite sure that I am able to run Beloit College better than you, but by the same token I am sure that you are able to deal with the issues of the Presidency of the United States—including fighting the war in Vietnam—better than I.

The widespread propensity of members of the "intellectual" community to make judgments without benefit of facts is one of my greatest disillusionments and embarrassments. As a matter of fact, my early naïveté led me to embrace the academic life because of my belief that members therein were committed to intellectual honesty, rational be-

havior and humanistic concern and compassion. Recent incidents have merely confirmed all the more what my life's experiences have suggested:

Academic man is as much motivated by vested interest, is as much controlled by base emotion, and reasons as much from prejudice as any other mortal. . . .

Although my own sentiments are basically with the young people, I must admit that there is a general pandering to the young at the present time that is both disgusting and irresponsible—disgusting because it prostitutes normal respect and affection; irresponsible because it is creating an unrealistic cleavage between age groups. . . .

We have been quick to tell you that you are alienating the youth of America, but we seem to pay little attention to the way we are alienating our own constituencies by our failure to protect the authentic academic integrity of our institutions.

Implicitly we are also alienating the youth of America over the long run by our failure to be faithful to our leadership responsibilities.

The pain that hurts most of all is the realization that I bear partial responsibility for the unnecessary deaths of four young people on the campus of Kent State University. The National Guard troops should never have been there in the first place because we should never have permitted the conditions to develop which necessitated the presence of troops. Once this die was cast, it was simply a matter of time before tragedy would strike.

If fault lies anywhere for the Kent State deaths, it lies not with you and the Vietnam war but with the radical acts and excesses we have tolerated in the name of dissent. . . .

Last fall I joined with a number of other college presidents to urge your rapid withdrawal of troops from Vietnam. I reaffirm this plea. But when I consider the whole matter fully and objectively, I have to concede that you have been more faithful to your leadership responsibilities than we in academe have been to our own.

HARASSMENT AND MISTREATMENT OF FOREIGN NATIONALS

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

Mr. SYMINGTON. Mr. Speaker, harassment and mistreatment of foreign nationals is not a new phenomenon on the world scene. It is a primitive practice dangerous enough to the pursuit of peace when confined to private citizens such as the Americans and British who are held as innocent hostages by revolutionary forces in Jordan today. But the recent kidnapping of the U.S. diplomat in Jordan, Morris Draper, seems to signal a renewal of the series of threats, kidnappings and other aggressive acts against diplomatic personnel by individuals and groups seeking political leverage in certain countries. This has resulted in the tragic death of a distinguished German Ambassador, an American Ambassador, and great danger to a number of others.

The pattern casts a somber shadow on the path ahead for any nation which harbors malcontents. As one formerly charged with insuring the protection of the persons and property of the diplomatic corps in Washington, and who sought for 2 years to increase that protection, I am sensitive to the effect the absence of such protection has on the attitudes of foreign emissaries and their confidence in our laws and the integrity of our society. The shame and difficulty which attend the harassment of Embassy personnel by the casual criminal would be infinitely magnified should such activity be initiated to achieve political goals. I would certainly not wish to see the tactic of diplomatic kidnapping employed here by any group or individual seeking to free prisoners who would be for the purpose described as "political."

The problem is worldwide both in geography and significance. It strikes at the heart of the world's best hope for peace which lies in calm and uninterrupted communication between governments and the people they represent.

The framework for such communication is fragile enough without subjecting it to this kind of strain. How may we seek to minimize the possibility that this tactic will continue to be employed by desperate men? I think the establishment of an international compact with two principal provisions could prove helpful. By the first, a signatory nation would agree to extradite any person whose release is achieved in this manner, following the removal of the threat to the diplomatic personnel concerned. By the second formal recognition would be denied by a signatory nation to any government formed by persons who have pursued this avenue to power. These groups and individuals should be brought to justice, not to power, by deeds of this kind. In the meantime, they must be considered virtual pariahs in a family of nations which would call itself civilized. They should be treated as such. For this reason I introduced this resolution which I hope might find the favor of this House.

PROPOSED CHANGE IN HOUSE RULES ON VOTING

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

Mr. GUBSER. Mr. Speaker, for myself, and a bipartisan group of about 40 Members of the House, I am today introducing an amendment to the House rules which would provide simply that the author of an amendment defeated on a teller vote may be recognized in the House for the purpose of requesting a separate yea-and-nay vote on his amendment. If 20 percent of a quorum support his request, the yeas and nays would be ordered.

As you know a number of student groups have raised a very legitimate point regarding meaningful and important teller votes which are not a matter of record.

The absence of a recorded vote on specific issues has created a situation where individual groups now place their own interpretation on the strictly procedural vote on the previous question. This is a dangerous practice because it is subject to numerous interpretations and, furthermore, transfers minority rights to the majority.

Congress, as an institution, is under attack. The charge of "secrecy" is a valid one and we should move forthwith to change the antiquated teller system of taking votes.

Every citizen has the right to know how his Congressman voted. This is why we have introduced this much needed amendment to the Rules of the House of Representatives.

My bill is cosponsored by the following Representatives of both parties: JOHN B. ANDERSON, Republican, of Illinois; CHARLES E. BENNETT, Democrat, of Florida; EDWARD G. BIESTER, JR., Republican, of Pennsylvania; JOHN BRADEMAS, Democrat, of Indiana; DONALD G. BROTZMAN, Republican, of Colorado; GARRY BROWN, Republican, of Michigan; GEORGE BUSH, Republican, of Texas; DANIEL E. BUTTON, Republican, of New York; WILLIAM CLAY, Democrat, of Missouri; R. LAWRENCE COUGHLIN, Republican, of Pennsylvania; PHILIP M. CRANE, Republican, of Illinois; JOHN DELLENBACK, Republican, of Oregon; DAVID W. DENNIS, Republican, of Indiana; JOSHUA EILBERG, Democrat, of Pennsylvania; SEYMOUR HALPERN, Republican, of New York; KEN HECHLER, Democrat, of West Virginia; FRANK HORTON, Republican, of New York; EDWARD I. KOCH, Democrat, of New York; ROBERT L. LEGGETT, Democrat, of California; SPARK M. MATSUNAGA, Democrat, of Hawaii; CATHERINE MAY, Republican, of Washington; ROBERT MCCLORY, Republican, of Illinois; PAUL M. MCCLOSKEY, JR., Republican, of California; JOSEPH M. MCDADE, Republican, of Pennsylvania; CLARENCE E. MILLER, Republican, of Ohio; CHESTER L. MIZE, Republican, of Kansas; RICHARD L. OTTINGER, Democrat, of New York; CLAUDE PEPPER, DEMOCRAT, of Florida; BERTRAM L. PODELL, Democrat, of New York; ALBERT H. QUIE, Republican, of Minnesota; OGDEN REID, Republican, of New York; HENRY S. REUSS, Democrat, of Wisconsin; DONALD W. RIEGLE, JR., Republican, of Michigan; PHILIP E. RUPPE, Republican, of Michigan; JOHN P. SAYLOR, Republican, of Pennsylvania; HENRY C. SCHADEBERG, Republican, of Wisconsin; FRED SCHWENGEL, Republican, of Iowa; SAM STEIGER, Republican, of Arizona; LOUIS STOKES, Democrat, of Ohio; CHARLES M. TEAGUE, Republican, of California; JOHN V. TUNNEY, Democrat, of California; LIONEL VAN DEERLIN, Democrat, of California; CHARLES W. WHALEN, JR., Republican, of Ohio; and JOHN M. ZWACH, Republican, of Minnesota.

OBSTRUCTION OF JUDICIAL PROCEEDINGS

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

Mr. ADAIR. Mr. Speaker, the recent Chicago Seven conspiracy trial and the Black Panther trial in New York are part of an assault by revolutionaries and anarchists who seek to destroy our democratic institutions. The use of disruptive tactics by the defendants and their counsel in these cases to obstruct and sabotage the judicial process was one of the most shameful episodes in American judicial history. Since it was never anticipated that defendants would seek to escape justice by making it impossible to

conduct a trial at all, we are ill equipped to meet this new and serious challenge to our judicial system. Consequently, I am today introducing legislation which I feel will tend to deter such misconduct in the future and maintain the decorum and civility in a courtroom which is so essential to preserving the rights of the accused and promoting the search for truth.

In order to understand why present remedies are inadequate and how this void will be filled by the legislation I propose, it is necessary to review a few of the recent cases in which attempts have been made to prevent the judicial process from functioning.

In 1944, the U.S. Government tried 30 American Nazis and Fascists for undermining the morale of our Armed Forces. Throughout the trial the defendants and their lawyers used storm trooper tactics. When a document was offered in evidence, each lawyer would read it for 10 or 15 minutes and then let his client study it leisurely. Then each of the 30 lawyers would rise and make an objection in as belligerent and insulting manner as possible. Judge Eicher, concerned that he might create reversible error, practiced restraint and listened patiently to the abuse and insults directed at him. After 7 months of continued disruption, Judge Eicher died. His death created a mistrial and the defendants went free as the Government prosecutor did not want to engage in a second ordeal.

Five years later in a trial of 11 Communist leaders before Judge Harold Medina in the Federal district court in New York, the defendants, aware of the success of obstructive tactics in the 1944 trial, attempted to wear down the judge by insolence. On several occasions Judge Medina was called a Fascist in court. Defense counsel on 1 day alone made 30 motions designed to delay the trial. The argument on a motion to close the doors during lunch lasted 2 days. Judge Medina survived the trial but the effect which the barrage of criticism and courtroom disruption had on him is reflected in the following statement which he made in court:

> You will not goad me into making any statements which will create error in this courtroom. But I plead with you, stop it. You are wearing me down. I don't know whether I will be able to last through the trial, but I will do my utmost to do so.

The preceding two cases are mild in comparison to the brazen disregard which the defendants in the Chicago Seven trial had for our judicial system. The audacity of the defendants, their counsel, and partisans of these defendants who packed the courtroom, was the most serious challenge our judicial system has ever experienced and made the effective conduct of the judicial process impossible.

Judge Hoffman was insolently referred to as "Julie," "Hitler," "fascist pig," "liar," "sadist," and "executioner," and was told that "he will go down in infamy." They screamed obscenities which even in the most permissive circles would be considered extreme. A Vietcong flag was brought into the courtroom. They ridiculed the court by putting on judicial robes. Not only did their lawyers do nothing to quiet their clients, but they supported and justified their outbursts. The defense lawyers, despite instructions not to advise the jury of certain rulings, deliberately violated these instructions and informed the jury about them. In addition, the defendants packed the courtroom with partisans who yelled derisive comments at the prosecutor and the judge and joined in bursts of loud laughter by defendants at adverse testimony.

The most recent courtroom debacle is the trial of the Black Panthers who were indicted in New York for numerous offenses, including the bombing of two police stations. The defendants and their six counsel used the same tactics that had been used in the Chicago trial, with a few ingenious variations. When they entered the courtroom, both defendants and their adherents yelled "power to the people." They called Justice Murtagh "fascist pig," "faggot," "gangster," and numerous other insults. On two occasions, they caused melees in which they threw tables and chairs around the room. They threatened the judge continuously with such phrases as "we are going to get you."

In one screaming scene, the defendants kicked and fought with court attendants. One detective and three policemen were hospitalized. A bomb was thrown at the judge's home and there were riots near the courthouse. The lawyers approved of the conduct of their clients as ideologically justified and necessary. Finally, Justice Murtagh suspended proceedings as witnesses could not be heard and there were riotous conditions in the courtroom.

These recent cases dramatically illustrate the nature of the challenge confronting our legal system today and the inadequacy of existing remedies. For any provoked misconduct on the part of the judge there is a full legal remedy. The propriety of the judge's or prosecutor's conduct can be the subject of repeated appeals by the defendant on due process grounds.

The only remedy, however, for misconduct by the defendant and/or his counsel is the contempt power which is not adequate to ward off the new challenge the revolutionaries are mounting against our courts. "Direct criminal contempt," which appears in rule 42(a) of the Federal Rules of Criminal Procedure, has been defined as "any act committed in the immediate view and presence of the court or so near the presence of the court as to obstruct or interrupt the due and orderly course of the proceedings." Under rule 42, such conduct is punishable by summary disposition.

The criminal contempt power is insufficient for the following reasons: First, the judge is hesitant to use such power as its use may constitute reversible error; second, rule 42(b) of the Federal Rules of Criminal Procedure may disqualify a judge from presiding over the contempt charge; third, contempt charges become effectual only after the trial; and fourth, contempt charges are an ineffective deterrent to such conduct.

It should be clearly understood, at the outset, that the actions of the accused and their counsel in these trials were directed at the judge and/or the prosecutor as symbols or representatives of the Government, and undertaken for the purpose of sabotaging the trial either by causing unnecessary delays, forcing the judge to commit reversible error, or simply diverting attention from the charges brought against the defendants. This being done with the hope that the judge will react in such a manner that public opinion will be aroused in their behalf. It is for this reason that the contempt power is inadequate.

In such cases, the judge must be extremely cautious in his use of the contempt power as it can easily be interpreted as being arbitrary or oppressive. The judge who is offended is often charged as acting as both the prosecutor and judge. When a jail sentence is imposed, as the jailing of Bobby Seale in the Chicago Seven trial, questions of due process concerning the right of an accused to a trial with all the attending safeguards arise. Mr. Chief Justice Taft in *Cooke* v. *United States* (1925) 267 U.S. 517, 539, 69 L. Ed. 767, 45 Sup. Ct. 390, referred to this dilemma:

> The power of contempt which a judge must have and exercise in protecting the due and orderly administration of justice and in maintaining the authority and dignity of the court is most important and indispensable. But its exercise is a delicate one, and care is needed to avoid arbitrary or oppressive conclusions. This rule of caution is more mandatory where the contempt charged has in it the element of personal criticism or attack upon the judge. The judge must banish the slightest personal impulse to reprisal, but he should not bend backward and injure the authority of the court by too great leniency. The substitution of another judge would avoid either tendency . . .

It was this opinion of Mr. Chief Justice Taft that prompted the enactment of the disqualification provision of rule 42(b) of the Federal Rules of Criminal Procedure which reads in part:

> (b) . . . If the contempt charged involves disrespect to or criticism of a judge, that judge is disqualified from presiding at the trial or hearing except with the defendant's consent. . . .

The Federal courts have generally taken the position that whether a judge is disqualified or not is "determined by the degree of personal reaction by the judge which is shown or may be presumed to result from the particular misconduct charged. In any event, the possibility of unfairness resulting from his reaction is certainly the underlying rationale for the application of the rule." 3 A.L.R. Fed. 420, 425–426.

In *Offutt* v. *United States* (1954) 348 U.S. 11, 99 L. Ed. 11, 75 Sup. Ct. 11, the Court conceded that judges also are human and may unwittingly identify offense to self with obstruction to law and that in such cases the judge should not sit in on the contempt charge. Reviewing the history of the disqualification, the court in *United States* v. *Brandt* (1961, CA 6, Mich.) 294 F. 2d 879, followed the construction that if the contempt was in any sense personal to the judge, raising the issue of possible unfairness resulting from the operation of human emotions, a

hearing and disposition of the charges should be made by a different judge. Similarly, see *United States* v. *Combs* (1968 CA 6, Ky.) 390 F. 2d 426, 3 A.L.R. Fed. 410.

In order to avoid placing a judge in the position of being overcautious to take action because it might constitute reversible error and to avoid the problems inherent in determining whether the judge is disqualified under rule 42(b) and the consequent disruption of the trial, I am introducing, with 27 cosponsors, the following legislation to make the conduct charged a separate indictable offense:

H.R. 18006

To amend title 18 of the United States Code to provide a penalty for persons who interfere with the conduct of judicial proceedings, and for other purposes

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 73 of title 18 of the United States Code is amended by inserting at the end thereof the following new section: "1511. Obstruction of court and grand jury proceedings

"(a) Whoever interferes with the conduct of any proceeding before a judicial officer of the United States by willfully and repeatedly interrupting such proceedings with noisy outbursts, obscenities, insults, or other similar conduct, shall be fined not more than $5,000 or imprisoned for not more than 5 years, or both.

"(b) For the purposes of this section, the term 'judicial officer' means the Supreme Court of the United States, a United States court of appeals, a United States district court, or any justice or judge of such courts or a United States magistrate."

(b) The chapter analysis of such chapter 73 is amended by inserting immediately below the item relating to section 1510 the following:

"1511 Obstruction of court and grand jury proceedings"."

This legislation will provide an objective test as opposed to the present subjective one in order to determine whether the conduct is criminal and whether or not the judge is disqualified.

Moreover, the contempt charge is effectual only after the trial as a deterrent to future misconduct. If the defendant and/or his counsel were on notice that such conduct, itself, constituted a felony, it is unlikely that they would engage in such as an indictment would be immediately brought by the U.S. attorney and the defendants would have no opportunity to sabotage the trial. In addition, defendants, such as those in the 1944 Nazi trial, who caused charges to be dropped by their disruptive tactics could still be charged with the separate crime of obstructing justice.

The use of obstructive tactics to sabotage a trial is a more serious "obstruction of justice" than those appearing under that heading in chapter 73 of title 18 of the United States Code which carry the same penalty; for example, influencing an officer, juror, or witness; picketing outside a courtroom; and obstruction of proceedings before departments, agencies, and committees.

Obstruction of judicial proceedings was considered indictable at common law. *Lawler* v. *Commonwealth*, 43 S.W. 2d 348, 241 Ky. 82. Moreover, prior to the revision of the Federal law on crimes in 1940, it was considered a felony. Section 135 of 35 Stat. 1113 enacted on March 4, 1909, provides in pertinent part:

Whoever . . . in any court of the United States or before any United States commission or officer acting in such commission, or any grand or petit jury . . . who corruptly or by threats or force or by any threatening letter or communication, shall influence, obstruct, or impede the due administration of justice shall be fined not more than $1000 or imprisoned not more than 1 year or both.

This section became what is now section 1505 of the United States Code in 1940 and is entitled "obstruction of proceedings before departments, agencies, and committees." All reference to obstruction of proceedings in a Federal court or grand jury proceeding was dropped and for no apparent reason—at least, no rationale appears in the report accompanying the legislation.

In addition, it should be noted that a number of States have enacted similar statutes for the protection of State judicial systems from such abuse. Section 27 of article 2 of the Maryland Code, for example, provides as follows:

If any person . . . in any court of this State . . . endeavor to obstruct or impede, the due administration of justice therein, he shall be liable to be prosecuted therefor by indictment . . .

This legislation was upheld by the court in *Romans* v. *State* (1940) 16 A. 2d, 642, 178 Md. 588, 61 Sup. Ct. 732, 312 U.S. 695, 85 L. Ed. 1131, as being constitutional:

The statute is in aid and definition of a class of those criminal acts which are known to the common law as obstructions of justice. The words of the statute are general and embrace in comprehensive terms various forms of obstruction . . . Likewise, if by acts of similar quality and nature, the due administration of justice in any court shall either be impeded or obstructed or be so attempted, there is an obstruction of justice. . . .

In summary, the legislation we introduce today simply codifies common law and reenacts a provision which formerly existed in the United States Code. This is not a repressive measure, but one designed to make our democratic institutions more effective. Indeed, if this legislation is not enacted, far harsher countermeasures may be resorted to.

FBI DIRECTOR HOOVER LAUDS SENATOR McCLELLAN'S ADDRESS ON LAW ENFORCEMENT

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

Mr. HAMMERSCHMIDT. Mr. Speaker, the senior Senator from Arkansas, the Honorable JOHN MCCLELLAN, spoke recently to graduating law-enforcement students at the FBI National Academy. Director J. Edgar Hoover praised Senator MCCLELLAN's presentation as "one of the greatest addresses made before a National Academy graduating class."

Senator MCCLELLAN warned of dangers to America from crime and lawlessness, appraised pertinent U.S. Supreme Court decisions, and outlined current legislative efforts to strengthen enforcement by improving Federal criminal law.

It was an important speech for an important occasion.

I would like to have Mr. Hoover's introduction of Senator MCCLELLAN printed hereafter, to be followed by the address to the graduating class, National Academy, FBI, and remarks of Mr. Hoover at the conclusion of the speech by the esteemed senior Senator from Arkansas.

The material follows:

DIRECTOR'S INTRODUCTION OF HON. JOHN L. MCCLELLAN

It is a particular privilege and honor to have as our speaker a dedicated public servant of uncompromising principles who has represented the people of Arkansas in the House of Representatives for two terms and in the United States Senate since 1943.

Born on a farm in Arkansas, he later graduated from high school at Sheridan, Arkansas. Thereafter, he studied law in his father's law office for five years. He became the youngest lawyer in Arkansas at that time and, because he was four years under the legal age for admission to the bar, the State Legislature passed a special bill allowing him to practice law before he reached the legal age. In the practice of law he distinguished himself both locally and beyond his state's boundaries.

After service in the United States Army in World War I, he returned to his home state and served as City Attorney for the city of Malvern. Later he became prosecuting attorney for the Seventh Judicial District of Arkansas, and his outstanding record in that office persuaded the voters in the Sixth District to elect him as their Representative to the United States Congress.

In November, 1942, he was elected to the United States Senate and has been reelected to that body ever since.

As Chairman of the Government Operations Committee and also of the Criminal Laws and Procedure Subcommittee, he has won bipartisan support and respect for his penetrating investigations into labor racketeering and organized crime.

He is a staunch supporter of effective and progressive law enforcement, and I know of no man whose career reflects more outstanding accomplishments in the cause of justice.

It is my personal pleasure to present a true friend of law enforcement and a distinguished American, the Honorable John L. McClellan, Senior Senator from Arkansas.

ADDRESS OF HON. JOHN L. MCCLELLAN

Mr. Master of Ceremonies, Director Hoover, graduates of the Academy, and ladies and gentlemen.

I hardly know how to respond to that most gracious and somewhat extravagant introduction. I am indeed grateful to you, Mr. Hoover. I hope there is a recording of your remarks—I may need them. I maybe could use them well when I campaign two years from now for reelection. I first met our great Director of the Federal Bureau of Investigation in 1935 when I first came to Congress. I immediately admired him then; my respect for and appreciation of him, and my confidence in him has continually increased with each passing year. No man in America has contributed more to the internal security of our nation and to law and order than has Director J. Edgar Hoover. I am proud to be on this platform with him today.

Graduation time, at least as institutions

that are not racked with violence and demonstrations, is a happy time, and I am sure this is a happy and rewarding occasion for you this morning. I am honored and highly pleased to have the privilege of addressing you briefly and sharing, at least vicariously, the sense of pride and accomplishment which I know must abide in each of you at this hour, and I was very much gratified and reassured by the remarks of your President who preceded me here on this platform. An elegant speech by him. I am sure you are glad to have the past twelve weeks behind you. They undoubtedly have not been easy for some of you. But no one expected your efforts to be less than the best and you have met those expectations and your efforts are at this hour being crowned with success.

The National Academy itself is only one of many, many marks of Mr. Hoover's pioneering foresight in law enforcement. Since 1935, under his direction, the Academy has turned out hundreds and hundreds of graduates—men like you who became leaders in law enforcement and in their profession. The demands of law enforcement are very heavy and they are increasing all of the time. They are greater today than ever before in the history of our country. So much so that it has become fashionable to have high-level commissions and committees to examine all phases of our social structure, particularly as they relate to crime and law and order.

Study after study has been made and publicized analyzing our law enforcement establishment and its needs and recommending methods and programs to upgrade and to improve it. Stripped of all of the rhetoric, virtually every one of these studies arrives at the same conclusion and submits substantially the same recommendation. They all say that law enforcement officials need better education and training; more modern and sophisticated equipment; and higher salaries. Incidentally, that is what Mr. Hoover has been saying over and over throughout his distinguished career.

Now you have implemented at least one of these factors in your own careers by having taken this FBI course of training. Thus it is men such as you, who become well trained, to whom we must look for the hope, for the future of law enforcement.

Our country is in trouble, it's in trouble from within. The preservation of this Republic and the perpetuation of our free society under the rule of law are today challenged and it is endangered. Our system of criminal justice and constituted authority is under persistent assault. Those who occupy your position of responsibility in that system are on the front line—you are on the firing line—of resistance to that assault. You are the immediate and primary target of the law violators, the subversives, and the revolutionaries. It is you who must take the risk and bear the brunt of the verbal and physical attacks of those who seek to destroy our system. It is you, the police, who must do your job in a growing atmosphere of hostility. It is you—our front line defenders—who while doing your duty must endure the epithet, "Pigs" and the vile profanities and obscenities that will be ringing in your ears.

Dissent is a precious right, but peaceful civil disobedience is an illusion. Flouting society's rules—disobeying laws that one doesn't like—brings on inevitably confrontation with authority and frequently escalates into violence. While some who may do this may be sincere, I would remind them that the technique is a characteristic tool of those seeking to overthrow our Republic. Threats are today commonly advocated and practiced to compel compliance with ludicrous and outrageous demands. Currently, small bands of self-professed revolutionaries are more and more resorting to arson, sabotage, bombings, and threats of personal violence as they prepare for guerrilla warfare in the metropolitan centers of our Nation.

Today there is no sanctuary—no refuge—from the ravages of crime and the assaults of the criminal. Crimes of violence are committed everywhere—in the streets and alleys, on the highways and byways, in our churches and in our schools, and in our places of business and in our homes.

If we project a crime-rate increase over the next ten years equal to the past, we find that our country will be inundated with an intolerable wave of lawlessness which it cannot possibly withstand or survive. Unless there is a reversal of present trend, by 1980, just one decade from now, there will be from 18 to 20 million major crimes committed in this country annually. I don't believe our society can withstand that assault upon its structure nor can our government withstand such an attack upon its sovereignty.

We find that America's vitality is today being undermined by that so-called "invisible government" of forces of organized crime. The syndicate, the Cosa Nostra, that vast criminal conspiracy has infested our society like a massive cancerous growth. It has become an incubator of crime that saps the strength and weakens the whole fiber of our body politic. No citizen escapes its demoralizing and devastating consequences. This monster must be destroyed.

During the past ten years while the crime rate has been skyrocketing to unprecedented heights, the lawbreaker has enjoyed greater immunity and protection under the law than ever before. Instead of helping to stem the tide of permissiveness, civil disobedience, and lawlessness by adhering to and honoring almost two hundred years of legal principles and precedents, our Supreme Court seemingly has chosen this era of turmoil and turbulence to reinterpret and to give new construction and meaning to many parts of our Constitution. New "constitutional rights" have been devised; they've been contrived and have forced the alteration of evidentiary rules and law enforcement procedures to make the police officer's job increasingly more difficult, more complex, and more perilous.

Certainly the Constitutional rights of both society and the accused must be preserved. But those rights should be kept in balance. Bear in mind that the words of that great document—The Federal Constitution—have not changed. They're the same today as when they were written. Their meaning and application are simply being changed by strained construction, inverse logic, and unsound reasoning employed by the Court in many instances to overrule procedents and to change the law of the land.

Statistics dramatically portray the picture. Of 123 Federal criminal cases reviewed by the Supreme Court since 1960, 68, or 55 percent of them, were reversed; during that same period of time out of 146 state convictions that were appealed to the Supreme Court, it reversed 114, or 78 percent. I do not believe that our Circuit Court and District Federal Judges and that our State Supreme Court Judges are so unqualified and incompetent as to warrant such wholesale reversals of convictions sustained in their Courts.

It is also significant to note that in making this incredible record of reversals in criminal law cases, the Court has specifically overruled its previous decisions or rejected the reasoning of 28 of its own precedents, often by a five-four margin. Twenty of those reversals involved a change in constitutional doctrine and interpretation.

The famous Miranda case is a specific example. The five-member majority of the Court in the Miranda case overruled and repudiated interpretations of the Constitution which had been the law of the land as established by judicial precedents of long-standing. Twenty-eight Justices of the Supreme Court had previously rejected the requirement of warnings made mandatory in the Miranda decision—explicitly holding that the Constitution did not require such warnings to be given. This is a clear instance, and one of a number in which it appears that five members of the Supreme Court substituted their personal opinion of what they believe the Constitution should say, and what the law should be, instead of interpreting the Constitution to say and to mean what it says and what it has meant since its adoption.

While we're now having changes, I hope these changes are for the better and that we have already reached the high watermark of activism and false liberalism which has too often prevailed on the Court in recent years. In other words, the "search and reverse" policy which has been pursued—I think excessively—should be, and I hope it will now be, measurably tempered and modified so as to better balance the protection of society with the rights of the criminal.

Congress is also enacting new laws and making appropriations to strengthen the criminal justice system and to deal more realistically and effectively with lawlessness and crime.

In 1968 we enacted the Omnibus Safe Streets and Crime Control Act. Title I of that act, as you know, provides for Federal assistance to states and local law enforcement agencies. Annual appropriations last year were, I believe, 268 million dollars; this year in the budget bill, as passed by the House, the amount is 480 million dollars for this purpose. I think these annual appropriations within the next three or four years will go as high possibly as one billion dollars a year, to provide this aid authorized under that bill for our local law enforcement officers. It will take that long—I think—some three, four, or five years before we begin to feel the full impact and to be able to appreciate the full benefit that that act is providing.

Title II of the act modifies this Miranda decision to which I have referred, restoring in some measure the valid and time-tested, fair, and adequate rule of voluntariness with respect to confessions and incriminating statements. It is my earnest hope, and I sincerely believe, that the Supreme Court, when this title reaches it on challenge, will uphold and sustain its validity and constitutionality. I think it should do so.

Title III provides for carefully controlled use of wiretaps and electronic surveillances and provides the opportunity for similar legislation to be enacted by the states to aid local law enforcement. We fought a hard battle in the Senate to get that title enacted, as well as Title II, but the Senate overwhelmingly passed both, and I can say to you that this Title III, the legalizing of wiretaps and electronic surveillance under proper supervision as the act provides, is proving most helpful and most beneficial and particularly so in dealing with organized crime in this country.

On January 3rd of this year, the Senate passed by a record vote of 73 to one the "Organized Crime Control Act of 1969," commonly referred to as S. 30. It's another omnibus bill and it deals primarily with evidence gathering and trial processes in organized crime cases. Among other things, it revamps the grand jury system, permits the securing of testimony in certain instances over the objections of self-incrimination, and also permits the taking of depositions of witnesses who may be in danger of reprisals. It also provides increased punishment for habitual, professional, and organized crime offenders. United States Attorney General

Mitchell has termed this bill "one of the most imaginative and comprehensive proposals to combat organized crime that was ever introduced in the Congress."

The House Judiciary Committee is now holding hearings on this measure, and I sincerely trust that it will act favorably and expeditiously and that this bill will be enacted into law during this session of Congress.

The dangers that stem from the threat that mounting lawlessness, crime, and corruption poses to the preservation of an orderly, safe, and decent society are indeed great and challenging. That challenge we must meet and overcome.

You were selected out of the ranks of law enforcement to receive expert instruction and specialized training. You've now received it, you are today graduating from that course, so you are now better equipped and prepared to meet your responsibilities. Indeed, you should now have both the capability to instruct and the inspiration to lead your fellow officers in waging a determined battle against the criminal forces that are operating in our country.

Yours is the responsibility to help make law enforcement what it should be and what it can be. You have the job of upgrading efficiency, and by precept and example of encouraging the highest degree of integrity, professional skill and performance on the part of your fellow officers.

You are committed to a difficult task; I don't envy you that task. There is no smooth or easy path to the goals of law enforcement. Your course of duty will not always be easy or pleasant, nor will it be safe. Patience, restraint, and courage are indispensable qualities that will be exacted of you. You will often be abused, misused and subjected to barrages of insult and vituperation, even be wrongfully accused of police brutality, but in such trying ordeals you must not despair and become discouraged. Remember, there are millions and millions of Americans who still care, and the forces of right and decency and law and order are beginning to unite and I believe they will fully support you in this war on crime; a war that can be and a war that must be won.

In conclusion I express my sincere appreciation for your dedication, and congratulate you upon having attained the distinction and recognition that is conferred upon you here today. And I know that millions of Americans join me in the sentiments that I have expressed here this morning in wishing for each of you a most successful and rewarding career as you contribute to the preservation of a free, safe, and a great society in our beloved America.

DIRECTOR'S REMARKS AND INTRODUCTION OF DISTINGUISHED GUESTS

We have just, I believe, listened to one of the greatest addresses made before a National Academy graduating class in the history of the academy. Senator McClellan outlined to you various bills that have been enacted by the Senate, some of which are now before the House of Representatives for consideration. He was very modest in what he had to say about the Legislation in the Senate. He was the sparkplug, he was the man who led an uncompromising fight for the essential ingredients that went into the legislation that was finally enacted by the Senate, and the credit for it is solely due to him; and we thank you, Senator.

THE UNITED STATES IS IN INFLATIONARY RECESSION

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

Mr. BURLISON of Missouri. Mr. Speaker, for the benefit of those who do not work, do not buy anything, do not borrow money, do not rent or own a home, are not involved in business, do not own stocks or bonds and do not read newspapers, I have news for you. We are in a recession—not an ordinary garden variety recession, but an inflationary recession. In old-fashioned recessions, unemployment was high and prices low. The new model recession does not work that way. Now unemployment is up and so are prices. It costs more to be unemployed these days.

Last month 5 percent of the labor force was out of work—a million more workers than a year ago. At the same time, the cost of living is rising 7.2 percent per year. Inflation is no stranger. We have had it around for a long time. But, while it used to creep, now it gallops—the fastest since 1952.

Interest rates have reached astronomical heights. They have risen 36 percent in 1 year to the highest point since the Civil War.

The most sensitive barometer of economic climate is the stock market. In the economic boom of a few years ago the question being asked was "Will the market break 1,000?" "How high will it go?" Now everyone is asking, "Will it go below 500?" "How low can it go?"

Not everyone owns stock, but everyone loses when the market tumbles as it has in these last few months. Communities that cannot market their bonds must defer needed projects or levy higher local taxes to pay for them. The stock market collapse and erosion of bond values has meant an evaporation of some $250 billion in wealth. The average investor has lost more than $7,000 in the last year.

It should be unmistakably clear that the policies now in force for controlling inflation are not succeeding. It is possible to argue that they may even be contributing to the problem. Apparently the President expected inflation to be an easy mark. Early statements from the administration carried the impression that halting inflation would be a relatively painless operation accomplished by the simple expedient of reducing the money supply.

Arthur Burns, who as Chairman of the Federal Reserve is now advocating a kind of wage-price control, was saying that the rate of inflation could be reduced to 3 percent by the end of 1969. Similarly, on April 29, 1969, a member of the President's Council of Economic Advisers naively claimed:

> We have turned the corner on inflation without really noticing it.

In the face of mounting evidence to the contrary, extravagant claims of progress have a hollow ring. Insistence that all is going according to the "game plan" is no longer reassuring to anyone. A basic element of that plan was budgetary surpluses for the next 2 years. It is now openly admitted that there will be no surpluses. Instead, there will be "mild" deficits necessitating an $18 billion increase in the national debt ceiling. Incidentally, I voted just this month against raising that limit.

A few months ago I made a speech in Missouri in which I set out some of the things I thought the President ought to include in his fight against inflation.

First. He should speak out against excessive wage, price, and interest increases. It has been shown conclusively that this does have impact.

Second. He should take steps to revitalize lagging sections of the economy. Congress has provided him the tools for this purpose by allowing selective credit controls.

Third. He should make a greater effort to eliminate needless and wasteful Government projects. Congressmen and Senators did not need a 41-percent increase in salary and the President did not need a 100-percent raise. Some of the Buck Rogers weapons systems that do not work and are not necessary to our security should be scrapped. Our space program could be curtailed and the foreign aid program could be streamlined and reduced.

Again, Mr. Speaker, I respectfully request the President to consider them. There is no point in denying that we are in a recession. Our attention and our best efforts should be focused on alternative solutions. Unfortunately, it appears that the President has delayed so long in taking positive action, that the Congress must soon seriously consider wage and price controls.

LET US GET THE GOLDEN EAGLE FLYING AGAIN

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

Mr. BURTON of Utah. Mr. Speaker, I rise today to speak in behalf of the golden eagle passport program and to urge the leadership of the House to take action on this meritorious program as quickly as possible.

Although the Senate approved a bill last September to extend the program—which allows visitors to enter and use more than 3,000 national parks, forests, and refuges at an annual fee—the House has yet to bring it to the floor for a vote. Unfortunately, much confusion has resulted by this inactivity on our side of Capitol Hill, since the golden eagle program officially expired at the end of March.

The chaos is just beginning to be felt by our traveling Americans and by the Federal agencies involved. There is concern in the field offices of the Forest Service and the National Park Service, whose workers are having some difficulty explaining why a program so popular and successful as the golden eagle has been allowed to expire.

The situation has been further complicated by the necessity for the Forest Service to initiate its own recreation user fee program, which became effective on May 25. The $7 annual user permits being issued by the Forest Service, however, do not cover areas administered by the National Park Service.

Although the Forest Service has announced that the 1970 user permits now

being issued will be exchangeable for a Government-wide permit if and when the golden eagle flies again, this cumbersome process is an unfortunate and unnecessary burden on the many thousands of Americans who visit our national parks and forests each year.

Mr. Speaker, there can be little question as to the merit of the Golden Eagle program, or to its increasing acceptance by the American public.

In 1965, when the program was initiated, 90,400 golden eagle passports were issued. The figure was multiplied to a total 403,100 passports issued in the first half of 1969, attesting to the great popularity of the program. These statistics would seem to show the program is booming and should be expanded, not allowed to die.

It should also be noted that funds received through the program go into the Land and Water Conservation Fund, which is used to purchase additional recreational facilities. About 60 percent of annual appropriations from the fund are normally available to the States.

The golden eagle program is especially beneficial to our retired citizens who have the time to travel and can visit our Nation's natural wonders at a great reduction in cost. For them and for the many other Americans who rely upon it, I urge that the House act without any more delay on the golden eagle program.

Mr. Speaker, an excellent article on the difficulties caused by House delay on the golden eagle program appeared in the Salt Lake Tribune on June 2. I ask unanimous consent that the article by Don Brooks be printed following these remarks:

GOLDEN EAGLE'S DEMISE LEAVES UTTER CONFUSION BEHIND

(By Don Brooks)

Tag along with the Dead Fish Editor now, if you will, while he does a bit of eavesdropping at certain places in the Federal Office Building. The FBI need not be concerned. The G-Man wigwam gets a wide berth.

Quiet now, please! We are in the receptionist's office of the Wasatch National Forest. Phones are ringing like crazy. Rachel Davenport answers one line:

"Yes, mam, I'll talk to you about the Golden Eagle. No, mam. The Golden Eagle program is not in operation right now. Congress has not yet made a final decision on extending it.

"Yes, we can sell you a Forest Service recreation lands permit. It costs $7 and allows you to use recreation facilities such as improved campgrounds on all national forests. You may buy it here or at other Forest Service offices. You're welcome, mam."

Marie Manteca is on another line:

"No, sir. The Forest Service permit will not get you into Yellowstone or other national parks. It is good only on Forest Service recreation areas. I don't know why, sir. We will exchange it for a Golden Eagle passport if and when that program is extended by Congress. When will that be? We haven't any idea, sir."

NATIONAL PARK OFFICE

We now ippy-toe up a couple of flights to the National Park Service office on the sixth deck. Sarah Faron is talking over the Alexander Graham Bell:

"All I can tell you is if fees were charged last year, then they will be charged again this year. Now, we do not have a passport as yet which will be good on all national parks. I don't know if we will get one.

"Yellowstone? So much per day for each vehicle. No, that permit would be no good for entering a campground on the Teton National Forest. The Forest Service has it's own fee system. You must contact them."

So it goes. John Q. Public accepted the Golden Eagle program. He found it a very handy piece of cardboard to take care of his summer recreation needs.

And now John Q. is utterly confused. I know, because I stuck around the Forest Service office with Rachel and Marie for an hour Monday and heard them attempt to explain the messed-up situation that now exists. I even pitched in and answered a few calls myself.

One of them was from a little girl who said she had been told by her teacher to find out "what the poor people are going to do?"

I dunno, little gal, I dunno. Ask Congress. Ask when in heck the Golden Eagle is going to fly again!

HARVARD PRESIDENT'S BACCALAUREATE ADDRESS

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

Mr. PIKE. Mr. Speaker, I have never been overwhelmed by the word "Harvard." It represents a great university among many great universities. Nothing ever said in my household was designed to make my sons feel they would be bereft of a formal education if they went elsewhere.

Harvard's president, Nathan M. Pusey, on the other hand, did give a great baccalaureate address to his graduating class yesterday, and it deserves the widest possible circulation. It did not get it at Harvard, where only 65 of the 1,017 seniors attended. In the hope that its inclusion in the RECORD by a member of the class of 1943 at another great university in New Jersey will not detract too greatly from its message, I would like to insert it in the RECORD. While its basic message have been said elsewhere and earlier, it has not been said better, and the fact that the reality of hard-core "extremist splinter groups of the New Left," seeking to destroy not only our universities but all our institutions and Nation is recognized so soberly and eloquently at Cambridge should be a source of satisfaction to us all. I am personally delighted that the message arrived just before my daughter graduated. I had begun to fear it might never get there at all. President Pusey's address follows:

I want to speak today not about the baffling problems of the world outside but of what I take to be a declination in the quality of our life here which I find disturbing. I have chosen to introduce what I have to say by calling attention to a point of similarity between the present situation of Harvard and that which obtained when I returned to Cambridge 17 years ago to become the university's 24th president.

I became president here during a very troubled period on college and university campuses. The fears, accusations, strife and excitement which at that time upset academic communities reverberated about the name of Joseph McCarthy.

What the historians will have to explain is not Joseph McCarthy. It is rather the reception he was accorded. Millions upon millions of people in the United States needed him and wanted him, or at the very least accepted him, and in so doing in a sense created him.

He certainly was not without blame. He was, and remains in my view, a shameful, cynical politician who discovered how to play skillfully on people's emotions for his own gain but it is much too facile to dismiss the evils and anguish that wracked campuses and country at that time by simply naming him a scapegoat and letting the rest of society off scot-free.

It was said at the time that McCarthy was the first to discover how to use the mass media for personal political advancement. I am afraid this is too large a claim, but certainly he raised the practice momentarily to a new peak of effectiveness. The organs of public opinion gave him enormous coverage for years and thus contributed to build his reputation. In the period of his rapid rise he told a friend of mine in Appleton that he had first glimpsed the secret of political success by reading "Mein Kampf." Hitler's technique, he said, rested on the skillful use of the big lie. Tell a whopper and keep on repeating it. In time people will come to believe it.

THE BIG LIE

Joseph McCarthy's big whopper was that the Communists had taken over the State Department. Hitler's big lie had been that the Jews had almost destroyed Germany. McCarthy was also a master of telling an endless flow of little lies to sow doubt and distrust and play on people's emotions. For him discourse was a tool of exploitation. That is, language was to be used not for clarification and increased understanding, but for accusation, distortion, misrepresentation, denunciation, defamation—in any number of ways to obfuscate and confuse and by so doing to engender and inflame feelings of hate and anger.

It was his cunning intent by playing on people's fears and hostile emotions to attract to himself mass support. He built his following by feeding hateful attitudes and by unleashing bigotry, for to the frightened and worried the fears he played on were so real that he appeared to them as hero and savior. He advanced his political career by first inciting a mass public opinion. He then used this to put pressure on individuals and groups of individuals and institutions—the scape-goats he had identified for society—to make their practices conform to his followers' view of how they should behave. The successes he achieved in this way would in turn serve to maintain and strengthen his personal ascendancy. It was not a particularly attractive period in our history.

Now, less than 20 years later, our campuses are experiencing a not dissimilar period of torment whiplashed as they are by a resurgence of his hateful technique. Again people are looking for scapegoats. But this time the attack comes not from the outside but from within, from extremist splinter groups of the New Left made up of students and—I am sorry to acknowledge—also of some faculty who for reasons not quite clear to me would like to see our colleges and universities denigrated, maligned and even shut down.

A FAMILIAR APPROACH

These critics go about their task in a way huntingly familiar to an older generation. Their aim is to build a following for themselves. They would do this by sowing doubts and suspicions. They hope then to attract sufficient support to be able to enforce demands on those whom they malign and designate as the enemy, using the old means of distortion, accusation, guilt imputed by association, and so on. And they thrive as people lend them credence.

Let me illustrate what I have in mind. During your freshman year this university experienced what I have been told was its first strike by employes. It was occasioned essentially by a contest for control between the leadership of two rival unions. But that is not the way it was reported in what I remember as one of the first of the scores of S.D.S. propaganda leaflets to which we—all of us at Harvard—have been continuously subjected. In the view of the author of this early flyer the employes' strike was clear evidence of the university's mistreatment of its workers ("Harvard University uses scab labor and maintains oppressive working conditions").

You, the students, were called to a show of virtuous indignation to help set the grievous wrong right. And I remember certain young members of the faculty marched with the dissident students on this occasion. The big lie let loose amongst us began then to take shape. That is, that the university is a hopelessly bigoted, reactionary force in our society which serves the interest of a hideous military-industrial complex by doing its chores and by intellectually emasculating the young entrusted to its care so as in time to turn them over as docile slaves to a contemptible "establishment."

JOB INTERVIEW FUROR

In your sophomore year, you will recall for example, there was a considerable furor over who should or should not be permitted on campus to interview graduating students for possible jobs. The S.D.S., playing on dissatisfaction widely held in our community, made an inflammatory issue out of the presence of a Dow recruiter on the campus, implying that his presence proved the university's insidious complicity in the hated war effort.

What should have been the issue, as was ultimately recognized, was the appropriateness of the Office of Graduate and Career Plans, which had been established and is maintained as a convenience to students seeking opportunities for employment or graduate study, and the validity or suitability of its procedures. Unless you are completely unlike the Harvard men who have gone before you I doubt that any of you would ever want that office to confront you with an arbitrarily restricted list.

Last year among several egregious examples of distortion and misrepresentation designed to magnify indignation and sow distrust (I cite only two or three examples of a possible many) was the university's alleged "expansion." No attempt was made to understand or accurately report the university's building needs, activities or plans. These are many and complicated, but to our new critics quite obviously, we were simply ruthlessly and senselessly exploiting the poor and the oppressed.

The word "expansion" was then seized on as a slogan and chanted, again and again in mindless fashion to confuse and defame, and beyond this, it was hoped to impress the confused and by doing so to gain increased support.

This year a major accusation has been the university's complicity with our nefarious Government through the work—the very fine scholarly work, let me say in passing—of the Center for International Affairs. The fantastic unfairness—not to mention the ignorance—of this accusation is almost incredible to anyone who has made even a small effort to find out what the center does in fact do.

ONE STEP FURTHER

One can read through all the leaflets circulated by these extremists who have dwelt among us in recent years, bent on slandering an institution it might have assumed they would love, or lovingly find fault with, without discovering a single effort to clarify, to analyze, to explain or honestly to represent.

Always they insinuate, distort, accuse, their aim being not to identify and correct real abuses, but always rather by crying alarm intentionally to arouse and inflame passions in order to build support for "non-negotiable demands," and by this means to enlarge their following and enhance their power. Clearly the old McCarthy technique is at work again, but this time—it is a sorrow to have to acknowledge it—by our own, and in our midst.

It is my conviction that deceitful talk and the tendencies toward coercive action could not have made the inroads they have in academic communities in recent years had all of us to whom they are deeply repulsive been more ready to oppose them. That is part of the story. But only part.

Deeper is the fact that underlying and even supporting the many disturbances which have shaken our campuses in recent years is an as yet only vaguely articulated, but nevertheless widely shared, feeling of revulsion against the values and modes of living of the enlightened society based on reason, tolerance and the advancement of science, which humane people have dreamed about, and have through generations been struggling to create.

Somehow, in your time, for many the tastes for this long-wished-for kind of life have gone flat. Its authenticity and its attractiveness have lost their tone. In the university world this is a present major problem, perhaps our most frightening one.

I am sorry to speak so somberly and critically on this occasion, but I feel I must. Your years at Harvard have been among the most tormented that have ever beset institutions of higher learning in this country. The effect of these years on each of you is something which only you can assess. Probably it will become clear only with the passing of time.

But troubled as the years have been I cannot believe—at least I do not want to believe—the effect will prove to have been wholly negative. You have had to adjust rather fast, for it is not games you have been playing here during these years but rather the real thing. It admits the upsetting alarums and excursions occasioned during your years in college by a determined few who have worked consistently to attract attention to themselves by misrepresenting what we are about.

A HOPEFUL SIGN

As you have gone ahead with your work, you have made manifestly clear one hopeful sign. That is, your generation's vigorous assertion that you will not be satisfied with a learning or a way of life whose most convincing credentials are only that they have been accepted before. You have professed convincingly that you will not be content with a learning which has not been freshly authenticated; and you have also made clear that you will have little respect for a learning which does not carry at one time both a dimension of deep personal involvement and social outreach. No one can fault you here.

But we would be disturbed—many of us not of your generation who have gone before—if there were any implication in your valid fresh insight that depth of concern has somehow now made knowledge less valuable, perhaps even unnecessary, or that strong feeling and conviction of rightness have done away with the need for—indeed with respect for—rigorous intellectual discrimination, regard for individuals as opposed to masses of people, and a restraining awareness of the dubiety of all human ends.

FEELING OF HELPLESSNESS

What then can I say to you at the end of your college years? It must be, I think, that neither unreasoning zeolotry nor despair is an acceptable attitude for Harvard men. You have seen much of one end, I suspect, have at least occasionally been tempted by the other. It has been said that your generation is the first in America to have grown up without optimism. This is a sad commentary if true. Personally I do not believe that it is, or at least that it need be.

It has been remarked by many, however, that you have a widespread and deep feeling of helplessness because you see so many things that need to be set right and feel so powerless to effect change. If so, such feeling is not without justification. But you must not assume you are the first to have felt this way, for it is a feeling with which the concerned have always had to contend.

In such mood it is easy to denounce, to find fault, to make unjust accusations, to visit the shortcomings of the world, and of ourselves, on scapegoats—even to light fires or throw stones—for personal relief or for exploitation—easy and totally unworthy. It is more difficult to maintain a realistic sense of human limitation, to refuse to become frustrated and angry, to analyze, to assess, to seek to understand and explain; to determine to be adult and fair; thus to work patiently to improve while refusing to succumb to either cynicism or hopelessness. It is a long way around, but it is the civilized way, and the only way for those who have come truly to understand the rule of humane learning.

I may put it this way: There is a world of reason, modesty, charity and trust in the midst of, and opposed to, the oppressive and contentious world of deceit, anger, vilification and self-righteousness now made so manifest all about us again, as 20 years ago, by would-be exploiters. This former world is created and precariously maintained in all generations by civilized men, a world for which in the depths of our hearts I am sure we all yearn. What I have wanted to say to you today is simply that in my view, as Harvard men, you are called to serve that world.

THE BIG THICKET

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

Mr. BUSH. Mr. Speaker, last month I toured the Big Thicket area of east Texas with numerous representatives of conservation groups that are working to get a portion of the area set aside as a national park. For years there has been a great deal of talk about a national park in the Big Thicket region of Texas, but with no result. At the conclusion of my tour, I told those who had accompanied me that on returning to Washington I would urge that the administration take the lead in the fight for a Big Thicket National Park. I said this because the time for talking has ended, and the time for productive action to begin is now.

After speaking with Secretary of the Interior Walter Hickel, it is most pleasing for me to tell you that the Secretary, who favors the idea of a Big Thicket National Park, has expressed to me his keen personal desire to see constructive action be taken by the Department of the Interior. I am authorized to say that the Secretary of the Interior is strongly committed to the preservation of the Big Thicket. This is good news for ecologists, ornithologists, and conservationists all across the United States. With this expressed interest, we must now push forward for action, both administrative and legislative. The Secretary's interest demonstrates the administration's con-

tinuing concern with conservation, and his indication of support from the Interior Department is a welcome sign.

Any person who has had the opportunity of viewing this beautiful area of east Texas knows that protecting this unique region is a most worthwhile project.

While I feel the Senate hearings to be held in Beaumont, Tex., June 12, will be important in calling additional attention to the need for protecting a portion of the Big Thicket area, I still believe an important impetus for developing a national park must come from the administration.

Certainly, I will continue to work with the Department of the Interior and other interested Government agencies to see that progress on development of a Big Thicket National Park moves forward. But I did want to bring to the attention of my colleagues, this good news I have received from Secretary Hickel.

AUSTRALIA'S PRIME MINISTER WANTS MEAT INSPECTION "COMPROMISE"

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

Mr. MELCHER. Mr. Speaker, on April 15, I discussed the adequacy and inadequacy of our inspection of meat imported into the United States in a talk here on the House floor.

Since that time, some things have been happening.

The Department of Agriculture has suspended imports of mutton from Australia slaughtered after May 15 until the Australians get their slaughter and inspection practices—which have been questioned for several years—up to standards in foreign plants licensed to standards required by the United States. Our law says inspection and standards in foreign plants licensed to ship to the United States shall be equal to ours.

Obviously, processing and inspection of mutton in Australia has not been equal to ours for some time. The Wholesome Meat act requires that it be equal. The USDA tells us, in effect, that it never has been, and we have been overlooking some serious deficiencies for over 2 years.

I rise to discuss this matter further today because I am concerned that there may be other instances of tolerating less than adequate methods and inspection, and I am alarmed that compromises, rather than enforcement of equal inspection, may be in the making.

I have recently reviewed an article in the Queensland Country Life, a weekly published at Brisbane, Australia, which appeared May 21, 1970. The article reports on an interrogation, in the Australian Parliament, of the Minister of Primary Industry, Mr. Anthony, on their meat inspection situation.

Mr. Anthony is quoted directly in the article as replying to a member from Victoria, who had asked if overwork was the cause of a decline in inspection standards for imported meat, as follows:

> What Mr. McIvor says about the inspection staff at the meatworks is quite true. There is a severe shortage of inspectors. They are required to work overtime. In many instances, I have not been able to give them their annual leave. Giving it to them would have meant meatworks having to close down because they would not have been able to operate to the standards necessary to meet export requirements. . . .
>
> This is a matter that gives me great concern. We are trying to cope with it.

The paper then reports U.S. rejection of mutton because it did not meet our standards, stating that their mutton was unclean.

Mr. Anthony told the Parliament:

> But I would like to make it clear that our inspection standards are high. They were laid down originally to meet the British requirements.
>
> Any talk that the meat is not wholesome or that it contains organisms harmful to human beings is not correct.
>
> There has been quite a lot of talk about caseous lymphadenitis and cysticercus ovis, which have been detected.
>
> These are not harmful to human beings. However, the U.S. Administration will not allow meat with evidence of them to enter the country.

Mr. Speaker, if I were to describe caseous lymphadenitis here on the floor I would lose all but the strongest stomachs within my hearing. Cysticercus ovis is not so repulsive. It is a tapeworm cyst. If dogs eat the cysts they develop a tapeworm that attains up to 3 feet in length but there is no evidence that they incubate in human bodies. The cyst, located in muscle, calcifies as it ages, and the ovis is killed by cooking or freezing but who wants them dead or alive in their meat?

If the Minister of Primary Industry in Australia regards caseous lymphadenitis and cysticercus ovis as wholesome, he is welcome to keep them in Australia.

I am pleased that he now knows they are not acceptable in the United States, but I am concerned that we have been so long cracking down—under a law which requires equal standards—on Australian practices which permitted them to pass inspection in intolerable numbers.

The thing which concerns me most in the article, is a statement by Minister Anthony that some of the requirements being made on their slaughtering plants are almost impossible to meet, and then the statement, in direct quotes:

> We propose to try to find some sort of compromise between the standards the U.S. Department of Agriculture wants and the standards we are able to prescribe.

Mr. Speaker, our law says their inspection and standards are to be equal.

There is no provision for compromise. We used to have a weasel word in the formula—"substantially" equal. But Congress took that out. The law now says "equal," period. Congress clearly made the change to positive language to stop compromises.

After several years of being permitted to operate plants where the viscera taken out of an animal could not later be associated with the carcass, and with inspections so poor that 9½ percent of their mutton was rejected at U.S. ports after wholly inadequate random sampling of their meat, I can understand why the Australian Minister thinks our Department of Agriculture is susceptible to compromising our standards.

I am shocked by what I am learning about compromise in the past, and the more I learn of it, the more convinced I am that Congress should pass my bill, H.R. 17444, to require piece-by-piece inspection of all imported meat, after it reaches our shores and after it has been thawed, before it is allowed to go into any sort of market channels.

Then and only then can we be assured against defects in imported meat which may be regarded as wholesome by the Australian Minister, but as garbage and even sewage by our consumers.

I can assure you that the one veterinarian in the Congress of the United States has no intention of accepting any compromises for foreign producers with our domestic meat inspection standards.

Our domestic livestock industry has a much greater stake in the fight for truly equal inspection of imported meat than limiting imports. I am aware that an effort is being made to disparage my position on imported meat inspection as a part of the meat import limitation battle and not a bona fide concern about inspection.

I am deeply concerned about equal inspection.

The American livestock industry has built the confidence of consumers in our domestic meat inspection system, and in the wholesomeness and sanitation of the meat in our stores bearing the USDA inspected and approved label.

Imported meat—except for a very tiny fraction imported in consumer packages—is not labeled as imported, or with country of origin. It gets U.S. inspected and approved labeling at the docks and moves on to consumers indistinguishable and often mixed with our domestic meat.

If housewives find impurities in the meat they buy at the grocery store, they have no way of knowing the origin of the meat and identifying it as a foreign product.

Our domestic meat industry will suffer, not just from the quantity imported, but far, far more from a loss of confidence by housewives in the quality of meat at the meat counters all over the United States.

This affluent Nation can afford to guarantee its consumers wholesome, sanitary meat products, foreign or domestic. The exporters can afford to maintain American standards if they want access to our markets, without compromising our standards in any way.

I would like to disabuse the Minister of Primary Industries of Australia of his idea that the United States will compromise. There is at least one Member of the U.S. Congress who will not tolerate any compromise, and who will stand here on the floor and protest daily if any compromises are made, with complete confidence that a vast majority of my colleagues in the House and Senate will support clean meat.

I submit the text of the article, "Meat Inspection Major Problem" from the Queensland Country Life of May 21, 1970, for my colleagues to read in full:

MEAT INSPECTION MAJOR PROBLEM

Australia has a meat inspection problem. This was admitted in Parliament by the Minister for Primary Industry, Mr. Anthony.

But he *emphasized* that organisms in *Australian meat to which the Americans were objecting were not harmful to humans.*

Mr. Anthony was replying to Mr. McIvor (Lab., Vic.), who asked whether overwork among meat inspectors was the cause of a decline in inspection standards for export meat.

Mr. Anthony said: "What Mr. McIvor says about the inspection staff at meatworks is quite true.

"There is a severe shortage of inspectors. They are required to work overtime.

"In many instances, I have not been able to give them their annual leave. Giving it to them would have meant meatworks having to close down because they would not have been able to operate to the standards necessary to meet export requirements.

"So we have a major problem. We have been trying desperately to recruit more inspectors.

"We have recruited more, but we seem to be losing them as fast as we recruit them.

UNCLEAN

"This is a matter that gives me great concern, and we are doing all we can to try to cope with it."

Mr. Anthony said Australian mutton had been rejected by the United States because it was not meeting the standards laid down under the U.S. Wholesome Meat Act.

It had been rejected because it was unclean. Particles of foreign matter had been found in the meat as well as certain organisms which were objectionable to the U.S. authorities.

"But I would like to make it clear that our inspection standards are high," Mr. Anthony said.

"They were laid down originally to meet the British requirements.

COMPROMISE?

"Any talk that the meat is not wholesome or that it contains organisms harmful to human beings is not correct.

"There has been quite a lot of talk about caseaus lymph adenitis and cysticercus ovis, which have been detected.

"These are not harmful to human beings. However, the U.S. Administration will not allow any meat with evidence of them to enter the country."

Mr. Anthony said the main problem Australia had with its mutton chains was in trying to correlate the viscera with the carcass. "Many of our abattoirs are not geared to do this," he said.

Mr. Anthony stated that some of the requirements being asked of them were almost impossible to meet.

"We propose to try to find some sort of compromise between the standards the U.S. Department of Agriculture wants and the standards we are able to prescribe," Mr. Anthony said.

"I conclude by saying that I am very conscious of the inspection problem and will do what we can to solve it.

PRESIDENTIAL COMMISSION TO INVESTIGATE DEATHS ON JACKSON STATE COLLEGE CAMPUS

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

Mr. McCLORY. Mr. Speaker, some days ago I expressed support for the creation of a Presidential commission to investigate the tragic deaths at Kent State University in Ohio sponsored by the gentleman from Ohio (Mr. STANTON). I see no reason why similar action is not in order for the investigation of the deaths of two students which occurred on the campus of Jackson State College in Mississippi on the night of Thursday, May 14, 1970.

At the invitation of Clarence Mitchell, chairman of the legislative committee of the Leadership Conference on Civil Rights, I attended a meeting last night in Washington and heard the forthright statements of four Jackson State College students who discussed the events leading up to and during the confrontation with local police and State troopers which ended in the tragic deaths of two students and the wounding of some 15 others.

While I have not discussed this subject with any representatives of local police, State troopers, or the Mississippi National Guard, or other local and State officials from the area of Jackson, Miss., it is abundantly clear that only a complete and objective investigation of this tragedy can satisfy the present demands of the Nation for imposing responsibility where it deservedly belongs.

Questions which have been raised and which deserve full and complete answers are those:

First. Were the measures taken in the Jackson State College incident essential to the defense of life or property—and for the preservation of order?

Second. Were the officers who were at the scene of the slayings trained in the proper control of civil disturbances and in the use of nonlethal methods for controlling civil disturbances and riots?

Third. What parts were played by the slain and wounded individuals in the disruptions which ended in the Jackson State College tragedy?

Fourth. What part, if any, was played by outside professional agitators or revolutionaries, if any, which might require investigation and prosecution under Federal statutes?

Fifth. What steps should be taken to avoid any such recurrence and what conditions should be altered in order to avoid the disruptions which in turn gave rise to the student-police confrontation?

Mr. Speaker, I am communicating with the President urging that such a Presidential factfinding commission should be established. A copy of my request is going to the Office of the Attorney General with the expectation that the full cooperation of that office will be afforded in producing the full facts upon which an enlightened judgment by the President and Members of Congress may be based.

I should add that among the students from Jackson State College who appeared last evening in Washington and who presented their statements for the benefit of a number of Members of Congress were Warner Buxton, president of the student body, Greg Antoine, Irma Bingham, and Farries Adams. The widow of the slain student, Philip Gibbs, as well as his sister, Miss Mary Gibbs, were also present.

Mr. Speaker, I make this statement and call this subject to the attention of my colleagues with the thought that other Members of this Chamber may wish to support like action as a necessary step toward getting at the root causes of this and other similar tragedies and with the expectation that appropriate legislative and executive actions predicated upon enlightened judgments may lead eventually to well reasoned solutions.

Mr. Speaker, I am informed that both the Republican and Democratic leadership of the other body have directed a joint letter to the President urging such an investigation by a Presidential commission.

I support the request made by the gentleman from Pennsylvania, Senator SCOTT, and the gentleman from Montana, Senator MANSFIELD, in their letter to the President. In addition, I request specifically that the Jackson State College tragedy shall be investigated with particular reference to the questions which I have raised.

ELLIOT L. RICHARDSON, NEW SECRETARY OF HEALTH, EDUCATION, AND WELFARE

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

Mr. MORSE. Mr. Speaker, the President's announcement last Saturday that he was appointing Under Secretary of State Elliot L. Richardson to the post of Secretary of Health, Education, and Welfare, to replace Mr. Finch when he moved to the White House as counsellor to the President, was indeed well received. As one who has had the great pleasure of knowing Elliot Richardson for many years, I know that the President could not have found a more qualified man, both by his outstanding abilities and by highly successful experience, in the Department of State, in HEW during the Eisenhower administration, and in his home State of Massachusetts.

As Tom Wicker noted in a recent editorial in the New York Times, "Elliot Richardson, the new Secretary, has shown himself at the State Department to be a forceful administrator and a quick learner. With former experience in HEW and a term as Massachusetts attorney general under his belt, he has a good background for his tough new assignment."

Wicker's assessment has been echoed and reechoed by countless observers who have been impressed by the quiet but highly effective performance which Elliot Richardson has turned in at the State Department. As Secretary of State William Rogers is reported to have said to the President:

It's like taking my right arm.

Coming to the State Department as a relative neophyte in foreign affairs, Mr. Richardson, in the year and a half he has served as Under Secretary, has won critical acclaim for his quick mastery of the Department and his duties, from those both in the Department and out. Among his major accomplishments was the broad reorganization of the Department which he initiated in order to make it a more responsive organization for the

Secretary. Clearly, his wide ranging and incisive intellect, and the fresh insights he has brought to his present responsibilities, will be missed in the State Department.

At the same time, it is not difficult to understand why the President chose him to head the tremendously important and complex Department of Health, Education, and Welfare. As the Boston Herald Traveler noted in a recent editorial:

> It is the special bureaucratic problems of the Department of Health, Education, and Welfare that moved President Nixon to appoint an able, tough-minded administrator, Elliot L. Richardson, to succeed Mr. Finch.

But Mr. Richardson brings more than the capabilities of the tough-minded administrator to his new job. He brings, too, the kind of sensitivity, intelligence, resourcefulness, and low-key determination that will be required in this demanding post.

Having served as Assistant Secretary of Health, Education, and Welfare during the Eisenhower years, and as Acting Secretary for several months in 1958, he is certainly no stranger, either to the Department or to the complexity of the very pressing problems with which it must deal.

I am confident that he will do a characteristically outstanding job and I wish him well.

REDUCTION IN JUNK MAIL LISTS

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

Mr. GOLDWATER. Mr. Speaker, I was happy to join with my colleague, Representative FRANK HORTON, and 65 other Members in sponsoring a bill to prohibit the sale or distribution by Federal agencies of names and addresses to be used for commercial solicitation.

The citizens of our Nation are being inundated with waves of junk mail. In most cases, this material is not only unsolicited, but is simply thrown away unread. In many cases, the materials constitute an outright invasion of privacy. Congress has acted to restrict the mailing of pornographic advertisements. It is time now to go further in protecting people from other materials. As one constituent pointed out to me, the definition of what is undesirable and obscene to an individual can extend far beyond the issue of pornography, and can include most junk mail sent out today.

Under a loophole in the Freedom of Information Act, the Federal Government has, through many of its agencies, been providing commercial outfits with mailing lists of various sorts. The hapless individuals on these lists are subjected to a deluge of unwanted mail, with no recourse for relief.

It is ironic that Government agencies should be providing this service, while at the same time the taxpayer must pay for subsidies to the Post Office Department to cover the costs of carrying the junk mail thus generated. Junk mail does not carry its own financial weight according to accounting studies of the various mail classes. The President has proposed an increase in the rates charged for this mail. But this will not take the burden from the individual receiving the mail.

The proposed legislation will not prevent legitimate access to agency information under the Freedom of Information Act, but will protect Federal employees, past and present members of the Armed Forces, or persons registered with any Federal agency from being subjected to a Government-originated invasion of privacy. I am happy to note that Governor Reagan has already initiated a similar policy in the State of California, and think it only just that we represent the Federal Government in its role as protector of the rights and privacy of the individual.

PROPOSED CHANGES TO PRESENT DRAFT LAW

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

Mr. BINGHAM. Mr. Speaker, I am introducing today with cosponsors the National Service Act of 1970, a bill which will completely replace the Selective Service System with a system of national service. This bill provides that young men register at age 17, receive counseling, and at age 18 make one of three choices:

First. To volunteer for military service; or

Second. To volunteer for civilian service as an alternative; or

Third: To take their chances on being drafted under a lottery system.

When military manpower requirements are low, these requirements could be met largely through the pool of volunteers, thus providing an essentially volunteer army with most men who choose the lottery not having any service required of them. When, for any reason, the need for Armed Forces exceeds the volunteer supply, this system would have the flexibility of a lottery to meet manpower requirements. At the same time, the concept of the civilian soldier, which is essential to the continued civilian influence within the military, would be retained.

I am very pleased, Mr. Speaker, that my plan has received bipartisan support. The following Members of Congress are joining me on the initial introduction of this legislation:

Hon. DANIEL E. BUTTON, Republican of New York.

Hon. JOHN D. DINGELL, Democrat of Michigan.

Hon. JAMES G. FULTON, Republican of Pennsylvania.

Hon. SEYMOUR HALPERN, Republican of New York.

Hon. WILLIAM D. HATHAWAY, Democrat of Maine.

Hon. HENRY HELSTOSKI, Democrat of New Jersey.

Hon. THOMAS M. REES, Democrat of California.

Hon. JAMES H. SCHEUER, Democrat of New York.

Hon. FRANK THOMPSON, JR., Democrat of New Jersey.

Since the Selective Service System will expire in 1971, and Chairman RIVERS has promised the Congress and the public that the House Armed Services Committee will hold comprehensive hearings on this important subject before the end of this session, I am hopeful that this plan will receive full consideration at that time.

A substantial segment of our young people feel bitterly about the Vietnam war and what they regard as the injustice of the present system, as evidenced by those who have chosen to accept jail or self-imposed exile in Canada or Sweden. My plan assures that these individuals would have the same alternative to serve in a civilian, noncombatant capacity which is now arbitrarily restricted to those who are total pacifists and who meet rigid religious standards. It also meets many of the objections voiced by critics of an all-volunteer army by maintaining the concept of the civilian soldier.

The National Service Act of 1970 provides a viable alternative to both the present Selective Service System and to the all-volunteer army approach. I would like at this time to present a more detailed description of the operation of this plan.

Each male citizen of the United States will have to register with a local placement center of the National Service Agency at age 17. During the interval between 17 and 18, the registrant will receive counseling from trained personnel at the placement center on the three options: First, enlistment in the military; second, enrollment in the civilian service for a period of time "equivalent" to 2 years in the Armed Forces; or third, the option to register for a military lottery similar to the one now in effect.

A registrant who elects civilian service will attempt to find a job with an employer who has previously "qualified" the job for participation in the civilian service program. Local placement centers will maintain lists of qualified job categories as well as specific qualified jobs which exist throughout the Nation. Each local placement center, therefore, will be able to direct interested registrants to civilian service job opportunities anywhere in the United States.

Jobs will qualify for participation in the civilian service system if the Director and those to whom he delegates the task find that the occupation fits within both standards outlined in the statute as well as standards promulgated by regulation. The statute specifies that suitable employers will include but will not be limited to: First, State, Federal and local agencies; second, public, private, and parochial schools; third, nonprofit hospitals; fourth, law enforcement agencies; fifth, penal and probation systems; sixth, noncommercial organizations such as the Red Cross, whose principal purpose is social service.

In order to qualify, employers will have to (a) meet requirements detailed by

regulations promulgated by the Director, on the type of job and the amount of job training and supervision available; and (b) indicate to the extent possible, how they intend to insure that participation of civilian service registrants in the occupation will not interfere unreasonably with the regular labor force in that area.

Qualified employers will have to pay the going rate for the type of work that the registrant does. This salary, however, will be paid to the National Service Agency which, in turn, will return to the registrant an amount determined by the Director for "subsistence." This amount will vary depending on the cost of living in the area, and the number of dependents the registrant has to support. The difference between the subsistence allowance and the wages paid will go to the National Service Agency to offset the cost of administering the civilian service program.

Registrants seeking jobs may be attractive to employers because of their youth—an asset especially in public school teaching. Most qualified job categories, such as elementary and high school teaching, will have clear manpower shortages. And many employers, such as police departments, will want to hire registrants in the hope that the registrants will then remain in their field of work.

The local placement center will provide to registrants who are employed in the geographical area, assistance in finding housing, recreation, and health care. Local government and community organizations will also be asked to take some responsibility for the welfare of civilian service workers in the area—for example, housing in YMCA's or housing in local homes, police assistance in physical training, a lecture series, and so forth.

A registrant unable to find a qualified job on his own initiative will enter the National Service Corps. The Corps will directly operate Federal programs in areas of social need such as reforestation and mass-produced housing for the poor. For example, the Corps might well operate an "environmental task force" as recommended recently by Secretary of the Interior Hickel—New York Times, March 6, 1970, 13:1. The Corps will also operate educational and training programs especially for registrants from deprived backgrounds. These programs will enable the registrant (a) to do useful and semiskilled work for the remainder of his civilian service tour, and (b) to find skilled jobs following the completion of his service.

The enlistment and lottery options will be essentially unchanged from what they are now. Those who decide to take their chances with the lottery will undergo 1 year of liability. The lottery will proceed by the random selection of birthdays.

Civilian service is a voluntary choice of service which the Nation honors as an alternative to military service or the lottery. If a registrant, therefore, is discharged from the civilian service "for cause"—after a full hearing and appeals—his name will be placed in the lottery next following the date of his discharge; he will be deemed to have waived the right to the alternative to the lottery.

The length of time registrants have to serve in civilian service, and the extra benefit of military service—for example, higher salary, travel, GI bill—will be valves to check and control the flow of men into the three options. If, for example, the Director concludes that not enough men are choosing the lottery option because the civilian service option is too attractive, the length of time required for civilian service could be increased. After some testing, a desired balance between the three options will be achieved by manipulating the positive and negative incentives.

A person choosing to volunteer for civilian service or for military service would be able to defer actual service for up to 4 years of education or training. This would provide an educational postponement which is a true deferment of service and not a de facto exemption.

In the event of declared war, all persons subject to this act would be liable for training and service in the Armed Forces and they would be inducted unless exempt or deferred for such training and service in the following order:

First. Volunteers and delinquents;

Second. Persons in the military lottery pool;

Third. Persons who are serving in the civilian service program, with the most recent registrants being inducted first;

Fourth. Persons under age 26 who were not inducted for training and service during their 12-month period of prime eligibility in the lottery pool; and

Fifth. Persons who have completed civilian service under this act.

Persons who object to war in any form would be classified as conscientious objectors and would be exempt from military service, as they are now.

Mr. Speaker, I would like at this time to place in the RECORD the text of the National Service Act of 1970 followed by a section-by-section explanation and commentary. I would also like to mention that I included a discussion of the more difficult policy questions that we wrestled with in the preparation of this bill when I discussed it on the floor on March 10. This discussion appears on pages 6700 through 6701 of the RECORD.

The bill follows:

H.R. 18025

A bill to create a new National Service Agency to fill military manpower requirements, to create a voluntary civilian service as an alternative to military service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act may be cited as the "National Service Act of 1970".

POLICY AND INTENT OF CONGRESS

SEC. 2. The Congress finds that—

(1) the defense of the United States requires that a substantial portion of the young men in the United States must serve, at some time, in the Armed Forces of the United States;

(2) the manpower requirements of the Armed Services are unlikely to be met entirely by voluntary enlistments, and that ongoing provisions for conscription are necessary;

(3) the present Universal Military Service and Training Act, both in conception and administration, works grave and unnecessary inequities on the lives of the young men required to serve under it;

(4) there are many areas of nationally valuable work to which the market economy and Government programs presently supply inadequate amounts of manpower;

(5) young men of draftable age have both the ability to serve effectively in these areas and an idealistic desire to serve their country through participation in them; and

(6) a system of national service which affords an effective channel for these high aspirations and for accomplishment of these vital tasks, and at the same time provides for the military needs of the United States, is in the greatest national interest.

Therefore, it is the policy and intent of Congress in enacting the National Service Act of 1970—

(1) to fulfill military manpower needs by establishing procedures for the selection of men into the Armed Forces of the United States by means of a random lottery;

(2) to provide a free choice for young men between serving their country in a civilian or a military capacity, and to provide within the civilian category a variety of choices;

(3) to encourage civilian service registrants to become employed in areas of social need and to work within these areas in ways which do not interfere with the existing market and labor structure of those areas; and

(4) to create a selection process for the military and alternative service which eliminates the inequities in the present selective service system.

NATIONAL SERVICE AGENCY

SEC. 3. (a) There is hereby established in the executive branch of the Government an agency to be known as the National Service Agency, and a Director of National Service who shall be the head thereof (hereafter referred to in this Act as the "Director").

(b) The National Service Agency shall include a national headquarters, such regional headquarters as shall be established by the President, and such local placement centers as shall be provided by the President.

(c) The Director and three Deputy Directors shall be appointed by the President by and with advice and consent of the Senate and shall serve at the pleasure of the President. No person on active duty with the military forces of the United States shall be considered eligible for appointment as Director, Deputy Director, or any other office or position within the National Service Agency.

(d) Except as otherwise provided in this Act, the Director shall appoint, and fix, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, the basic pay of such officers, agents, and employees as he deems necessary to carry out this Act.

(e) The Director is authorized, subject to the availability of funds appropriated for such purposes, to procure such space, personnel, and other material necessary to carry out the provisions of this Act.

(f) Within the National Service Agency there shall be established three divisions, each headed by a Deputy Director appointed under subsection (c). These divisions are—

(1) the Civilian Service Division which shall be responsible for the operation and administration of the civilian service as established by this Act;

(2) the Military Lottery Division which shall be responsible for the operation and administration of the system for the fulfill-

ment of military needs as provided for in section 10 of this Act;

(3) the Registration and Placement Division, which shall be responsible for operation and administration of all local placement centers as established in section 3(b) of this Act.

The Deputy Director in charge of Registration and Placement shall also be responsible for the appointment, within each regional center as authorized in section 3(b) of this Act of a Regional Registration and Placement Administrator.

(g) Each Regional Registration and Placement Administrator shall appoint a civilian board for his region, none of whose members shall be employees of the National Service Agency, to handle claims as provided for in sections 6(a)(4), 6(b)(3), and 7(b), and shall appoint such hearing examiners who shall hear testimony, make findings of fact and conclusions of law and arrive at a decision as to the merits of any registrant's claim. A registrant shall have the right to appeal any such decision to the regional board as provided in section 7.

SELECTION OF QUALIFIED OCCUPATIONS

SEC. 4. (a) With the assistance of such advisory committees as the Director may establish, the Director shall from time to time promulgate regulations establishing specific occupational categories in which civilian service registrants may serve.

(b) An occupation shall be deemed suitable under subsection (a) of this section if—

(1) the occupation is of substantial social benefit to the community, Nation, or foreign nations wherein the registrants are to perform their service;

(2) Federal participation in the occupational area is constitutionally permissible under the First Amendment to the United States Constitution;

(3) participation of registrants in the occupation will not interfere unreasonably with the availability and the terms of employments of nonregistrant employees;

(4) registrants are able to meet the physical, mental, and educational qualifications that the occupation requires; and

(5) the occupation is in other respects suitable to the goals of this Act.

(c) Suitable occupations shall include but shall not be limited to jobs in the employ of—

(1) State, Federal, and local government agencies;

(2) Public, private, and parochial schools;

(3) Nonprofit hospitals;

(4) Law enforcement agencies;

(5) Penal and probation systems; and

(6) Private, nonprofit organizations whose principal purpose is social service.

Suitable occupations shall not include jobs in the employ of—

(1) profitmaking business organizations;

(2) labor unions;

(3) partisan political organizations;

(4) organizations engaged in religious functions;

(5) domestic or personal service companies or organizations; and

(6) commercial farms.

(d)(1) Any action for the issuance, amendment, or repeal of any regulation promulgated by the Director under subsections (a) and (b) of this section shall be initiated by a proposal made (A) by the Director on his own initiative, or (B) by petition of any interested person, showing reasonable grounds therefor, filed with the Director. The Director shall publish such proposal and shall afford all interested persons an opportunity to present their views thereon, orally or in writing. As soon as practicable thereafter, the Director shall by order act upon such proposal and shall make such order public. Except as provided in paragraph 2 of this subsection, the order shall become effective at such time as may be specified therein, but not prior to the day following the last day on which objections may be filed under such paragraph.

(2) On or before the thirtieth day after the date on which an order entered under paragraph (1) of this subsection is made public, any person claiming that he will be adversely affected by such order if placed in effect may file objections thereto with the Director specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Until final action upon such objections is taken by the Director under paragraph (3) of this subsection, the filing of such objections shall operate to stay the effectiveness of those provisions of the order to which the objections are made. As soon as practicable after the time for filing objections has expired the Director shall publish a notice in the Federal Register specifying those parts of the order which have been stayed by the filing of objections and, if no objections have been filed, stating that fact.

(3) As soon as practicable after such request for a public hearing, the Director, after due notice, shall hold such a public hearing for the purpose of receiving evidence relevant and material to the issues raised by such objections. At the hearing, any interested person may be heard in person or by representative. As soon as practicable after completion of the hearing, the Director shall by order act upon such objections and make such order public. Such order shall be based only on substantial evidence of record at such hearing and shall set forth, as part of the order, detailed findings of fact on which the order is based. The Director shall specify in the order the date on which it shall take effect, except that it shall not be made to take effect prior to the ninetieth day after its publication unless the Director finds that emergency conditions exist necessitating an earlier effective date, in which event the Director shall specify in the order its findings as such conditions.

(c)(1) Any person who will be adversely affected by such order if placed in effect may at any time prior to the ninetieth day after such order is issued file a petition with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such order. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Director or any officer designated by it for that purpose. The Director thereupon shall file in the court the record of the proceedings on which the Director based its order.

(2) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceding before the Director, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Director, and to be adduced upon the hearing, in such manner and upon such terms and conditions as the court may deem proper. The Director may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence.

(3) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to affirm the order, or to set it aside in whole or in part, temporarily or permanently. If the order of the Director refuses to issue, amend, or repeal a regulation and such order is not in accordance with law, the court shall by its judgment order the Director to take action, with respect to such regulation, in accordance with law. The findings of the Director as to the facts, if supported by substantial evidence, shall be conclusive.

(4) The judgment of the court affirming or setting aside, in whole or in part, any such order of the Director shall be final, subject to review by the Supreme Court of the United States by writ of certiorari.

(5) The remedies provided for in this subsection shall be in addition to and not in substitution for any other remedies provided by law.

(f) The Director shall from time to time solicit information from all public and private employers who are authorized pursuant to subsections (b) and (c) of this section to participate in the civilian service program on—

(1) what types of jobs, whether existing or newly created for civilian service registrants, each employer would propose to have filled by registrants within the employer's organization;

(2) how many of each type of job the employer believes he could usefully fill;

(3) what effect civilian service registrants would have on his employment, and particularly hiring, practices; and

(4) what physical, mental, and educational qualifications the employer would require for civilian service registrants filling these jobs.

(g) The Director shall certify specific jobs as qualified for employment suitable for Civilian Service Corps employment according to the regulations promulgated by the Commission under subsections (a), (b), (c), and (d) of this section. The Director shall appoint hearing officers who shall hold hearings on the written request of any employer or registrant adversely affected by a decision of the Director as to the suitability of a specific job as Civilian Service Corps employment. The registrant or employer may appeal the decision of a hearing examiner to the appropriate regional board, as provided in section 13(f), within thirty days of receiving notice thereof. The decision of the regional board may be reviewed by the Director at the request of the registrant or employer. The decision of the Director shall be final.

(h) The Director shall regularly compile lists on a national basis of job opportunities which qualify within the occupational categories which are currently available, so that registrants shall have information or job opportunities throughout the Nation. These lists shall be available to registrants at local placement centers.

REGISTRATION

SEC. 5. (a) Except as otherwise provided in this Act it shall be the duty of every male citizen of the United States to present himself for and submit to registration at the local placement center which serves the area in which he resides within ten days after the seventeenth anniversary of his birth; except that all persons heretofore registered under the Military Selective Service Act of 1967 or from corresponding provisions of law shall be deemed to have satisfied the registration requirements of this paragraph.

(b) Each local placement center shall, at the time of registration, provide each registrant with detailed information on the nature and scope of the operations of the National Service Agency as provided to each placement center by the Office of the National Director. This information shall include but is not limited to a description of the operation of the military lottery, of enlistment opportunities in the Armed Forces, a list of general occupational categories established by the National Commission pursuant to section 4, and a detailed list of the actual qualified civilian service jobs available in the geographical area.

(c) Each local placement center shall maintain a staff of counselors who shall interview registrants and explain the details of the operations of the national service system.

(d) Each local placement center shall cause each registrant to complete, or where necessary shall complete for each registrant, such forms as may be required by regulations implementing this title, and such information shall be forwarded to the Director. All information contained in these records pertaining to registrants shall be disclosed only to authorized employees of the National Service Agency and to the individual registrant.

EXEMPTIONS AND DEFERMENTS

SEC. 6. (a) The following persons are exempt from participation in the militarv lottery or in the Civilian Service Corps:

(1) Personnel of the Army, Navy, Air Force, Marine Corps, and Coast Guard; cadets and midshipmen of the United States Military Academy, United States Naval Academy, United States Air Force Academy, and United States Coast Guard Academy; students enrolled in officer procurement programs at military colleges whose curriculum is approved by the Secretary of Defense; members of Reserve components of the Armed Forces and the Coast Guard; persons who served honorably on active duty in the Armed Forces at any time prior to the date of enactment of this Act; members of organized units of the federally recognized National Guard, the federally recognized Air National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, or the Coast Guard Reserve, so long as they continue to be such members and satisfactorily participate in scheduled drills and training periods as prescribed by the Secretary of Defense.

(2) Persons found physically, mentally, or morally unfit on a permanent basis, by standards to be prescribed by the President for any national service, either military or civilian, under this Act.

(3) Persons who are not citizens of the United States. Any person who becomes a citizen of the United States after attaining the seventeenth anniversary of his birth and before attaining the twenty-fifth anniversary of his birth shall be registered and treated in all respects as if he had attained the seventeenth anniversary of his birth on the date of his naturalization, except that his liability for service under this Act shall not extend beyond the thirtieth anniversary of his birth.

(4) (A) During any period other than the period of a war declared by Congress, persons who, by reason of training and belief, are conscientiously opposed to any participation in the national service system established by this Act.

(B) During the period of a war declared by Congress, persons who by reason of training and belief, are conscientiously opposed to participation in war in any form.

(C) In order to establish conscientious opposition under subparagraph (A) a registrant must prove by a clear preponderance of the evidence that service in general in a military and civilian capacity would be a violation of his most profound convictions. In order to establish conscientious objection under subparagraph (B), a registrant must prove by a clear preponderance of the evidence that participation in war in any form would be a violation of his most profound convictions. Whether an individual meets the requirements of this paragraph shall be determined pursuant to the procedure as provided in section 7.

(b) (1) The following persons shall be deferred, under regulations prescribed by the President, from participation in the military lottery and the Civilian Service Corps:

(A) Persons satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning shall be deferred until graduation or until the end of the sixth academic year spent following completion of grade eight or the equivalent grade levels thereof.

(B) Persons found physically, mentally, or morally unfit on a temporary basis, under standards to be prescribed by the President, for any national service, military or civilian, under this Act, shall be deferred for such time as that condition of unfitness shall continue.

(C) Any person granted a hardship deferment by the civilian board in their region pursuant to paragraph (2) (A) below.

(2) A registrant may present, in writing, a claim of hardship pursuant to the procedure provided in section 7 at any time before or during a registrant's participation in the national service. Upon examination of the registrant's claim of hardship, a civilian board may—

(A) reject the claim as a whole;

(B) determine that the subsistence allowance of a civilian service registrant as provided for in section 9(b) (4), shall be increased to provide for members of the registrant's family who are substantially dependent upon him for financial support, such increase not to exceed $4,000 per year maximum; or

(C) determine that the civilian service registrant be placed in a civilian service job if one is reasonably available which will enable him to reside with those members of his family who are substantially dependent upon him for personal services or for other forms of personal assistance; or

(D) upon a finding of hardship and a finding that subparagraphs (B) and (C) are insufficient either alone or applied together to provide adequately for members of the registrant's family who are substantially dependent upon him determine that the registrant be granted a hardship deferment from national service for as long as necessary; except that upon the twenty-fifth anniversary of his birth, a registrant deferred under this paragraph shall be deemed to have participated in the military lottery and not to have been selected during his period of liability.

CLASSIFICATION; RIGHT TO APPEAL CLASSIFICATION

SEC. 7. (a) Each registrant shall be classified according to regulations promulgated by the Director by the local placement center where he is registered on the basis of information supplied by the registrant to the local placement center. Whenever a registrant's status changes so that he believes that he is entitled to a classification different from that which has been previously assigned him, he shall apply to the local placement center by alleging in writing the facts which he believes entitled him to a different classification.

(b) A registrant may appeal his classification by notifying the civilian board appointed by the Regional Registration and Placement Administrator of that region pursuant to section 3(g) on or before the thirtieth day after receiving notice of any classification by the local placement center. The civilian board shall refer all appeals to a hearing examiner as provided for in section 3(g) to hear testimony, make findings of fact and conclusions of law, and arrive at a decision as to the merits of the registrant's claim. The hearing shall be held as close to the area in which the registrant resides as is practicable.

(c) The registrant may appeal the decision of the hearing examiner to his civilian board within thirty days of receiving notice thereof. The civilian board shall review the whole record and affirm the hearing examiner's decision only if supported by reliable, probative, and substantial evidence. At its discretion, the board may hear further testimony.

(d) Decisions of the civilian boards may be appealed by the registrant to the Director whose standard of review shall be the same as that of the civilian boards, described in subsection (c) of this section.

(e) A registrant who appeals his classification shall be entitled to appeal and to have the right to counsel at all stages of the appeal process. The National Service Agency shall, at its own expense, provide a lawyer for those unable to afford counsel. The hearing examiner shall determine whether the registrant is capable of paying all, some, or none of the cost of counsel. His decision shall be subject to appeal.

ELECTION OF SERVICE OPTION

SEC. 8. (a) Unless exempted as provided in section 6 of this Act, each registrant (including those with deferments) on or before ten days prior to his attaining the age of eighteen years shall notify in writing his local placement center of his election to enlist in the Armed Forces, to participate in the military lottery, or to participate in the civilian service program.

(b) Any registrant who elects to enlist in the Armed Forces may have his entry into active service postponed by the Director if the Director finds that a program of education or training proposed to be undertaken by the registrant would enhance his potential contribution to the mission of the Armed Forces, but a postponement granted hereunder shall end at the close of the 48th month after the month in which granted (which may not be before or include the month in which the registrant graduates from high school or similar institution of learning), or at the time the registrant successfully completes or otherwise ceases to engage in such education or training, whichever first occurs.

(c) Upon receipt of the forms provided for the section 5(e) above, the local placement center shall immediately cause the names and registration number of each registrant selecting the military lottery option to be sent to the Deputy Director in charge of the Military Lottery Division. Only those registrants who have selected the military lottery under section 8(a) or those who have been placed in the military lottery as provided in section 18(b) of this Act shall be processed as provided in section 10 of this Act.

LENGTH OF SERVICE

SEC. 9. (a) Each person selected through the military lottery for service with the Armed Forces of the United States shall serve in active training and service for a period of twenty-four consecutive months, unless sooner released, transferred, or discharged in accordance with procedures established by the Secretary of Defense.

(b) Each person electing participation in the civilian service shall serve in active training and service for that period of time which the Director shall deem appropriate for the particular occupational category into which that person has been placed; except that no person shall be required to participate in active service in the civilian service for less than the period served by those participating in the military lottery or for more than forty-eight consecutive months.

OPERATION OF THE MILITARY LOTTERY

SEC. 10. (a) The Director of the National Service Agency shall establish under this Act procedures for the selection of men into the Armed Forces of the United States by means of a random lottery of those individuals who

have elected under the provisions of section 8(a) to participate in the military lottery.

(b) The lottery shall proceed by means of random selection. The random selection method will use three hundred and sixty-six days to represent the birthdays (month and day only) of all registrants who have elected to be placed in the lottery pool. On a date to be selected by the Director of the National Service Agency once each year the lottery shall be conducted selecting in a random manner each day of the year for every man who has since the last such lottery been placed in the lottery pool. On the same date, a supplemental drawing will be conducted to determine alphabetically the random selecting sequence by initial letter in surname among registrants who have the same birthday.

(c) The Secretary of Defense shall periodically notify the Director of the National Service Agency and the Deputy Director in charge of the military lottery of the number of registrants required to fill the manpower needs of the Armed Forces of the United States. The Director shall issue orders to report for induction to that number of individuals in the order that their birthdates and names were selected in the military lottery. Each registrant shall remain in the lottery pool for a period of twelve months following the date of the lottery selection for which he is eligible.

(d) A registrant who has received an order to report for induction but who has been granted a deferment under section 6(b) or under a procedure established by the Armed Forces, shall have his induction order stayed indefinitely but shall have his deferment reviewed each year thereafter until the twenty-fifth anniversary of his birth by the board which originally granted his deferment. If it is determined that the registrant can no longer qualify for a deferment, the induction shall be reactivated. When the registrant reaches the twenty-fifth anniversary of his birth, his induction order shall be permanently canceled.

(e) Any registrant who is discharged from the Civilian Service Corps pursuant to the provisions of section 18(b) of this Act shall have his name and birthdate placed in the random selection which next occurs following the date of his discharge from the Civilian Service Corps and shall remain eligible for a period of twelve months thereafter.

CIVILIAN SERVICE JOBS

SEC. 11. (a) It shall be the duty of each registrant who has elected to serve in the civilian service within six months of his election of civilian service or within six months after his deferment under paragraph 6(b) has expired, whichever is later, either—

(1) to locate and become employed as a full-time employee in a job which has qualified for participation in the civilian service either upon previous application of the employer or upon application of the registrant, as provided in section 4; or

(2) if unable to qualify under (1) or (2), to join the Civilian Service Corps provided for in section 12; except that a registrant may not elect to enroll in the Civilian Service Corps until two months after his election or the expiration of his deferment, whichever is later; except that a registrant may have his duty to comply with paragraph (1) or (2) suspended by the Director if the Director finds that a program of education or training proposed to be undertaken by the registrant would enhance his potential contribution to the mission of the Civilian Service Division, but a suspension granted hereunder shall end at the close of the 48th month after the month in which granted (which may not be before or include the month in which the registrant graduates from high school or similar institution of learning), or at the time the registrant successfully completes or otherwise ceases to engage in such education or training, whichever first occurs.

(b) It shall be the duty of each registrant who has selected a job or a program pursuant to subsection 6(a) to remain satisfactorily employed or enrolled for a period of time determined by the Director for the particular occupational category or program in which the registrant is employed or enrolled as provided in section 9(b).

(c) Public non-Federal and private employers who have employed civilian service registrants shall have the authority at all times to accept, reject, conditionally accept, or dismiss any individual civilian service registrant; except that if it shall be determined by the civilian service that any registrant was rejected or dismissed because of race, color, creed, or national origin, then the Director is authorized to declare under procedures provided in section 4 that the public or private employer be disqualified from inclusion on the official list of civilian service jobs. The employer shall be authorized to reapply for qualification under procedures provided in section 4.

(d) When any civilian service registrant withdraws or is dismissed from a civilian service job, and it is determined by a hearing, as provided for in section 19, that the registrant is to continue in the civilian service, then the registrant shall report to the local placement center nearest to his current place of residence, within ten days of the termination of the hearing, in order to be assigned to a new job or Federal program for the duration of his time obligation.

CIVILIAN SERVICE CORPS

SEC. 12. (a) There is hereby established a Civilian Service Corps which shall be under the direction of the Corps Administrator who shall be appointed by the Director. The Corps Administrator shall be under the immediate supervision of the Deputy Director of the Civilian Service Division. The Corps shall train and employ registrants who elected civilian service and who, having not found employment in a job which qualified for the civilian service, joined or were deemed to have joined the Civilian Service Corps.

(b) In order to operate the Civilian Service Corps, the Director is authorized—

(1) to establish any or all new facilities, including new construction necessary for the operation of the Corps;

(2) to establish necessary provisions for housing of the registrants enrolled in the Corps;

(3) to provide whatever is necessary to insure for the proper medical care of the registrants enrolled in the Corps, including but not limited to the utilization of armed services medical facilities;

(4) to request and utilize the services of any or all—

(A) departments of the Federal Government;

(B) agencies, departments, or units of regional, State, county, municipal, or town governments; and

(C) trade organizations, charitable organizations, educational institutions, any other private or public organization or group or any person or group of persons.

(5) to establish within the Corps programs for registrants who come from deprived backgrounds, which programs shall be essentially educational and training in scope and designed to enable the registrants to enter productive employment for the remainder of their civilian service and thereafter.

ADDITIONAL AUTHORITY OF THE DIRECTOR

SEC. 13. In addition to the authority granted in section 12, the Director is authorized—

(1) to delegate any authority vested in him under this Act, and to provide for the subdelegation of any authority;

(2) to establish a procedure for compensating all volunteers. Such procedure shall provide that non-Federal employers of volunteers must pay to the Federal Government the same wage paid by the employer to nonvolunteers performing the same or similar work or the minimum wage, whichever is greater, and that the Federal Government will compensate all volunteers at a rate equal to a subsistence allowance based on the cost of living in the geographical areas in which the volunteers work;

(c) to establish procedures to protect all volunteers from discrimination by any employer because of race, color, creed, or national origin;

(d) to utilize, when necessary, the services of all departments of the Federal Government; and

(e) to establish such regional review boards as may be necessary to hear appeals as provided for in sections 4(g) and 7(c).

(f) to prescribe such rules and regulations necessary to carry out the provisions of this Act.

APPLICATION OF PROVISIONS OF FEDERAL LAW—REGISTRANTS NOT FEDERAL EMPLOYEES; FEDERAL EMPLOYMENT LAWS INAPPLICABLE

SEC. 14. (a) Except as otherwise specifically provided in this Act, a registrant in the Civilian Service Corps shall not be deemed to be a Federal employee and shall not be subject to the provisions of laws relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) Registrants in a Civilian Service Corps shall be deemed to be employees of the United States for the purposes of the Internal Revenue Code of 1954 and of title VI of the Social Security Act (42 U.S.C. 401 et seq.), and any service performed by an individual as a registrant shall be deemed for such purposes to be performed in the employ of the United States.

(c)(1) Registrants in a Civilian Service Corps shall, for the purposes of the administration of the Federal Employees' Compensation Act, be deemed to be civil employees of the United States within the meaning of the term "employee" as defined in section 790 of title 5 and the provisions thereof shall apply except as hereinafter provided.

(2) For the purposes of this subsection:

(A) The term "performance of duty" in the Federal Employees' Compensation Act shall not include any act of a registrant—

(i) while on authorized leave; or

(ii) while absent from his assigned post of duty, except while participating in an activity authorized by or under the direction or supervision of the Corps.

(B) In computing compensation benefits for disability or death under the Federal Employees' Compensation Act, the monthly pay actually received by an enrollee for satisfactory performance of his work shall be used.

(C) Compensation for disability shall not begin to accrue until the day following the date on which the enrollment of the injured registrant is terminated.

POLITICAL DISCRIMINATION AND ACTIVITY—INQUIRIES CONCERNING POLITICAL AFFILIATION AND RELIEF

SEC. 15. No discrimination shall be exercised, threatened, or promised by any person in the executive branch of the Federal Government against or in favor of any registrant in, or any applicant for enrollment in, the Civilian Service Corps because of his political affiliation, beliefs, or activities.

REPORTS BY EMPLOYERS

SEC. 16. Each employer (whether public or private) of a civilian service registrant shall submit a report to the Director, in such form and manner as the Director shall require, whenever a registrant leaves or is removed from his employ. Except in cases of

the normal expiration of a registrant's obligated service, such report shall state in detail the circumstances of, and reasons for, such termination.

CATEGORIES OF REMOVALS FROM JOB; EFFECT

SEC. 17. Each civilian service registrant shall possess the same rights of employment security against his employer as are enjoyed against such employer by other employees of similar rank and length of service. Any registrant who is removed from a job because of its abolition, or for any other reason not reflecting negatively on his performance, shall not be considered to have violated his obligation with the service; shall be considered to have been withdrawn without prejudice; and shall be eligible for transfer to new jobs within the service for which he is qualified. If a registrant is removed for any other reason (hereinafter referred to as "for cause"), he shall be liable to disciplinary action by the National Service Agency.

ADVERSE ACTIONS BY THE DIRECTOR

SEC. 18. (a) Adverse action against a civilian service registrant shall be begun by the Director only upon the basis of a special report from the registrant's employer supporting the registrant's removal from his job for cause or announcing the registrant's unauthorized departure from his job.

(b) Adverse actions against a registrant may include the imposition of such disciplinary sanctions, up to and including dismissal from the civilian service with loss of any benefits which would accrue as a result of completion of service, as the Director or his authorized representative shall deem necessary. A registrant who is dismissed from the civilian service as the result of an adverse action shall be deemed to have elected to participate in the next military lottery whose date of drawing, as provided in section 10(b), is after the date of dismissal; except that any such registrant who has completed at least half of his required length of service in the civilian service before his dismissal, and has been selected by the lottery, shall be required to serve only one year in the military.

(c) A registrant may be dismissed from the civilian service only under circumstances involving willful disobedience, insubordinate conduct, conviction of a felony or highly unsatisfactory performance.

(d) Sanctions imposed by the Director against a registrant for misconduct shall not impair any rights of action, public or private, criminal or civil, accruing to any other party against such volunteer by reason of his misconduct.

(e) The Director shall establish procedures for the administrative release of registrants from the civilian service for reasons of health or hardship, where the documented basis in fact for the claim would be at least sufficient to confer an exemption from the obligation to serve. Action leading to such a release may be initiated either by the registrant concerned or by the civilian service. A registrant so released shall remain eligible for all benefits normally accruing to those who have successfully completed their service.

ADVERSE ACTIONS—PROCEDURES

SEC. 19. (a) The Director shall establish and impose administrative sanctions, up to and including dismissal from the civilian service by adverse action, to punish any registrant who fails to fulfill his obligation. He shall promulgate a code of sanctions consistent with the provisions of this Act, by regulation.

(b) There shall be created in the National Service Agency a Legal Corps. All members of the Legal Corps shall be members of the bar of at least one State. Members of the Legal Corps shall preside over each and every disciplinary hearing and each and every appeal therefrom. The Legal Corps shall be divided into a Hearing Division and an Appeals Division.

(c) The Director shall establish procedures for conducting a full and impartial hearing in any case where adverse action against a volunteer is contemplated or has been taken by the National Service Agency. Such a hearing shall be held at the request of the registrant; no registrant shall be dismissed from the civilian service without such a hearing. One member of the Legal Corps shall preside over each such hearing, and shall interpret the law and the facts in reaching a verdict and in imposing or upholding such sanctions as are found warranted.

(d) Any registrant whose punishment is imposed or sustained at a hearing held under section 20(c) of this Act may take an appeal in writing to the Appeals Division of the Legal Corps within ten days of the announcement of the hearing judgment. The Appeals Division shall consider all appeals expeditiously. At its discretion, it shall hold an appeal hearing which may make fresh inquiry into both the facts and the law of the case. Such a hearing shall be presided over by three members of the Appeals Division.

(e) The Director shall promulgate rules governing all disciplinary hearings. Such rules shall provide for the right of the registrant to be advised by counsel, to confront any adverse witnesses, and to compel the attendance of witnesses. If a registrant facing a disciplinary hearing or an appeal therefrom desires representation by legal counsel but is unable to pay for it, the civilian service shall provide him with the services of an attorney who has been admitted to the bar of at least one State and is not employed by the civilian service, at no cost to the registrant.

(f) Any registrant who has abandoned or been dismissed from any employment shall have the right to a hearing in order to establish that his service has been satisfactory for completion of his obligation within the terms of section 22 of this title.

JUDICIAL REVIEW

SEC. 20. (a) A person suffering legal wrong because of action by the National Service Agency is entitled to judicial review. Such review shall be within the original jurisdiction of the district courts of the United States by writ of mandamus as provided in section 1361 of title 28, United States Code.

(b) There shall be no judicial review of actions by the National Service Agency or any officer or agent thereof until all administrative remedies provided in this Act have been exhausted and Agency action is final.

(c) To the extent necessary to decision and where presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning and applicability of the terms of an Agency action. The reviewing court shall—

(1) compel action unlawfully withheld or unreasonably delayed;

(2) hold unlawful and set aside actions, findings, and conclusions found to be—

(A) arbitrary, capricious, an abuse of discretion, or not otherwise in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(D) without observance of procedure required by law; and

(E) unsupported by substantial evidence in the case when taken as a whole and based on the entire record.

COMPUTATION OF TIME OF SERVICE

SEC. 21. All the time spent by a registrant from the time of his initial entry into the civilian service shall count toward satisfaction of his obligation except—

(1) time spent in legal detention or incarceration; and

(2) time spent unemployed after voluntary abandonment of a job or dismissal from work for cause: *Provided, however,* That if disciplinary proceedings are instituted by the civilian service as a result of such abandonment or dismissal and the registrant is acquitted of fault, all the time spent unemployed after such abandonment or dismissal shall be counted toward satisfaction of his obligation.

ORDER OF CALL IN EVENT OF WAR

SEC. 22. Notwithstanding any other provision of this Act, for the duration of any period of war declared by Congress, all persons subject to this Act shall be liable for training and service in the Armed Forces and shall be inducted, unless exempt or deferred, for such training and service in the following order:

(1) Volunteers and delinquents,

(2) Persons in the military lottery pool under section 10 of this Act,

(3) Persons in civilian service under this Act, those with least service therein first,

(4) Persons under age 26 who were not inducted for training and service during their 12-month period of prime eligibility in the military lottery pool; and

(5) Persons who have completed civilian service under this Act.

MISCELLANEOUS AMENDMENTS

SEC. 23. (a) Section 5315 of title 5, United States Code, is amended by striking out

"(70) Director of Selective Service." and inserting in lieu thereof

"(70) Director of National Service."

(b) Section 5316 of such title 5 is amended by adding at the end thereof the following:

"(128) Deputy Directors, National Service Agency (3)."

ADMINISTRATIVE PROVISIONS

SEC. 24. So much of the positions, personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available in connection with the functions, powers, and duties exercised by the Selective Service System immediately before the effective date of this Act as the Director of the Bureau of the Budget shall determine shall be transferred to the Director of National Service. The transfer of personnel pursuant to this section shall be made without reduction in compensation for one year after such transfer.

PENALTY

SEC. 25. Whoever knowingly violates any provision of this Act or any rule or regulation issued under this Act shall be imprisoned for not more than two years.

REPEALER

SEC. 26. The Military Selective Service Act of 1967 (50 U.S.C. App. 451 et seq.) is hereby repealed.

SAVING CLAUSE

SEC. 27. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SEVERABILITY

SEC. 28. If a part of this Act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Act is invalid in one or more of its applications, that part remains in effect in all valid applications that are severable from the invalid applications.

APPROPRIATIONS

SEC. 29. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

EFFECTIVE DATE

SEC. 30. (a) This Act shall take effect ninety days after the Director of National Service first takes office, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) The Director of National Service and the Deputy Directors of the National Service Agency may (notwithstanding subsection (a)) be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred to the Agency pursuant to this Act.

SECTION-BY-SECTION EXPLANATION AND COMMENTARY

Section 1. *Short Title:* "The National Service Act of 1970".

Section 2. Policy and Intent of Congress: This section explains the six premises in the National Service System.

Section 3. *National Service Agency:* This section attempts to end the inefficiency and lack of uniformity caused by the decentralized, uncompensated and part-time local draft boards of the Selective Service System.

A National Service Agency will replace the Selective Service Systems. The Agency shall be headed by a Director and three Deputy Directors. All four will be appointed by the President with the advice and consent of the Senate and will serve at the *pleasure* of the President. The agency will have three functions:

(1) The supervision of the Civilian Service from locating jobs in the private economy which "qualify," to running the federally operated Civilian Service Corps;

(2) The operation of a yearly birthday lottery similar to the lottery in effect today, including calling for induction when their number comes due; and

(3) The operation of local placement centers where registrants will be able to receive counselling on the options available to them, and where all classifications will be handled according to national regulations promulgated by the Director under the Administrative Procedure Act.

The country will be divided by the Director into regions. Each region of the country will have a Regional Registration and placement Administrator who shall appoint full-time civilian boards, whose members shall be compensated and none of whose members shall be employees of the National Service Agency (in order to get unbiased decision-makers). The Boards, with the assistance of hearing examiners, shall handle all appeals of classifications, also according to uniform national regulations.

Section 4. *Selections of Qualified Occupations:* This section is designed to create an orderly and open method of performing the difficult task of choosing which jobs in the economy will "qualify" for participation in the Civilian Service Program.

First, the section sets admittedly vague statutory guide-lines to the jobs—the jobs must be "of substantial social benefit," constitutionally permissible, and must not undercut the job market in that area.

Second, the guidelines are clarified by examples within the statute of both suitable occupational categories (for example, "jobs in non-profit hospitals") and non-suitable occupational categories (for example, "jobs with commercial organizations").

Third, the section creates a four-stage procedure that the Director is required to follow to determine which occupational categories and which specific jobs within the categories fit within the statutes guide-lines: (1) the Director solicits information from an initial list of potentially qualified employers on how many jobs and what types of jobs the employers think should qualify. (2) The Director holds hearings and publishes regulations on which occupational categories and which specific jobs qualify. After objections are filed, the Director holds hearings on objections raised to the regulations. (4) Any party aggrieved by a final order of the Director can appeal to the nearest federal Court of Appeals for judicial review. Presumably, the great majority of jobs will not require this third stage.

Fourth, jobs which have "qualified" will be compiled by the Director and be made available to young men at the time they register.

Because the Director is responsible for the entire process of job selection (although he will, of course, delegate most of this responsibility), both the definition of precise job categories and the application of these categories to specific jobs will be under one authority.

Section 5. *Registration:* All male citizens shall be required to register at age seventeen at which time they will get detailed information on the options available to them. Since registrants will not have to select among the options until age eighteen, they will have a year to make a reasoned decision. For most registrants, this year will coincide approximately with the last year of high school.

Section 6. *Exemptions and Deferments:* In this section, only those exemptions and deferments of the present systems which were thought necessary were retained.

(A) Three exemptions and deferments were eliminated:

1. Sole surviving son. This exemption, designed to prevent a family from losing its last son, is no longer necessary since nonmilitary civilian service is available as an option.

2. Ministers and ministerial students. If the purpose of this exemption is to insure a supply of men who will do socially valuable work, this purpose is met by allowing a socially oriented, civilian alternative to the military service. Furthermore, there is a fairly persuasive objection that this selective exemption involves an unconstitutional establishment of religion.

3. Occupational deferments. Civilian Service in itself is a system of occupational exemptions. Unlike occupational deferments, however, Civilian Service jobs will be (a) determined on an articulated basis instead of by regulation alone; (b) chosen at a national level instead of at the discretion of local boards, (c) devoid of the regional variances and uncertainties that have resulted in the past from allowing local boards to determine which occupations to defer; and (d) jobs of direct social usefulness including jobs with elementary schools but not including jobs with private, defense-related industries.

(B) Those exemptions which were retained in the Act include:

1. Persons serving in the Armed Forces, Reserves, ROTC, etc.

2. Persons found physically, mentally, or morally unfit as a permanent basis. (A less rigorous standard will be set for civilian service which few will fail to meet, e.g., the blind, mentally retarded, seriously incapacitated).

3. Residents who do not become citizens until 25. (It seems unfair to burden those who have not yet enjoyed the benefits of citizenship with the service obligation to the country. If national service is thought of as a prepayment for citizenship, service would only be required of those residents *intending* to become citizens. A determination of this intent would be complex and could be oppressive).

4. Persons conscientiously opposed to service in either a military or civilian capacity.

(C) The deferments retained include:

1. Persons satisfactorily enrolled in high school;

2. Persons found physically or psychologically unfit on a temporary basis; and

3. Persons granted hardship deferments. The hardship deferment will be granted only after a showing that either (a) additional financial compensation or (b) work enabling the registrant to reside at home, or (c) both (a) and (b) together are insufficient to provide for the registrant's dependents.

Section 7. *Classification; Right to Appeal Classifications:* All routine classifications will be made initially by local placement centers. All classifications, including conscientious objectors and hardship classifications will be appealable: (1) to a hearing examiner who will take evidence and make conclusions of fact and law; (2) to the Regional Civilian Board, which will review the examiner's decision to determine if it is supported by "reliable and substantial evidence," and which at its discretion may hear further testimony; (3) to the Director whose standard of review shall be the same as the Civilian Board; and finally (4) on judicial review to the nearest Federal District Court.

Section 8. *Election of Service Options:* At age 18, the registrant must irrevocably choose one of the three options. A person choosing military service may postpone actual service for up to four years of education or training.

Section 9. *Length of Service:* This section creates a time differential between conscripted military service (up to 24 months), and Civilian Service (from 24 to 48 months). The exact differential will be modified to regulate the flow of manpower into the three options. If too many registrants are choosing Civilian Service, the time required for Civilian Service will be increased. The Civilian Service minimum of two years is the maximum for those conscripted into the military, and the Civilian Service maximum will be four years—serving longer than four years could work too great a hardship on registrants' lives—with varying lengths possible for different occupational categories.

Section 10. *Operation of the Military Lottery:* The same random birthday lottery that is in force today will be preserved. Unlike today, however, only those who elected to be exposed to the risks of the lottery will participate in it.

Section 11. *Civilian Service Jobs:* This section details the requirements of those who have elected the Civilian Service option. These registrants will be given six months to find a qualifying job, and once hired must remain there for the required length of service. However, a registrant may postpone actual service for up to four years of education or training. If unable to find a job, they will be placed in the Civilian Service Corps. Employers will retain the right to reject or dismiss registrants provided there is no discrimination on the basis of race or religion. Registrants who are dismissed through no serious fault of their own will report to local placement centers where they will be able to choose a new job.

Section 12. *Civilian Service Corps:* The Corps will train and employ in collective tasks those registrants unable to find a qualified job on their own. In order to operate the Corps, the Director is authorized to request that private or public organizations assist the Corps in training registrants.

Sections 13–20. These sections provide: that there shall be no discrimination against or in favor of any registrant; that whenever a registrant leaves or is removed from his employ, his employer must submit a report explaining the termination: that a registrant who is removed from his job "for cause" (i.e., "highly unsatisfactory performance") may be dismissed from the Civilian Service after he has exhausted his appeal rights; that a registrant so dismissed shall be deemed to

have waived his Civilian Service option and shall be placed in the next military lottery; that those so placed in the lottery, who were dismissed after having completed at least half the time required in Civilian Service, will only be required to serve one additional year in the Armed Forces if selected by the lottery; and that all final decisions are subject to judicial review.

Section 21. Provides that all the time spent in civilian service shall count toward fulfillment of a registrant's obligation except if the registrant is in prison or has voluntarily quit his job, in which case his time shall only count if the registrant is found to be not at fault by the civilian service.

Section 22. Provides for an orderly call up in time of war declared by the Congress. Following military volunteers and lottery draftees, persons in the civilian service program would be called, with the most recent volunteers being called first.

Section 23. Technical amendments to current law.

Section 24. Provides for an orderly transition from the Selective Service System to the National Service System.

Section 25. Provides that persons who fail to comply with the provisions of this Act shall be imprisoned for no more than two years.

Section 26. Repeals the Selective Service Act.

Section 27–29. Housekeeping.

Section 30. Provides that this Act becomes effective not more than ninety days after the Director of the National Service System takes office.

NATION'S ECONOMY

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

Mr. WILLIAM D. FORD. Mr. Speaker, 17 months of the Nixon administration's policies have brought this Nation's economy to its lowest point since the Hoover depression of the early 1930's. Only a few statistics are needed to verify this gloomy picture:

Unemployment has reached 5 percent, or 4,100,000 persons out of work. More than 1,300,000 have lost their jobs in the past year. Even Republican economists warn that the unemployment rate may reach 6 percent in the coming year, meaning another million persons without jobs. The increase in unemployment this year has been the sharpest 5-month climb in over 10 years.

Living costs are continuing to soar. They have risen 6 percent since December, the sharpest increase in nearly 20 years. Food, housing, and medical costs have led the way in this upward swing, striking hardest at middle-income families and retirees.

Real income, or actual take-home pay in terms of buying power, has dropped 2.8 percent since September 1968, and continues to go down. Overtime is becoming a thing of the past.

Interest rates have reached a 100-year high, and federally financed mortgage rates have risen 26 percent since Nixon took office. Half of all American families have been priced out of the housing market, and college students must pay 12 percent for loans to finance their education.

Housing starts dropped 42 percent in 1969, even though the demand for new housing is higher than ever. Unemployment in the building trades industry rose to 11.9 percent last month, and high interest rates are making it impossible for young families to buy homes.

The gross national product, a key indicator of our economy, dropped to $724.3 billion in the first quarter of 1970, and has fallen some $6 billion in the past 6 months.

The stock market has plummeted in recent weeks to such a dangerous point that experts fear a repeat of the 1929 crash. Even the "blue chip" issues have dropped 40 and 50 percent, or more.

Who is suffering from this economic tailspin? Not big business, and not the big bankers, who so avidly support Republic policies. Bank profits were up 13 percent in 1969. United States Steel reported its profits up 38.8 percent for the final quarter of 1969, compared to 1968, and Kennecott Copper's profits rose 71 percent in 1969 over 1968.

It is the long-suffering "middle American" who is paying through the nose for the Nixon recession, and his loss cannot be measured by statistics. Percentage points do not reveal the fear of unemployment, the depleted savings accounts, the deferred medical or dental care, the postponed vacations, the meatless dinners, the unpaid bills, the threadbare clothing or the wornout automobiles which must be patched up and driven "one more year."

My own home State of Michigan provides a striking example of how the "Nixon" recession is affecting the working people of the Nation. Michigan's unemployment rate for March was 6.4 percent—well over the national average. In some areas of Michigan, it was even higher—10 percent in Bay City, 7.1 percent in Grand Rapids, 7.6 percent in Muskegon, 11.7 percent in Port Huron, and 12.6 percent in the Upper Peninsula.

The effect in Michigan is even more graphically shown in figures, just released, showing that 21,060 Michigan workers had exhausted their unemployment benefits in the first 4 months of the year. This compares with about 40,000 for the entire year of 1969.

The administration's current attitude toward unemployment was well described in testimony before the Select Subcommittee on Labor of the House Education and Labor Committee on March 30. Charles C. Killingsworth, professor of labor and industrial relations at Michigan State University, commented on the "typical analysis" used in justifying "transitional" unemployment.

"The argument runs as follows," Professor Killingsworth said:

> Just bear with us while the employment rate runs up; this is an unavoidable consequence of the policies that are necessary to defeat the psychology of inflation; but as soon as we have won that psychological victory, we can loosen the screws on monetary and fiscal policy, and the renewed growth of aggregate demand will smoothly and automatically carry us back to a satisfactory level of low unemployment.

Professor Killingsworth pointed out that unemployment percentages do not take into consideration the large number of young men in the armed services who would ordinarily be part of the work force. If this factor is considered, the unemployment rate would be even higher. This is even more emphasized by the fact that unemployment in the military-age group—20 to 24—is 7.3 percent—well over the national average.

During the 1968 presidential campaign, Candidate Nixon made an issue out of balanced budgets, Federal surplus, and Republican fiscal responsibility. The 1969 Democratic budget had a $3.2 billion surplus, and the Democratic Congress cut over $5 billion from the Nixon 1970 budget. Yet, the 1971 Nixon budget projected a surplus of only $1.3 billion, and this has already disappeared even before the fiscal year begins.

The administration has tried to cut expenditures—at the expense of such vital Federal programs as aid to education, health research, and the war on pollution. But there has been no effort on the part of the President to cut such needless expenses as the controversial ABM system, excessive military hardware, or the bloated farm-subsidy program.

The deteriorating state of the Nation's economy is graphic proof that the Nixon administration's policies are a complete failure. It is time for the President to face up to the situation, and use the powers of his office to halt our plunge into economic disaster.

THE NURSING HOME PATIENT—DO WE REALLY CARE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. PRYOR) is recognized for 60 minutes.

GENERAL LEAVE TO EXTEND

Mr. PRYOR of Arkansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject matter of my special order today.

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

There was no objection.

Mr. PRYOR of Arkansas. Mr. Speaker, in the past several weeks I have received literally thousands of letters and communications from citizens across our Nation who are interested in providing better care for the aged. Most of our correspondence comes from relatives of patients now confined to nursing homes and homes for the aged, from the patients themselves, from nurses, doctors, and concerned citizens. Most have met with frustration time and time again in their efforts to improve the plight and dilemma now facing 1 million Americans confined to these institutions.

Not all homes are bad. Some owners and operators are diligently trying to render public service.

Today, I am taking a very minute sampling of our mail and presenting to our colleagues actual cases of experiences in nursing homes and homes for the aged.

These cases demonstrate once again the fragmentation, overlapping, and layer upon layer of bureaucratic involvement in the nursing home industry which has, it would appear, the best in-

terest of everyone in mind but the patient himself.

These cases further indicate, Mr. Speaker, the control, the selfish and greedy interests—not only of many of the nursing homeowners and operators but also the nursing home associations and lobbying groups which foster these conditions and also thrive in this area of bureaucratic confusion.

Mrs. Glenn Trethewey of Robbinsdale, Minn., was a volunteer visitor in many nursing homes and finally placed her own mother in such a home. She observed and wrote me that many nurses' aides were "interested only in their paycheck."

On four successive visits to a patient dying of cancer she found the patient lying in a urine-soaked bed, dried vomit on her gown and pillow, food particles in the bed. She called an aide, who did nothing but change the top sheet.

She watched an old patient choke to death on a piece of meat. Another patient told her, "I would eat better, but the girls do not have enough time—they push it at me too fast."

She watched aides stand and chatter while patients rang buzzers for help. She saw them walk by rooms, indifferent to the cries of aged persons calling out in distress.

Mrs. Trethewey found the aides had little or no training, that they failed in such functions as administering simple exercises to patients recovering from strokes.

Finally she found her own mother, strapped down, naked to the waist, lying in a draft and calling for help. She writes:

> She must have been observed by several aides who apparently passed her door with indifference, but when I came in, one bustled in behind me, now all attention because I was there, and telling me how "naughty Grandma had been, so we had to tie her down."

Not only in Minnesota, but throughout the country, shortages of qualified and dedicated personnel who will work for $1.60 per hour are widespread.

Nursing home operators complain that low wages attract poor caliber help but their profits soar—and the Labor Department reports an extremely high turnover among nursing home personnel.

Nurses' aides are often untrained and undedicated, caring for the sick not as a mercy but only as a job.

Such difficulties only serve to underscore the need for good supervision by the nurse in charge. According to medicare extended care facility regulations, she is to be in charge of "the total nursing care of patients during her tour of duty," to oversee such activities as making sure each patient is kept "clean, comfortable and well-groomed," and treated "with kindness and respect."

Where was this supervisor?

From Chicago, an anonymous patient writes that his nursing home is unsanitary and improperly equipped.

> Most of the patients have constant diarrhea. The food is atrocious, some of it not edible. Sanitation poor. Toilets not properly cleaned.
>
> The building was built as a nursing home. But no sliding doors in bathrooms, no sit-down showers, faucets not of the type that can be pushed by crippled hands. One elevator, also used as a service elevator.
>
> No evidence of a sprinkler system or fire protection, and the nurses told me it would be impossible to evacuate the third floor patients in case of fire. No fire drills either.

The State of Illinois requires no written record of fire drills. Yet Federal extended care facility provisions say that there must be "evidence" of fire drills at least twice a year. Is evidence possible without a written record?

Again, we find the intent of the law prostituted, enforcement of that law absent.

There is no requirement in Illinois for a written fire evacuation plan. What is the evacuation plan of this nursing home? Evacuate the first two floors and let the third floor patients burn?

I have noticed that fire escapes on many "older" nursing homes are so steep they would frighten even the young and agile; so narrow that it would be impossible for a wheel chair to pass.

I cannot imagine how bedridden patients would be evacuated down a normal outside fire escape. Only a few yards from one such building I saw an overflowing bin of trash waiting to be burned. The home could easily catch fire. In fact it was a firetrap. What then of the patients inside?

Although death rates in nursing homes are so high that the National Fire Prevention Association has declared them at the top of the list of unsafe places to live, it is in the area of fire regulations that Federal and State standards tend to be most weak, most confusing, most subjective.

I would point out that over a recent period, six persons died in nursing home fires for every patient killed in a hospital fire.

Several years ago, a fire at Fitchfield, Ohio, killed 63 nursing home patients. Authorities at that time found that only 386 of the State's 1,153 nursing homes met minimum safety requirements.

And yet, what was done? Virtually nothing. And, this January the tragedy was repeated in that same State when 32 patients died at Marietta, Ohio.

Most nursing home patients are old and crippled. They need the benefit of every doubt. Why, then, continue to risk lives with standards that are not mandatory?

Mrs. Veda H. Reeves, a resident of the State of Tennessee, visited her husband the morning of his death—January 2, 1970. She found him lying in a wet bed. She realized he was dying and rang the buzzer for help. No one came. After 15 long and desperate minutes, another patient went for the nurse.

Mr. Reeves had been in the nursing home 5 days. He had been moved there from a hospital, against his wife's wishes, when his medicare allotment was gone. Mrs. Reeves described to me in her letter the 5 days before his death:

> The heart medicine he was supposed to be given early in the morning would be lying on his table when I arrived at almost noon. He had not been fed; he was not bathed. He was tied to the bed with blankets to be shaved although he was completely helpless and could not have moved without help.

Mrs. Reeves asked the nurse to call a doctor to attend her dying husband, but the doctor never arrived.

Mrs. Reeves writes:

> I do not know if he was called or if he was too unconcerned to come. No one at the home tried to do anything to help either him or me. It was necessary to have an ambulance drive us twenty miles to a hospital to have him pronounced dead.

Mr. Speaker, the Tennessee regulations are:

First. Restraints to be used only on physician's order. (Broken.)

Second. Medicine to be administered only under direction of a registered or practical nurse. (Broken).

Third. Physician available to nursing home for emergencies. (Broken).

The State of Tennessee requires an attendant call system. So does the Government in its extended care facility regulations. The buzzer was there, but no one to help. Was it possible that, like call-systems in many nursing homes, it was not in working order? Did no one care? It makes us wonder.

Mrs. Frances Hess of Laurens, N.Y., paid $125 per week for nursing home care for her invalid mother, yet the home was understaffed and neglected to clean her mother's false teeth. She developed pyorrhea and could not eat. The staff continued to administer regular doses of insulin.

One morning Mrs. Hess could not awaken her mother. She checked with the nurse in charge.

The nurse said:

> You better not bother her. She has had a bad day.

Mrs. Hess asked why, if it was so bad, the doctor had not been called.

The nurse replied:

> You know your mother is very ill and doesn't have long to live—we can't call the doctor over every little thing.

Mrs. Hess called the doctor herself. He arrived just in time to save her mother from an extreme case of insulin shock; cause: the unadjusted insulin dosage.

Was the nurse in charge here really a nurse or simply a woman in a white uniform?

Even a layman could diagnose insulin shock in a known diabetic.

Symptoms: overexcitement, incoherence, fainting, finally a coma. Why was the nurse not able to recognize these symptoms? More probably through lack of attention than lack of knowledge.

A charge nurse should have "the ability to recognize significant changes in the condition of patients and take necessary action," state the regulations. Yet, in this case, nothing was apparently done.

Why did no physician come? Requirements stipulate that one be available in case of emergency.

The patient's diet was not modified, even though there was a marked change in eating habits. Federal requirements specify that nursing services should be

coordinated with dietary services. Yet, no action was taken.

Mrs. Dorothy Holdridge of Swanton, Ohio, placed her mother in a nursing home. She became "more and more fuzzy in mind, not eating, and losing ground," she writes. She found that her mother, like other patients, was being kept under the influence of sedatives and drugs so the help would not be bothered.

The pay-off was when an uncapped nurse held my mother against her will, wrapping her mean, strong legs around her frail body, stabbing her with a long needle, thus knocking her out. My mother's arm turned black from the shoulder to the finger tips, and this frightened the nurse, so all night long, vinegar was applied to the arm.

Mrs. Holdridge removed her mother from the home. It took 3 months to undo the drug damage.

Mrs. Holdridge does not refer to a physician in her letter. It is doubtful that a doctor would have prescribed sedatives in such a way as to keep not only her mother, but most other patients snowed under. Yet the State of Ohio requires that a physician order medicine.

An uncapped nurse gave the shot. Was she a registered nurse or licensed practical nurse? Or was she an orderly? Maybe the janitress. There is no nursing home regulation in Ohio to insure that medications are given by such qualified personnel.

Drug abuse has become a major problem in nursing homes throughout the country—so much so that a survey last fall indicated that one-seventh of nursing home drug prescriptions are administered wrong.

Both State and Federal regulations are lax in the entire area of pharmaceutical services and daily the patient faces the very real possibility that he or she will be administered the wrong drug. Who cares, Mr. Speaker?

Arthur Schellenkens of Chicago, Ill., lived in four nursing homes before he died. Treatment at each home made his condition worse, not better.

His hearing was impaired at the first nursing home through rough treatment.

The next home took away his clothes at night. There were not enough blankets and Mr. Schellenkens was always cold.

At the third home he became very ill. His stomach began to shrink and finally he could not eat. He was moved again to his fourth home.

The last nursing home gave him no blanket at all, did not wash his clothes and forgot his medicine. Mr. Schellenkens finally met his death under these conditions. He had entered with only a slight heart condition, but when he died he was clutching his stomach.

His daughter writes:

Yes. They got a lot of money from welfare for suffering and neglect of my father.

Nursing homes often make conditions worse, not better.

A study at the University of Chicago showed that 24 percent of elderly residents died in the first 6 months after entering three nursing homes in the Chicago area as against 10 percent of a control group of a similar age awaiting entrance.

Dr. James D. Coyle, Jr. of Sacramento, Calif., who specialized in treatment of older patients, reported in Medical Economics magazine:

The first thing to find out is whether a nursing home is designed for negative or positive care.

A negative care home gives only custodial care. No effort is made to improve the patient's condition. Almost no patients go home. They're there to vegetate until death.

I ask, Mr. Speaker, how will our society be judged on how we cared for and treated our aged?

Mrs. Mary Pearson was employed as a dietician in an Arkansas nursing home but found that no matter what posted menus said:

You just didn't have the food except when someone was coming over.

Patients were usually fed spam and bologna because:

They didn't know what they were eating anyway.

For nearly two years a tubercular patient washed trays in cold water. Outside the kitchen, a tall, uncovered refuse trailer held excrement from soiled diapers. "Multitudes of flies swarmed about. The trailer was uncovered. It was not removed each day and not washed out."

Patients only received 700 to 800 calories per day, cooked from supplies that included "hatchery reject eggs with maggots in the cases, bacon held so long it was molded black, very poorly home-canned foods."

Mrs. Pearson recalls that when inspectors were in the lobby, the words "coats blue" came over the intercom and the kitchen immediately prepared dinners of frozen pork and chicken.

Laws can be written for posted menus, but can laws be written to make operators serve the food when inspectors are not present?

Dishwashing procedures are described in Federal extended care facility requirements as "well-developed, understood, and carried out in compliance with the State and local health codes."

Do State and local health codes specify cold water?

Mrs. Dorothy Plato, a licensed vocational nurse, worked in a Four Seasons nursing home in Dallas, Tex.

The home was new, elaborately designed and well-landscaped, considered one of the most desirable in the area. The furniture was plush and colorful and the floors—even the hallways—were carpeted.

Visitors saw hot meals served in generous portions. Medicare inspectors saw medicines in order, charts up to the minute, records well-kept. Yet Mrs. Plato found actual conditions somewhat different.

When there were no visitors and no inspectors, food became inadequate in both quality and quantity. Medicine was administered haphazardly and medical care was poor.

Mrs. Plato recalls:

All of the private pay patients are on a separate hall. They get better service, better food and are treated with the highest regard and esteem.

The patients who are on Medicare and County Welfare are also in a wing to themselves. Their care is of only the barest of necessities and the food is the poorest of all.

Medication for Medicare and welfare patients must be ordered from the Four Seasons Pharmacy and the price is ridiculous. Some of the medications that a private pay patient takes that cost $3.00 will cost the Medicare patient $6.00, simply because the government is paying the bill.

Ambulatory and bed patients received the same diet. A typical meal: one piece of meat and one bite of potato, a piece of thin cornbread, two crackers, and a cup of weak tea. Always cold.

Neither of the two head nurses had previous experience with geriatric patients. The director of nurses did not seem to understand when Mrs. Plato pointed out that an aide was giving oral feedings with "the same asepto syringe that was being used to irrigate the foley catheter."

One nurse was in charge of dispensing medicine to 60 patients. Result: late medications.

When medicare inspectors came, they notified the home far in advance. Normal activities were dropped for all-out efforts to prepare.

Mr. Speaker, who protects the patients?

With medicare inspections reporting far in advance of this inspection there is no need to say "coats blue" over the intercom.

No legislation prevents low ratios of nurses to patients. Nurses in charge do not necessarily need training to geriatric care. Extended care facility requirements can stipulate an "adequacy of diet," but why should there be need of legislation to say the food must be hot? Have booming profits "dehumanized" nursing homes in America?

Such conditions in Government-subsidized facilities should not be tolerated. But as long as notice of inspections is given far in advance, such homes can continue to buy carpet—but not better care.

Mrs. Theressa Gay was allergic to several foods. She entered a nursing home in Palto Alto, Calif., with the assurance that her special diet would be followed.

The home began to serve foods that she could not eat. She asked to see the dietitian but was told the dietitian was not available. She sent a list of foods to the kitchen but there was no change.

When Mrs. Gay complained she was told the list of foods she could not eat was "too long," and that it was too difficult to prepare meals for her. She lost weight and finally contacted the administrator. His only reply: "We have a dietitian."

California State regulations don't require a dietitian.

But they do require therapeutic or modified diets as prescribed by a physician.

Extended care facility requirements state:

Diets are prepared and served as prescribed by the attending physician.

Therapeutic diets are planned, prepared and served with supervision or consultation from a qualified dietician.

Where was the dietician? Who is enforcing the regulations? No one.

Who suffers? Again, the patient.

Yes, a jungle of problems and dilemmas seem to preclude the development of better care for our elderly.

The nursing home industry constantly complains of personnel shortages, shortages of beds, shortages of professional skills, registered and licensed practical nurses, therapists and social workers. Low salaries prevail throughout the industry except for those in the ownership structure, and high turn-over rates are the rule rather than the exception. Thus, the nursing homeowners and operators excuse themselves and rationalize the poor standard of care they provide.

The Government, on the other hand, complains of the impossibility of enforcement of high standards—or even the enforcement of weak existing standards—on poorly constructed and negligently operated facilities with poorly qualified and profit oriented operators.

The Government blames the nursing homes. The nursing homes blame the Government. And the patient again is caught in the middle. Lobbying forces of the nursing home industry have purposely kept legislation and enforcement weak at both Federal and State levels and yet our taxpayers are funneling $2 billion annually into the nursing home industry.

Mr. Jordan Braverman quite appropriately entitled his recent study, "Nursing Home Standards—A Tragic Dilemma in American Health." In far too many States the report reveals a grave laxity of protection. Our Federal Government has continued to rely on State jurisdictions to exercise responsibility. State governments, on the other hand, have looked to the Federal Government to set specific guidelines.

Thus, no one is in control. The patient continues to suffer and it is no wonder that many of these institutions are, in fact, "half-way houses between society and the cemetery."

Nursing home regulations vary in character from a comprehensive 143 page book of requirements—Kansas—to a 9 page 6 by 4 inch pamphlet—Rhode Island—that resembles a Girl Scout manual. Mr. Braverman states that—

It appears that only those services which may be considered very minimal and basic to patient care are required by most jurisdictions.

But everyone is comfortable with the status quo—especially the nursing home industry. Why not? It knows that the demand for other priorities makes Government action in this area weak, impotent and ineffectual. Thus, the nursing home industry continues to resist change and regulations which would benefit the patient.

The nursing home industry today in America and the lobbying groups which become its spokesman in Washington and 50 State capitols, camouflaging itself behind the veil of hypocrisy when they maintain, "We are constantly trying to upgrade our industry."

But as our Government policy has continued to leave control of the nursing homes largely up to the members of that field, one HEW official stated recently:

The nursing home industry has not yet reached the ethical plane that would support self-regulations.

The Government's own lack of regulation of this growing field of health care leaves little inducement for nursing homes to undertake the voluntary application of innovations that may in some way whittle away some of its bulging profits. I would remind my colleagues that of the 24,000 nursing homes and homes for the aged that 90 percent of them exist today for a profit.

I would point out that only nine States require that the administrator of a nursing home possess a high school diploma. The Federal regulation states that it would be "desirable" for a nursing home administrator to be a high school graduate. This is a typical example of State regulations, which do not recognize the necessity of stronger regulations, and the Federal jurisdiction confusing an objective rulemaking method.

Thus, we see on one hand a profit-oriented industry, with its own interest in play, and on the other, ineffectual and impotent leadership in both standards development and enforcement from our State and Federal governments. Each continues to rationalize its own failures as layers of bureaucracy choke off any immediate hope of improving the situation.

Mr. Speaker, today, Wednesday, June 10, 1970, the patient again has become the victim of commercialization, power politics, and an apathetic bureaucracy as the Department of Health, Education, and Welfare is announcing that all HEW regulations and Federal standards for the intermediate care facility will be rescinded. HEW explains their position in its press release of today by saying it is taking this step "to give the States more flexibility."

Yes, it is almost impossible to believe that the Federal Government is paying more than half the bill for care in these institutions and yet we strip away all regulations on these nursing home operators.

Again, we see that the Department of Health, Education, and Welfare has simply buckled-in to pressure from the nursing home industry.

Again, we see that profit has conquered and care has suffered.

On February 24, I, along with several of my colleagues, introduced House Resolution 850 which would establish a bipartisan select committee of the House of Representatives to fully examine this Nation's overall policies and goals in relation to the care of our elderly citizens in nursing homes and homes for the aged.

This select committee would also be empowered to make recommendations to the Congress after its investigations. I again urge consideration of this legislation.

Mr. Speaker, the nursing home patient cries out today for our help. That cry must not fall on deaf ears.

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

Mr. PRYOR of Arkansas. I shall be glad to yield to my friend from New Jersey.

Mr. HOWARD. Mr. Speaker, I rise today to join the distinguished representative from Arkansas in calling for the creation of a special committee of the House to study nursing homes and homes for the aged.

With the passage of medicare legislation, this area has expanded rapidly with the concomitant expansion of old problems and the creation of many new ones. The Federal Government has become an investor in the nursing home business to the tune of $2 billion per year.

Of course, there are many persons involved in this business who do an outstanding job. However, with this expansion, operation of nursing homes has in every sense become an industry. In some instances, a nursing home is an impersonal business seeking only profits. In others, administrative and bureaucratic boondoggles have deprived the elderly of adequate care or potential benefits. Many nursing homes have now lost any sense of concern for their patients in the quest for the dollar. The gentleman from Arkansas has done a laudable job in cataloging cases of incredible, if not criminal, neglect, and abuse. The plight of our senior citizens in need of nursing home care must not be exploited by those seeking only a fast dollar.

The Senate Special Committee on aging, headed by my good friend, the distinguished junior Senator from New Jersey, HARRISON A. WILLIAMS, has inquired into the problems of our senior citizens. Much remains to be done, however, and the House must be an active participant in the task. The gentleman from Arkansas has shown that "isolated instances" of abuse and neglect have become too frequent to be called "isolated instances" any longer. Our senior citizens must not be relegated to an inferior or subhuman status or placed in unsafe surroundings simply because they are no longer able to be active producers in our society. We have the power today to insure that our senior citizens are not scrapped like used machinery, but rather are accorded the honor and affection and care they have rightfully earned during their productive years.

Currently five committees in the House are concerned with isolated aspects of the problems of the aged. As experience has proved time and time again, a successful effort to study a problem requires coordination and the requisite coordination can be achieved only by the consolidation of functions into one committee.

Mr. Speaker, the gentleman from Arkansas has done an excellent and thorough job in compiling the facts which ought to move this body to create a special committee on nursing homes and

homes for the aged. He is to be commented for undertaking this project single-handedly and on his own volition. The horrors he has uncovered cry out for remedy—we can begin that process today by supporting the resolution now pending in the House.

Mr. PRYOR of Arkansas. I thank the gentleman from New Jersey for his contribution and appreciate his generous remarks.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I shall be glad to yield to my friend from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, I would like to add my commendation to the gentleman from Arkansas for the outstanding leadership which he has asserted toward the improvement of nursing homes.

If the gentleman from Arkansas will allow me, I would like to quote from one of the letters from a resident of my own hometown sent to him which I think expresses the feeling of many of those in nursing homes, the feeling of respect and the feeling of applause for what the gentleman from Arkansas is doing.

This letter comes from James W. Price, 2785 Third Avenue, Huntington, W. Va., and reads as follows:

FEBRUARY 26, 1970.

Representative DAVID A. PRYOR,
Representative of Arkansas,
Washington, D.C.

HON. REPRESENTATIVE PRYOR: Congratulations on your action in behalf of the old people of this country. You are on a vital issue that is so important to all of us now and for sure later. We need more of your forthright kind of action. I hope you can keep on hammering. The abuses you have pointed out are so flagrant it is pathetic. Arkansas should be proud to have a Representative such as you are.

Sincerely yours,

JAMES W. PRICE.

Mr. Speaker, I would like to second that thought. I think Arkansas and the Nation are proud of the work which the gentleman in the well has done and is doing toward cleaning up the situation in the nursing homes of this Nation.

Mr. PRYOR of Arkansas. Mr. Speaker, I appreciate the generous comments of my friend from West Virginia, someone who has long been interested in the care and concern for the aged of our Nation.

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

Mr. PRYOR of Arkansas. I will be glad to yield to the gentleman from Ohio.

Mr. LUKENS. Mr. Speaker, I thank the gentleman for yielding and wish to offer a bipartisan comment at this point to the distinguished gentleman from the State of Arkansas (Mr. PRYOR). I am pleased that he has made the point in this commendable attempt to bring out the serious matter of fatal tragedies in these nursing homes.

The gentleman has seen fit to address himself now to a specific feature in connection with the general matter of nursing homes, and that is the matter of safety standards. I refer particularly to those concerning fire prevention in these nursing homes.

I would state to the gentleman, as I am sure the gentleman knows, that we in the State of Ohio suffered a very great tragedy in January of this year resulting in the loss of several lives because a nursing home did not meet all the Ohio specifications for fire prevention. This home was found to be wanting in making proper plans or preparations for the evacuation of these elderly individuals who could not move quickly.

Also in the matter of flooring materials and drapes in the home, or fireproofing these were proven to be inadequate and, at this, installed legally. Some facilities even further prevented the possibility of people being evacuated safely.

So, Mr. Speaker, again I want to add my commendations to the gentleman for his excellent leadership in bringing these matters before the eyes of the public, and to the attention of this body specifically.

Mr. PRYOR of Arkansas. Mr. Speaker, I deeply appreciate the remarks of my friend, the gentleman from Ohio (Mr. LUKENS). We do have serious problems created particularly in the field of fire prevention and control in our nursing homes. We will discuss this subject later on in the coming weeks in more detail, and with documented evidence that we have obtained.

Mr. UDALL. Mr. Speaker, once again the gentleman from Arkansas (Mr. PRYOR) has performed a public service by calling to the Members' attention the scandalous conditions existing in this Nation's nursing homes. How much longer can blatant profiteering be tolerated—and to a considerable extent subsidized by the Federal Government—while large numbers of old and infirmed Americans in nursing homes are ill-housed, ill-fed, and poorly tended or ignored by unprofessional help?

I do not want to paint every nursing home in the country with the same brush. There are good ones, some of them in my own congressional district. But the undeniable fact is that the horror stories recounted today by the gentleman from Arkansas are the rule rather than the exception.

Surely, it is past time that the Congress take a look at policies of the Federal Government which have contributed to the dehumanization of the elderly. I hope my colleagues will join me in supporting the proposal to create a select committee of the House to examine existing Federal policy on nursing homes and homes for the aged. That committee could offer the guidance we desperately need.

Mr. WOLFF. Mr. Speaker, there are over 1 million Americans confined to nursing homes in the United States. This, in effect, constitutes 1 million reasons why we cannot sit back any longer and let the disgraceful conditions found in so many nursing homes continue.

The plight of the aged is one which covers much ground. It is also an issue which the Federal Government has only partly tackled. Although Congress has stood up to social security and medicare reforms, Congress has used the silent sufferings of aged invalids as an excuse for not taking action in this area. We have, apparently, permitted our responsibilities to be pushed aside under the maxim "Out of sight is out of mind."

Our distinguished colleague from Arkansas, Mr. DAVID PRYOR, is a man of tremendous conscience. He has spent considerable time in nursing homes caring for forgotten patients while studying their problems. The results of his findings where shocking proof of the incredible disgrace, suffering and in some instances death which had been prompted by poor nursing home care.

The exploitation of a few has perpetuated hardship and suffering for many.

The aged, who have contributed so very much to the Nation, find that the Nation has abandoned them once they are no longer able to stand up for their rights.

They have found, in some instances, that their last days often contain more hardship and degradation than the sum total of their life experiences.

In turn, we see that the blatant disregard for Federal law, human dignity and compassion has enabled nursing homes to fester at the expenses of patients, their families and the Government.

After hearing some of the documentary evidence of the deterioration of nursing home facilities, one can only wonder how any child can bring himself to place his ill parent in a nursing home. For even the ones which seem reputable, in some instances, have only been examples of the art of masquerade.

Must each American family with an ill elderly parent remove his parent from nursing homes?

The sins of commission exhibited by many of these homes are not the sole problems of geriatric patient care. There are many cases in which the sins of ommission are just as brutal.

Weak laws and the lack of Federal regulations often set the stage for patient suffering.

There is for example the haphazard monitoring of nursing care homes. Such laxity, it has been shown, enables some homes to stage a temporary adherence to laws and human ethics—virtually a mockery of justice. Moreover, this staged performance is the cruelest of hoaxes. To one day create an atmosphere of warmth, clean facilities, excellent care and concern, and then to turn around and thrust senior citizens back into squalor after a Federal investigation is complete could not be any more brutal. In essence, such behavior is admission that the nursing homes know right from wrong but could care less.

We cannot permit our citizens and the Federal Government to continue to support these tragedy hidden institutions.

We spend over $2 billion each year on the Nation's nursing homes. Much of that money has done little more than to increase the wealth of exploitative, insensitive people. We must stop supporting these ineffectual, outmoded and ill-equipped homes.

We must upgrade standards in nursing homes, and insure that these standards are maintained. We must, moreover, make certain that those who admin-

ister these homes and who take care of our elderly patients are educated, compassionate and well equipped to cope with their problems.

And we must do it now.

It is for this reason that I have joined with several of my colleagues in filing legislation which would establish a select committee to study Federal policies with regard to the care of the aged.

In this way, we will have an effective force to investigate and make recommendations for the improvement of nursing homes.

For action in this matter is long overdue.

And if we fail to heed this call to action, whatever else we do for our senior citizens and their families will be as futile and hypocritical as the blot on the Nation's conscience which we call nursing homes.

Mr. PEPPER. Mr. Speaker, you know I am pleased to have this occasion to bring again, attention to the deplorable conditions which exist in some of our Nation's nursing homes and emphasize the fact that such conditions cannot be allowed to continue.

These nursing homes are not providing the type of care to which a person is entitled and for which they pay—often with hard-earned savings and meager retirement benefits. Regulating conditions and raising standards is not enough to assure proper care if there is not enough money to finance this care, especially in view of today's rising costs. If the patient and the elderly are unable to supply this additional money, we must face the alternative of enacting legislation which would authorize more Federal funds which would enable the nursing homes to carry out their functions properly or we must resign ourselves to perpetuating the conditions we are now criticizing.

I am aware this involves a commitment of many millions of dollars. But if we commit ourselves in words we must commit ourselves in deed. These heartbreaking conditions will not disappear through wistful thinking. Untrained aids, ill-equipped kitchens, crowded conditions, inadequate diets and lack of staff can be changed only if we can reequip the facilities and retrain the personnel or if we hire better personnel. All this requires money and we must provide it.

Another area in which the patient and the nursing home need Federal assistance is in custodial care. Long term care is a financial burden most people cannot afford. Too often these people are hospitalized in order to take advantage of medicare benefits or they simply do without any care at all. I will soon offer legislation which would alleviate this problem and which would fill the present gap in meeting our obligations to those citizens who are unable to care for themselves and unable to look out for their own best interests. It is the least we can do.

NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 30 minutes.

Mr. HOGAN. Mr. Speaker, I have today introduced a bill (H.R. 18008) on which I have been working for several months and which I consider to be an extremely important piece of legislation.

The legislation, the National Catastrophic Illness Protection Act of 1970, would, if enacted, allow our Nation's families to protect themselves against the scourge of catastrophic illness. The bill would provide the mechanism for such protection in a manner which could involve a very small Federal expenditure.

Catastrophic illness, by definition, would comprise those illnesses which require health-care expenses in excess of what normal basic medical or major medical coverage provides protection for. Once a family finds itself faced with having to pay for health-care costs of an extended nature, they are saddled with a financial burden that is staggering to comprehend.

Imagine, if you will, what it means to finance for years hospital care which will run between $80 and $100 a day after your routine insurance has been exhausted. For middle-income Americans who earn too much to receive welfare and who are not rich enough to even begin to meet such obligations, the result of catastrophic illness is instant poverty. The family is driven to its knees.

Such a family, which has probably already watched one of its members incapacitated and perhaps destroyed medically, also finds that its financial stability has disintegrated. Usually, private hospitals cannot afford to provide care after the family can no longer afford to pay for the hospital's services. This means that the afflicted member of the family must be transferred to whatever public facility exists to treat patients under such circumstances. Unfortunately, these public institutions are often understaffed, underequipped, and horribly overcrowded. All too often they become depositories where families must leave their children or other loved ones, because the doors of all other possible assistance have been slammed in their faces.

Catastrophic illness does not refer to a specific or rare disease. It is any disorder—from the exotic calamity to the common coronary. It is the fall from a step ladder in a home, a highway accident, or even the untimely sting of a bee, which cost one family over $57,000. It is anything that happens to any of us that causes medical expense in excess of what the actuaries tell us we should expect. Virtually every family becomes medically destitute when that point is reached. Fortunately, only a small portion of medical cases are of such magnitude. But for the thousands of families who, through no fault of their own, find themselves pummeled into such an abyss, there is—currently—no hope.

While catastrophic illness is nondiscriminating in whom it attacks, when it attacks and where it attacks, it seems that a tragically high number of these cases involve children. When a child is the victim, the parents are often young marrieds who find themselves depriving their healthy children of a wholesome family life in order to finance the health care of a sick child. Often, the havoc is so great that the young couples must watch their dreams go down the drain as all present and future planning is marshaled toward the single goal of finding the money to pay for their ill child's care. While nearly all of the pediatric diseases that are catastrophic are individually rare, in the aggregate they afflict more families than most of us would imagine. The list of obscure diseases such as Tay-Sachs disease, Niemann-Pick disease, Gaucher's disease, Fabrey's disease, metachromatic-leukodystrophy, leukemia, muscular dystrophy, myasthenia gravis, and the scores and scores of other maladies that destroy our people at enormous emotional and financial cost to their families appears endless.

Obviously, when catastrophic illness strikes the head of a household—the breadwinner—the disaster is compounded.

We are too great a nation to stand idly by—leaving our families that are victimized by catastrophic illness to their own devices. They have no devices. They are alone.

The legislation which I am proposing will go a long way toward mitigating against the problems of catastrophic illness because it will stimulate our insurance industry to provide coverage that will allow any family to protect itself fully against the costs of catastrophic illness. The legislation would foster the creation of catastrophic illness—or extended care—insurance pools similar to those that have been successful in making flood insurance and riot insurance feasible.

Because all participating insurance companies would be required to promote the plan aggressively, and because we would be dealing, statistically, with a small minority of all claims, the cost per policy should be low. As more people buy this new protection as part of their health care program, thereby spreading the risk, the cost should drop even more. The Federal role would be limited to reinsuring against losses in those instances where insurance companies paid out more in benefits than they took in in premiums. As the insurance industry gained experience under the plan they would be able to sharpen their actuarial planning so that such losses should be limited, if they occur at all.

We have taken careful steps to preserve the State role in insurance administration and to allow the Secretary of Health, Education, and Welfare to participate in the actuarial review of the policy rate structure in order to assure that the rates charged for those new policies are fair to all parties concerned.

Perhaps the most attractive feature of this legislation is that it would be free of all of the constraints that are plaguing existing federally funded health care programs. We would not be overburdening an already overburdened social security system in order to finance the plan. Families whose choose not to participate in the program would not be required to do so. However, on the other hand, families desiring to secure this protection would be assured of an opportunity to do so.

Under my program a deductible formula would be used to stimulate each family to provide basic health care protection. It would only be when this deductible level had been exceeded that the catastrophic insurance protection plan would be utilized. Under our formula, a family with an adjusted gross income of $10,000 would have to either pay the first $8,500 of medical expense or have provided themselves with $8,500 worth of basic insurance protection to offset the deductible requirement. Coverage from existing basic health and major medical plans would generally be sufficient to satisfy this deductible amount. However, if a family with an adjusted gross income of $10,000 incurred expenses during the period of a year that exceeded $8,500, our catastrophic or extended care program would be available to see the family through the period of financial burden when they would ordinarily be left on their own without help.

Again, because relatively few families would experience medical costs of this magnitude in a single year, the costs for this insurance should be quite reasonable—especially as more and more of our citizens availed themselves of its protection.

In developing this legislation I have met with many individuals uniquely experienced in the problems of catastrophic illness. I have discussed this proposal at great length with members of the medical community and have consulted leading members of the insurance community. More important, I have met with families that have been victimized by catastrophic illness. I have studied their plight in great detail. I know that it is wrong that these families are, in effect, abandoned—almost as a small boat adrift in stormy water.

I know that we can do something to help them and we do not have to spend ourselves into Federal bankruptcy to do it. All we need do is utilize a concept that has been tested successfully in other analogous areas.

I know someone who has watched a rare, truly catastrophic illness, strike and ravage a son—my good friend and former partner, Harold Gershowitz. He, incidentally, suggested the idea for this legislation. In watching his young son slowly die he has chronicled many of his thoughts during this experience in a book of verse. One of his entries seems particularly appropriate to the business before us.

Harold Gershowitz observed that we all seem too busy with the tumultuous pace of day-to-day living to take the time to reflect about those whom life is passing by.

Let me share with you his poem entitled "Beautiful Children":

Everyone seems busy
Shopping, working, driving, dating—
While beautiful children lie patiently waiting.

Highways are paved, homes are built
And life keeps rushing ahead—
While beautiful children
Live out their lives having never left their bed.

The seasons come and the seasons go
And we hope for the good times they bring—
While beautiful children
Wait . . . having never known the Fall
And having never seen the Spring.

Our cities are filled with streets and playgrounds
Where boys and girls run and shout,
But there are also institutions filled
With beautiful children
Who have no idea what life is about.

Life can be hectic and full of petty problems
With which we seem too busy to cope,
But there are all these beautiful children
And we busy people are their only hope.

There are indeed, all these beautiful children, and there are their families—the teenagers, the adults, and the senior citizens some of whom are victims—and all of whom are candidates for catastrophic illness.

Indeed, we busy people here in this Chamber are their only hope.

I urge my colleagues to support the national catastrophic illness protection bill.

I include the text of the bill and a summary of the provisions, as follows:

H.R. 18008

A bill to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at reasonable cost

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS

SHORT TITLE

SECTION 101. This Act may be cited as the "National Catastrophic Illness Protection Act of 1970".

FINDINGS AND PURPOSE

SEC. 102. (a) The Congress finds and declares that, despite the great advances in health insurance programs which have been made within both the public and private sectors of the economy, many individuals are still unable to secure adequate health insurance protection or to secure such protection at rates which they can afford. The Congress further finds that few of our citizens are protected from catastrophic illness and that provisions are generally lacking which would allow for such protection in the future.

(b) It is therefore the policy of the Congress and the purpose of this Act to establish a National Catastrophic Illness Insurance Program under which the Federal Government, with the cooperation of the States and their insurance authorities and with the active participation of the private insurance industry, will encourage the issuance of private policies which offer adequate health insurance protection on such terms and conditions as will guarantee that such protection is available to all Americans including those who cannot afford it under existing programs and policies, and will reinsure such policies on terms and conditions calculated to provide the maximum encouragement to insurance companies to participate in the program either individually or through insurance pools established for the purpose.

DEFINITIONS

SEC. 103. When used in this Act (unless the context otherwise requires)—

(1) the term "extended health insurance" means insurance against all costs paid or incurred for medical care (as defined in section 213(e) of the Internal Revenue Code of 1954 and the regulations issued thereunder);

(2) the term "costs of medical care" includes, with respect to any individual, all of the expenses of medical care (as so defined), incurred by or on behalf of persons covered by such individual's extended health insurance policy, which are deductible by such individual under section 213 of the Internal Revenue Code of 1954 (or would be deductible by such individual under section 213 of such Code but for the percentage limitations contained in such section) for the taxable year in which such expenses are paid or incurred;

(3) the term "insurer" includes any insurance company, or group of insurance companies under common ownership, which is authorized to engage in the insurance business under the laws of any State;

(4) the term "pool" means any pool or association of insurance companies in any State which is formed, associated, or otherwise utilized for the purpose of making extended health insurance more readily available;

(5) the term "person" includes any individual or group of individuals, corporation, partnership, association, or other organized group of persons;

(6) the term "reinsured losses" means losses on reinsurance claims under this Act and all direct expenses incurred in connection therewith, including, but not limited to, expenses for processing, verifying, and paying such losses;

(7) the term "Secretary" means the Secretary of Health, Education, and Welfare;

(8) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa; and

(9) the term "year" means a calendar year, fiscal year of a company, or other period of twelve months designated by the Secretary.

TITLE II—ESTABLISHMENT OF PROGRAM; STATE PLANS

PROGRAM AUTHORIZATION

SEC. 201. The Secretary is authorized to establish and carry out a National Catastrophic Illness Insurance Program as provided for in this Act.

STATE CATASTROPHIC ILLINESS INSURANCE PLANS

SEC. 202. (a) The National Catastrophic Illness Insurance Program shall be designed to carry out the purpose of this Act through the establishment of statewide plans providing extended health insurance and the reinsurance by the Federal Government of the insurers and pools of insurers who offer extended health insurance under such plans.

(b) Each insurer which is reinsured under this Act (or which is a member of a pool reinsured under this Act) shall cooperate with the State insurance authority in each State in which it is to acquire such reinsurance in establishing and carrying out the plan of such State described in subsection (a).

(c) Each statewide plan described in subsection (a) must be approved by, and administered under the supervision of, the State insurance authority, or be authorized or required by State laws, and shall be designed to make extended health insurance more readily available to all individuals in the State and particularly to those who would be unable to secure adequate and complete health insurance protection at reasonable rates without coverage by extended health insurance policies meeting the requirements of this Act which are issued and made available under such plan. Such plans may vary

in detail from State to State because of local conditions, but all plans shall contain provisions that—

(1) extended health insurance issued by insurers under the plan will be available to all eligible individuals (as defined in section 203) at reasonable premiums (as determined under section 204), subject only to a deductible or deductibles meeting the requirements of section 205;

(2) if any insurer declines to write a policy of extended health insurance covering one or more eligible individuals making application therefor in accordance with this Act, or agrees to write the policy only at surcharged rates or subject to specified conditions, such insurer will promptly notify both the applicant and the State insurance authority, which shall take such action as may be necessary or appropriate to provide for the issuance of the policy by a pool or by otherwise allocating the risk to be insured to two or more insurers (acting through the all-industry placement facility described in section 206 or otherwise);

(3) all extended health insurance policies for which application is made by eligible individuals under the plan will be promptly written after such application and the payment of initial premium and will be separately coded so that appropriate records may be compiled for purposes of performing loss prevention and other studies of the operation of the plan;

(4) such reports as the Secretary shall by regulation prescribe will be submitted to the State insurance authority and to the Secretary setting forth information, by individual insurers, including the number of risks insured under the plan and such other information as the State insurance authority or the Secretary may request;

(5) notice will be given to the policyholder a reasonable time prior to the cancellation or nonrenewable by an insurer of any policy written under the plan (except in case of nonpayment of premium), in order to allow ample time for an application for new coverage to be made and a new policy to be written under the plan; and

(6) a continuing public education program will be undertaken by the participating insurers, agents, and brokers to assure that the plan receives adequate public attention.

(d) Each plan shall in addition contain such terms, conditions, requirements, and other provisions as the Secretary shall determine to be necessary or appropriate to carry out the purpose of this Act.

ELIGIBLE INDIVIDUALS

SEC. 203. For the purpose of this Act, and for the purposes of any State plan submitted under section 202 and the insurance policies issued thereunder, an individual shall be an eligible individual if (1) he resides in the State submitting such plan, and makes application for extended health insurance coverage under such a policy in such manner and form as the State insurance authority (in accordance with regulations of the Secretary) shall direct, or (2) he is not an eligible individual under clause (1) but is a member of the household of a person who is an eligible individual under clause (1), and is such person's spouse, child, grandchild, parent, or grandparent.

PREMIUMS

SEC. 204. (a) the Secretary is authorized to undertake and carry out such studies and investigations and receive or exchange such information as may be necessary to estimate—

(1) the premium rates for extended health insurance which, based on consideration of the risks involved and accepted actuarial principles, would be required in order to make such insurance available on an actuarial basis, and

(2) the rates, if less than the rates established under paragraph (1), which would be reasonable, would encourage prospective insureds to purchase extended health insurance, and would be consistent with the purpose of this Act.

(b) On the basis of estimates made under subsection (a) and such information as may be necessary, the Secretary shall from time to time prescribe by regulation the premium rates which may be charged for extended health insurance under policies issued by insurers under State plans approved under section 202. Such rates may vary according to the number of individuals in the insured individual's family who are covered by the policy, and on the basis of such other factors as the Secretary may find to justify rate differences (whether based on differences in the risks involved in the coverage or otherwise). Losses sustained by insurers and pools charging premium rates prescribed under this subsection which are lower than the corresponding estimated risk premiums determined under subsection (a)(1) shall be compensated for by premium equalization payments made as provided in section 504.

(c) Premium rates prescribed under subsection (b) shall, insofar as practicable, be—

(1) based on a consideration of the risks involved in the coverage, including differences in risks due to family size or composition;

(2) adequate, on the basis of accepted actuarial principles, to provide reserves for anticipated losses, or if less than an amount adequate to provide such reserves, consistent with the objective of making extended health insurance coverage available so as to encourage prospective insureds to purchase such insurance and with the purpose of this Act; and

(3) stated so as to reflect the basis for such rates, including the differences (if any) between the estimated risk premium rates determined under subsection (a)(1), the estimated rates determined under subsection (a)(2), and the rates actually prescribed under subsection (b).

DEDUCTIBLES

SEC. 205. (a) The total amount payable to or with respect to any eligible individual on account of costs of medical care paid or incurred in any year under an extended health insurance policy issued by an insurer or pool under a State plan approved under section 202 may be reduced by a deductible equal to so much of such costs, actually paid or incurred by such individual, as does not exceed the amount determined under subsection (b).

(b) The deductible for any individual or family for purposes of subsection (a), with respect to costs of medical care paid or incurred in any year, shall be—

(1) 50 percent of the amount by which the adjusted income of such individual or family for such year exceeds $1,000 but does not exceed $2,000, plus

(2) 100 percent of the amount by which the adjusted income of such individual or family for such year exceeds $2,000.

No deductible may be imposed in the case of an individual or family whose adjusted income does not exceed $1,000.

(c) Notwithstanding any other provision of law, the deductible applicable with respect to any individual or family for any year under this section shall be reduced by the amount of any payments made toward the costs of medical care of such individual or the members of such family under title XVIII or XIX of the Social Security Act or under any other public or private health insurance policy covering such medical care.

(d) As used in this section with respect to any individual or family for any year, the term "adjusted income" means the gross income of such individual or family for purposes of chapter 1 of the Internal Revenue Code of 1954, reduced by the aggregate amount of the personal exemptions allowed such individual or the members of such family for such year under section 151 of such Code.

(e) For purposes of subsections (a) and (b), if an individual pays or incurs costs of medical care in any year with respect to a specific illness or injury which began in a previous year and continued without interruption until the time such costs are so paid or incurred, such costs shall be considered to have been paid or incurred in such previous year.

ALL-INDUSTRY PLACEMENT FACILITY

SEC. 206. Any plan under this title shall include an all-industry placement facility doing business with every insurer participating in the plan in the State, and shall provide that this facility shall perform certain functions including, but not limited to, the following:

(1) seeking, upon request, to distribute the risks involved in the issuance of any extended health insurance policy or class of policies equitable among the insurers with which it is doing business; and

(2) seeking to place insurance up to the full insurable value of the risk to be insured with one or more insurers with which it is doing business, except to the extent that deductibles, percentage participation clauses, and other underwriting devices are employed to meet special problems of insurability.

INDUSTRY COOPERATION

SEC. 207. (a) Each insurer seeking reinsurance under this Act shall file a statement with the State insurance authority in each State in which it is participating in a plan under this title, pledging its full participation and cooperation in carrying out the plan, and shall file a copy of such statement with the Secretary.

(b) No insurer acquiring reinsurance under this Act shall direct any agent or broker or other producer not to solicit business through such a plan, nor shall any agent, broker, or other producer be penalized by such insurer in any way for submitting applications for insurance to an insurer under the plan.

PLAN EVALUATION

SEC. 208. (a) In accordance with such rules and regulations as the Secretary may prescribe, each State insurance authority shall—

(1) transmit to the Secretary any proposed or adopted plan, or amendments thereto; and

(2) advise the Secretary, from time to time, concerning the operation of the plan, its effectiveness in providing extended health insurance, and the need to form a pool of insurers or adopt other programs to make extended health insurance more readily available in the State.

(b) The Secretary may by rules and regulations modify the plan criteria set forth under this title, if he finds, on the basis of experience, that such action is necessary or desirable to carry out the purpose of this Act. The Secretary may also, with respect to any State, waive compliance with one or more of the plan criteria, upon certification by the State insurance authority that compliance is unnecessary or inadvisable under local conditions or State law.

TITLE III—REINSURANCE COVERAGE

REINSURANCE OF LOSSES UNDER EXTENDED HEALTH INSURANCE POLICIES

SEC. 301. (a)(1) The Secretary is authorized to offer to any insurer or pool, subject to the conditions set forth in section 303, reinsurance against losses under extended health insurance policies under the plan or plans of any one or more States.

(2) Reinsurance shall be offered to any such insurer or pool only on all extended health insurance written by it or by its members.

(b) Reinsurance coverage under this section may be provided immediately following the enactment of this Act to any insurer or pool in any State on a temporary basis, and on such terms and conditions as may be agreed upon, and coverage under such terms and conditions may be bound with respect to any such insurer or pool by means of a written binder which shall remain in force not more than ninety days and shall expire at the earlier of either—

(1) the termination of such ninety-day period, or

(2) the effective date of any governing contract, agreement, treaty, or other arrangement entered into between the insurer or pool and the Secretary under section 302 for the purpose of providing reinsurance coverage against losses under extended health insurance policies.

(c) No reinsurance shall be offered to any insurer or pool in a State after the expiration of the written binder entered into under subsection (b), unless there is in effect in such State a plan as set forth under title II and the insurer or pool is participating in such plan, and unless, in the case of an insurer in a State where a pool has been established pursuant to State law, the insurer is participating in such a pool.

REINSURANCE AGREEMENTS AND PREMIUMS

SEC. 302. (a) During the first year following the date of the enactment of this Act, the Secretary is authorized to enter into any contract, agreement, treaty, or other arrangement with any insurer or pool for reinsurance coverage, in consideration of payment of such premiums, fees, or other charges by insurers or pools as the Secretary deems to be adequate to obtain aggregate reinsurance premiums for deposit in the National Catastrophic Illness Insurance Fund established under section 503 in excess of the estimated amount of losses under extended health insurance policies during such first year, and thereafter the Secretary may increase or decrease such premiums for reinsurance if it is found that such action is necessary or appropriate to carry out the purpose of this Act.

(b) Reinsurance offered under this Act shall reimburse an insurer or pool for its total proved and approved claims for covered losses under extended health insurance policies during the term of the reinsurance contract, agreement, treaty, or other arrangement, over and above the amount of the insurer's or pool's retention of such losses as provided in such reinsurance contract, agreement, treaty, or other arrangement entered into under this section.

(c) Such contracts, agreements, treaties, or other arrangements may be made without regard to section 3679(a) of the Revised Statutes of the United States (31 U.S.C. 665 (a)), and shall include any terms and conditions which the Secretary deems necessary to carry out the purpose of this Act. The premium rates, terms, and conditions of such contracts with insurers or pools, throughout the country, in any one year shall be uniform.

(d) Any contract, agreement, treaty, or other arrangement for reinsurance under this section shall be for a term expiring on April 30, 1971, and on April 30 each year thereafter, and shall be entered into within ninety days after the date of the enactment of this Act or within ninety days prior to April 30 each year thereafter, or within ninety days after an insurer is authorized to write insurance eligible for reinsurance in a State which it was not authorized to write in the preceding year.

CONDITIONS OF REINSURANCE

SEC. 303. (a) Subject to the provisions of subsection (b), reinsurance shall not be offered by the Secretary in a State or be applicable to insurance policies written in that State by an insurer—

(1) after one year following the date of the enactment of this Act, or, if the appropriate State legislative body has not met in regular session during that year, by the close of its next regular session, in any State which has not adopted appropriate legislation, retroactive to the date of the enactment of this Act, under which the State, its political subdivisions, or a governmental corporation or fund established pursuant to State law, will reimburse the Secretary, in an amount up to 5 per centum of the aggregate extended health insurance premiums earned in that State during the preceding calendar year on insurance reinsured by the Secretary in that State during the current year, such that the Secretary may be reimbursed for amounts paid by him in respect to reinsured losses that occurred in that State during a calendar year in excess of (A) reinsurance premiums received in that State during the same calendar year plus (B) the excess of (i) the total premiums received by the Secretary for reinsurance in that State during a preceding period measured from the end of the most recent calendar year with respect to which the Secretary was reimbursed for losses under this Act over (ii) any amounts paid by the Secretary for reinsured losses that occurred during this same period;

(2) after thirty days following notification to the insurer that the Secretary finds (after consultation with the State insurance authority) that there has not been adopted by the State, or the extended health insurance industry in that State, a suitable program or programs, in addition to plans under title II, to make extended health insurance available, and that such action is necessary to carry out the purpose of this Act; except that this paragraph shall not become effective until two years after the date of the enactment of this Act, or at such earlier date as the Secretary, after consultation with the State insurance authority, may determine;

(3) after thiry days following notification to the insurer that the Secretary, or the State insurance authority, finds that such insurer is not fully participating—

(A) in the plan in the State;

(B) where it exists, in a pool; and

(C) where it exists, in any other program found by the Secretary to aid in making extended health insurance more readily available in the State:

Provided, That the Secretary shall not make any such finding with respect to any insurer unless (i) prior to making such finding the Secretary has requested and considered the views of the State insurance authority as to whether such finding should be made, or (ii) the Secretary has made such a request in writing to the State insurance authority and such authority has failed to respond thereto within a reasonable period of time after receiving such request;

(4) following a merger, acquisition, consolidation, or reorganization involving one or more insurers having extended health insurance in the State reinsured under this Act and one or more insurers with or without such reinsurance, unless the surviving company—

(A) meets the criteria of eligibility for reinsurance, other than as provided under section 302(d); and

(B) within ten days pays any reinsurance premiums due; or

(5) upon receipt of notice from the insurer or pool that it desires to cancel its reinsurance agreement with the Secretary in the State.

(b) Notwithstanding the foregoing provisions of this section, reinsurance may be continued for the term of the policies written prior to the date of termination or nonrenewal of reinsurance under this section, for as long as the insurer pays reinsurance premiums annually in such amounts as are determined under section 302, based on the annual premiums earned on such reinsured policies, and for the purpose of this subsection, the renewal, extension, modification, or other change in a policy, for which any additional premium is charged, shall be deemed to be a policy written on the date such change was made.

RECOVERY OF PREMIUMS; STATUTE OF LIMITATIONS

SEC. 304. (a) The Secretary, in a suit brought in the appropriate United States district court, shall be entitled to recover from any insurer the amount of any unpaid premiums lawfully payable by such insurer to the Secretary.

(b) No action or proceeding shall be brought for the recovery of any premium due to the Secretary for reinsurance, or for the recovery of any premium paid to the Secretary in excess of the amount due to him, unless such action or proceeding shall have been brought within five years after the right accrued for which the claim is made, except that, where the insurer has made or filed with the Secretary a false or fraudulent annual statement, or other document with the intent to evade, in whole or in part, the payment of premiums, the claim shall not be deemed to have accrued until its discovery by the Secretary.

TITLE IV—GOVERNMENT PROGRAM WITH INDUSTRY ASSISTANCE

FEDERAL OPERATION OF THE PROGRAM IN NONCOOPERATING STATES

SEC. 401. (a) If at any time, after consultation with representatives of the insurance industry, the Secretary determines that operation of the National Catastrophic Illness Insurance Program as provided in the preceding provisions of this Act cannot be carried out in any State, or that such operation in any State, in itself, would be assisted materially by the Federal Government's assumption, in whole or in part, of the operational responsibility for extended health insurance under this Act (on a temporary or other basis), he shall promptly undertake any necessary arrangements to carry out such Program in that State through the facilities of the Federal Government, utilizing, for purposes of providing extended health insurance coverage, either—

(1) insurance companies and other insurers, insurance agents and brokers, and insurance adjustment organizations, as fiscal agents of the United States,

(2) officers and employees of the Department of Health, Education, and Welfare, and such other officers and employees of any executive agency (as defined in section 105 of title 5 of the United States Code) as the Secretary and the head of any such agency may from time to time, agree upon, on a reimbursement or other basis, or

(3) both the alternatives specified in paragraphs (1) and (2).

(b) Upon making the determination referred to in subsection (a), with respect to any State, and at least thirty days prior to implementing the National Catastrophic Illness Insurance Program in such State through the facilities of the Federal Government, the Secretary shall make a report to the Congress and such report shall—

(1) state the reasons for such determination,

(2) be supported by pertinent findings,

(3) indicate the extent to which it is anticipated that the insurance industry will be utilized in providing extended health insurance coverage under the Program, and

(4) contain such recommendations as the Secretary deems advisable.

ADJUSTMENT AND PAYMENT OF CLAIMS

SEC. 402. In the event the Program is carried out as provided in section 401, the Secretary shall be authorized to adjust and make payment of any claims for proved and approved losses covered by extended health insurance, and upon the disallowance by the Secretary of any such claim, or upon the re-

fusal of the claimant to accept the amount allowed upon any such claim, the claimant shall have the right of judicial review as provided by section 501(b).

TITLE V—PROVISIONS OF GENERAL APPLICABILITY

CLAIMS AND JUDICIAL REVIEW

SEC. 501. (a) All reinsurance claims for losses under this Act shall be submitted by insurers in accordance with such terms and conditions as may be established by the Secretary.

(b)(1) Upon disallowance of any claim under color of reinsurance made available under this Act or any claim against the Secretary under section 402, or upon refusal of the claimant to accept the amount allowed upon any such claim, the claimant may institute an action against the Secretary on such claim in the United States district court for the district in which the insurer's principal office is located or the insured individual resides (or resided).

(2) Any such action must be begun within one year after the date upon which the claimant received written notice of disallowance or partial disallowance of the claim, and exclusive jurisdiction is hereby conferred upon United States district courts to hear and determine such actions without regard to the amount in controversy.

FISCAL INTERMEDIARIES AND SERVICING AGENTS

SEC. 502. (a) In order to provide for maximum efficiency in the administration of the reinsurance program under this Act, and in order to facilitate the expeditious payment of any funds under such programs, the Secretary may enter into contracts with any insurer, pool, or other person, for the purpose of providing for the performance of any or all of the following functions:

(1) estimating or determining any amounts of payments for reinsurance claims;

(2) receiving and disbursing and accounting for funds in making payments for reinsurance claims;

(3) auditing the records of any insurer, pool, or other person to the extent necessary to assure that proper payments are made;

(4) establishing the basis of liability for reinsurance payments, including the total amount of proved and approved claims which may be payable to any insurer, and the total amount of premiums earned by any insurer in the respective States for reinsured extended health insurance; and

(5) otherwise assisting in any manner provided in the contract to further the purpose of this Act.

(b)(1) Any such contract may require the insurer, pool, or other person, or any of its officers or employees certifying payments or disbursing funds pursuant to the contract, or otherwise participating in carrying out the contract, to give surety bond to the United States in such amounts as the Secretary may deem appropriate.

(2) In the absence of gross negligence or intent to defraud the United States—

(A) no individual designated pursuant to a contract under this section to certify payments shall be liable with respect to any payment certified by him under this section; and

(B) no officer of the United States disbursing funds shall be liable with respect to any otherwise proper payment by him if it was based on a voucher signed by an individual designated pursuant to a contract under this section to certify payments.

NATIONAL CATASTROPHIC ILLNESS INSURANCE FUND

SEC. 503. (a) To carry out the program authorized under this Act, the Secretary is authorized to establish a National catastrophic Illness Insurance Fund (hereinafter called the "fund") which shall be available, without fiscal year limitations—

(1) to make such payments as may, from time to time, be required under reinsurance contracts under this Act;

(2) to make preminum equalization payments as provided in section 504; and

(3) to pay such administrative expenses as may be necessary or appropriate to carry out the purpose of this Act.

(b) The fund shall be credited with—

(1) reinsurance premiums, fees, and other charges which may be paid or collected in connection with reinsurance provided under title III;

(2) interest which may be earned on investments of the fund;

(3) such amounts as may be advanced to the fund from appropriations in order to maintain the fund in an operative condition adequate to meet its liabilities; and

(4) receipts from any other source which may, from time to time, be credited to the fund.

(c) If, after any amounts which may have been advanced to the fund from appropriations have been credited to the appropriation from which advanced, the Secretary determines that the moneys of the fund are in excess of current needs, he may request the investment of such amounts as he deems advisable by the Secretary of the Treasury in obligations issued or guaranteed by the United States.

(d) An annual business-type budget for the fund shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by law (sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847–849)) for wholly-owned Government corporations.

PREMIUM EQUALIZATION PAYMENTS

SEC. 504. (a) The Secretary, on such terms and conditions as he may from time to time prescribe, shall make periodic payments to insurers and pools in recognition of such reductions in premium rates under section 204(b) below estimated risk premium rates under section 204(a)(1) as are required in order to make extended health insurance available on reasonable terms and conditions.

(b) Designated periods under this section and the methods for determining the sums of premiums paid or payable during such periods shall be established by the Secretary.

RECORDS, ANNUAL STATEMENT, AND AUDITS

SEC. 505. (a) Any insurer or pool acquiring reinsurance under this Act shall furnish the Secretary with such summaries and analyses of information in its records as may be necessary to carry out the purpose of this Act, in such form as the Secretary, in cooperation with the State insurance authority, shall, by rules and regulations, prescribe. The Secretary shall make use of State insurance authority examination reports and facilities to the maximum extent feasible.

(b) Any insurer or pool acquiring reinsurance under this title shall file with the Secretary a true and correct copy of any annual statement, or amendment thereof, filed with the State insurance authority of its domiciliary State, at the time it files such statement or amendment with such State insurance authority.

(c) Any insurer or other person executing any contract, agreement, or other appropriate arrangement with the Secretary under section 302 or section 502 shall keep reasonable records which fully disclose the total costs of the programs undertaken or the services being rendered, and such other records as will facilitate an effective audit of liability for reinsurance payments by the Secretary.

(d) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of investigation, audit, and examination to any books, documents, papers, and records of any insurer or other person that are pertinent to the costs of any program undertaken for, or services rendered to, the Secretary. Such audits shall be conducted to the maximum extent feasible in cooperation with the State insurance authorities and through the use of their examining facilities.

GENERAL POWERS

SEC. 506. In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Secretary shall (in addition to any authority otherwise vested in him) have the same functions, powers, and duties (including the authority to issue rules and regulations) as those vested in the Secretary of Housing and Urban Development under section 402, except subsections (c)(2), (d), and (f), of the Housing Act of 1950. Any rules or regulations of the Secretary shall only be issued after notice and hearing, if granted, as required by the Administrative Procedure Act.

SERVICES AND FACILITIES OF OTHER AGENCIES—UTILIZATION OF PERSONNEL, SERVICES, FACILITIES, AND INFORMATION

SEC. 507. The Secretary may, with the consent of the agency concerned, accept and utilize, on a reimbursable basis, the officers, employees, services, facilities, and information of any agency of the Federal Government, except that any such agency having custody of any data relating to any of the matters within the jurisdiction of the Secretary shall, to the extent permitted by law, upon request of the Secretary, make such data available to the Secretary.

ADVANCE PAYMENTS

SEC. 508. Any payments which are made under the authority of this Act may be made, after necessary adjustments on account of previously made underpayments or overpayments in advance or by way of reimbursement. Payments may be made in such installments and on such conditions as the Secretary may determine.

TAXATION

SEC. 509. The National Catastrophic Illness Insurance Fund, including its reserves, surplus, and income, shall be exempt from all taxation now or hereafter imposed by the United States, or by any State, or any subdivision thereof, except that any real property acquired by the Secretary as a result of reinsurance shall be subject to taxation by any State or political subdivision thereof, to the same extent, according to its value, as other real property is taxed.

APPROPRIATIONS

SEC. 510. There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1970

(Introduced by Representative LAWRENCE J. HOGAN (Republican of Maryland) June 10, 1970)

PURPOSE AND ORGANIZATION OF LEGISLATION

The proposed National Catastrophic Illness Protection Act of 1970 is designed to encourage private health insurers, with the assistance of the Federal Government, to provide adequate health insurance protection for persons who cannot otherwise afford such protection, or whose medical and health expenses are such that extended health insurance protection is not available. According to the findings outlined by Congress in the proposal, "many individuals are still unable to secure adequate health insurance protection or to secure such protection at rates which they can afford" and "few of our citizens are protected" from the costs of "catastrophic illness."

To deal with these problems, the bill would

create a Federal health reinsurance program designed to encourage the development by the private insurance industry of policies which would afford individuals extended protection. Working with the industry, the Government would reinsure policies on terms and conditions calculated to provide maximum encouragement to insurance companies to participate in the program, either individually or through pools established for the purpose.

The legislation contains five titles designed to meet the program's objectives. Title I contains general provisions relating to the program, including the statement of Congressional findings and a section setting forth the definitions used in the proposal. Title II establishes the National Catastrophic Insurance Program by means of State-wide plans providing extended health insurance coverage through a program by which the Federal Government reinsures losses of insurers or pools of insurers offering extended health insurance policies. Title III contains the Federal reinsurance mechanism for protecting insurers against losses incurred by plans provided under title II of the bill. Title IV of the legislation establishes a separate reinsurance program to operate in those States where a State-wide plan is not developed in accordance with title II of the bill. Title V of the proposal contains general provisions relating to claims and judicial review procedures and Federal financial obligations in connection with the reinsurance programs established under titles II and IV of the bill.

SECTION-BY-SECTION ANALYSIS

Title I—General Provisions

Section 101—*Short Title.* Provides that the legislation may be known as the "National Catastrophic Illness Protection Act of 1970."

Section 102—*Findings and Purpose.* Sets forth the findings of the Congress that there are still many individuals who cannot secure or cannot afford adequate health insurance protection and that very little insurance protection is available to help meet the costs of catastrophic illness or disease. Establishes as the policy of Congress the need for a National Catastrophic Illness Insurance program to encourage States and private insurers in the development of policies which will meet the problems set forth in the statement of findings.

Section 103—*Definitions.* Defines certain terms used in the Act, such as "extended health insurance," "costs of medical care," "insurer," "pool" and "reinsured losses." Among the definitions are:

(1) *extended health insurance,* meaning insurance against all costs paid or incurred for medical care as defined in the Internal Revenue Act.

(2) *costs of medical care,* include expenses of medical care incurred by or on behalf of persons covered by an extended health insurance policy which are deductible in accordance with provisions in the IRS Code.

(3) *Insurers,* include any insurance company or group of companies under common ownership authorized to engage in the insurance business under laws of a State.

(4) *pool,* meaning association of insurance companies in a State formed or organized for the purpose of making extended health insurance more readily available.

(5) *reinsured losses,* meaning losses on reinsurance claims under this Act and all direct expenses incurred in connection with such claims, including processing, verifying, and paying such losses.

Title II—Establishment of program; State plans

Section 201—*Authority.* Authorizes the Secretary of Health, Education and Welfare to establish and carry out a National Catastrophic Illness Insurance Program.

Section 202—*State Plans.* Provides that the program shall involve the creation of State-wide plans providing extended health insurance, and that the Federal Government will reinsure insurers and pools of insurers who offer such insurance. Each insurer (or pool of insurers) will work with the State insurance authority in carrying out the State-wide plan. All plans would have to include:

(1) that extended health insurance be available to all eligible individuals, as defined in Sec. 203, and at a cost which is reasonable, as defined in Sec. 204, subject only to deductibles authorized in Sec. 205.

(2) that where an insurer does not agree to write a policy of extended insurance, or does so under various limiting conditions, the State authority is notified. The policy would then be placed with a pool or otherwise assigned to insurers by the "all-industry placement facility," provided for in Sec. 206.

(3) that data be compiled and studied in connection with the operation of the State-wide plan.

(4) that certain reports be submitted to the State insurance authority by individual insurers.

(5) that any cancellation of a policy provide for reasonable notice to permit coverage under a new policy to be written under the plan.

(6) that public information about the plan be readily distributed.

Further, each plan would have to contain such terms, conditions, requirements and other provisions determined to be necessary to carry out the purpose of the program.

Section 203—*Eligible Individuals.* In order to be eligible for policies issued under a State-wide plan, an individual would have to be a resident of the State and make appropriate application, or be a member of the household of such a person and his spouse, child, grandchild, parent or grandparent.

Section 204—*Premium Setting.* Premium rates would be set on the basis of a study of the risks in question and accepted actuarial principles. These rates would be promulgated by the Secretary for use by States and insurers in charging for extended health insurance issued under plans approved under Sec. 202 above. Rate differentials would be authorized on the basis of the number of persons covered in a family, or by other factors approved by the Secretary, including the different risks involved in various coverage arrangements. Where insurers established rates lower than those promulgated by the Secretary, any losses sustained by these insurers or pools of insurers would be compensated by "premium equalizers" provided for in Sec. 504 of the bill.

Section 205—*Deductibles.* Provides that, before payments are made under an extended insurance policy, a deductible must be satisfied through an equal amount of medical expenses paid or incurred by such individual. The amount of such deductible is determined by relating the extent of medical expenses to adjusted income and is equal to one-half of the amount by which a person's or family's adjusted income exceeds $1,000 but does not exceed $2,000; *plus* all of the amount by which such adjusted income exceeds $2,000. (A person with an adjusted income of $10,000 would have a deductible of $8,500.)

For the purposes of this section, the term "adjusted income" means the gross income of an individual or family for tax purposes less the aggregate amount of personal tax exemptions allowed the individual or family.

For satisfying the deductible, costs paid and incurred with respect to an illness which began in the previous year and continued uninterrupted until such costs were paid or incurred, shall be considered to have been paid or incurred in such previous year.

The deductible would be reduced by the amount of any payments, for the costs of care covered by the Medicare and Medicaid programs, or by any other public or private health insurance policy covering such care.

Section 206—*All Industry Placement Facility.* A State-wide plan must provide for an all-industry placement facility which would have the responsibility of distributing equitably the risks involved in the issuance of extended health insurance and which would seek to place insurance up to the full insurable value of the risk to be insured.

Section 207—*Industry Cooperation.* Provides that certain statements pledging participation and cooperation with the State insurance authority would be required of insurers seeking reinsurance under the program. In addition, no insurer shall direct any agent or broker not to solicit business through such a plan, nor penalize agents or brokers in any manner for submitting applications under the plan.

Section 208—*Plan Evaluation.* Provides that the State plan shall be evaluated from time to time in accordance with criteria established by the Secretary.

Title III—Reinsurance coverage

Section 301—*Reinsurance of Losses under Extended Health Insurance Policies.* Provides that the Secretary is authorized to reinsure against the losses which might be incurred under extended health insurance policies. Temporary reinsurance would be authorized immediately after enactment, but at the expiration of such temporary period, only permanent reinsurance is available to insurers participating in a State-wide plan as provided for in title II.

Section 302—*Reinsurance Agreements and Premiums.* Authorizes the Secretary to make agreements with insurers and pools for reinsurance in consideration of payments of reinsurance premiums deposited in the National Catastrophic Illness Insurance Fund provided for in Sec. 503 of the bill. Reinsurance offered would pay an insurer or pool for total proved and approved claims for losses in connection with the provision of extended health insurance over and above the retention of such losses by insurers which were required in accordance with the reinsurance contract. Terms would be made annually in connection with any reinsurance contract.

Section 303—*Conditions of Reinsurance.* Provides a detailed procedure for implementation of the reinsurance program in a State within specified time requirements, taking into account certain State and local factors which might affect such implementation.

Section 304—*Recovery of Premuims; Statute of Limitations.* Provides that the Government may recover in the courts any unpaid premiums lawfully payable to the Government by an insurer under provisions of a 5-year statute of limitations.

Title IV—Government program with industry assistance

Section 401—*Federal Operation of Program in Noncooperating States.* Authorizes after certain determinations that, where a State-wide program cannot be carried out, or that the objective of the program would be materially assisted by the Federal Government's assumption of the plan, arrangements for operation by the Government may be carried out. Insurers would deal directly with the Federal Government as fiscal agents of the United States.

Section 402—*Adjustment and Payment of Claims.* If a Federally-operated program is provided for, the Secretary is authorized to adjust and pay claims for proved and approved losses covered by extended health insurance.

Title V—Provisions of general applicability

Section 501—*Claims and Judicial Review.* Provides procedures for judicial review of disallowances for claims for losses under the

reinsurance program, whether State-wide or operating by the Federal Government.

Section 502—*Fiscal Intermediaries and Servicing Agents.* Authorizes the Government to enter into contracts and other arrangements for claims review, receiving and disbursing funds for making payments, etc.

Section 503—*National Catastrophic Illness Insurance Fund.* Provides for the creation of a fund for purposes of receiving premiums for reinsurance, paying claims, and so on.

Section 504—*Premium Equalization Payments.* Provides that the Secretary may make periodic payments to insurers and pools in recognition of reductions in premium rates below estimated risks as provided for in Sec. 204.

Section 505—*Records, Annual Statement, and Audits.* Self-explanatory.

Section 506—*General Powers.* Authorizes the Secretary of HEW to exercise certain powers vested in the Secretary of HUD under the Housing Act of 1950, in addition to powers provided in this proposal.

Section 507—*Services and Facilities of Other Agencies.* Provides that the Secretary may, on a reimbursable basis, utilize the services of other Government agencies.

Section 508—*Advance Payments.* Authorizes necessary payment adjustments in connection with the program.

Section 509—*Taxation.* Exempts the National Catastrophic Illness Insurance Fund from Federal taxation, except that any real property acquired by the Secretary as the result of reinsurance would be taxable by States or political subdivisions.

Section 510—*Appropriations.* Authorizes such appropriations as are necessary to carry out the provisions of the bill.

APPLICATION OF THE DEDUCTIBLE UNDER THE NATIONAL CATASTROPHIC ILLNESS PROTECTION ACT OF 1970

The deductible, or the amount of medical costs which must be incurred or paid in one year before benefits begin under this insurance, is based on individual or family income and would be as follows:

Adjusted income:

	Deductible
$1,500	0
2,000	$500
2,500	1,000
3,000	1,500
3,500	2,000
4,000	2,500
4,500	3,000
5,000	3,500

And so on up the scale.

"Adjusted income" means the gross income of an individual or family for tax purposes less the aggregate amount of personal tax exemptions allowed.

The deductible would be reduced by the amount of any payments, for the costs of care covered by the Medicare and Medicaid programs, or by any other public or private health insurance policy covering such care.

Example: A family with an adjusted income of $10,000 would during a year be required to pay or incur medical expenses to the extent of $8,500 (or to have insurance coverage to meet those expenses in whole or in part; Medicare or Medicaid payments would reduce the deductible similarly). At that point all medical expenses regardless of the extent, during that year, or for any lengthy illness or injury the treatment of which extends into another year, would be covered under such a policy.

For further information, contact: Ilona Modley or Dixie Barger, phone 225-4131.

HIGHWAY SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

Mr. FINDLEY. Mr. Speaker, today I am introducing a bill designed to close a major gap in highway safety programs. Its enactment will be a giant step forward in reducing the heavy toll of accidents in which trucks and buses are involved.

In 1969, more than 56,000 persons were killed on our Nation's highways, according to the National Highway Safety Council's preliminary report. The estimated injured were in excess of 2 million.

This bill would require each truck and bus under the jurisdiction of the Interstate Commerce Commission to be equipped with a tachograph, a recording instrument which provides a permanent record by chart of speed in miles-per-hour, distance traveled, nonoperating time of the vehicle, and the number and duration of stops.

Experience in several of our States and in a number of foreign countries where the tachograph is mandatory equipment, shows clearly that these devices promote speed control. The instrument will not prevent accidents, but will serve as a warning device to drivers and provide accurate records for owners, drivers, and law enforcement agencies.

I hope that the Congress can move swiftly to consider this proposal. The slaughter on our Nation's highways must be reduced.

The bill follows:

H.R. 18011

A bill to require that buses and trucks operated in commerce be equipped with instruments to provide a record of certain operating data, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

REGULATIONS

SECTION 1. (a)(1) Not later than the one hundred and eightieth day after the date of enactment of this Act, the Secretary of Transportation (hereafter in this Act referred to as the "Secretary") shall prescribe and publish regulations in the Federal Register establishing specifications for one or more instruments for installation in buses and trucks operated in commerce which shall (A) indicate the speed of such buses or trucks, in miles per hour, (B) provide a nonresettable odometer to record the total miles traveled by such vehicle up to at least one million miles, (C) indicate by a signal, whether visible or audible, to the driver of such bus or truck when it is exceeding a specific rate of speed, and (D) provide for a permanent visible record (by chart) of (i) the speed of such vehicle (in miles per hour), (ii) the distance traveled (in miles), (iii) driver changes (if any), and (iv) the number and length of periods during which the vehicle was not operated, and (E) be attached to such bus or truck and secured from unauthorized use with a lock or seal in such a manner as to automatically indicate on the record required by clause (D) each time any such instrument or instruments are opened.

(2) Such specifications shall include specifications with respect to (A) accuracy under various forces and conditions, (B) visibility or audibility, as the case may be, and (C) resistance of such instrument or instruments to impact and corrosion.

(b) The Secretary shall by regulations provide by whom and for what period of time any records made by such instruments shall be retained.

ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

SEC. 2. The provisions of subchapter II of chapter 5, and chapter 7, of title 5, United States Code, shall be applicable with respect to regulations prescribed under section 1 of this Act.

PROHIBITED ACTS

SEC. 3. (a) It shall be unlawful for any person to operate or cause to be operated in commerce any bus or truck manufactured on or after January 1, 1972, unless such bus or truck is equipped with an instrument or instruments which comply with regulations prescribed by the Secretary pursuant to section 1 of this Act.

(b) It shall be unlawful for any person to operate or cause to be operated in commerce after January 1, 1974, any bus or truck manufactured before January 1, 1972, unless such bus or truck is equipped with an instrument or instruments which comply with regulations prescribed by the Secretary pursuant to section 1 of this Act.

(c) It shall be unlawful for any person to offer for sale for use in any bus or truck or to install in any bus or truck any instrument or instruments, which are represented by such person to comply with regulations prescribed by the Secretary pursuant to section 1 of this Act, unless such instrument or instruments in fact comply with such regulations.

PENALTIES

SEC. 4. Any person who willfully and knowingly violates section 3 of this Act shall be fined no more than $1,000 for each such violation.

DEFINITIONS

SEC. 5. As used in this Act—

(1) The term "commerce" means commerce between any place in a State and any place outside thereof, or between places in the same State but through any place outside thereof.

(2) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and any possession of the United States.

(3) The term "motor vehicle" means any vehicle driven or drawn by mechanical power which is manufactured primarily for use on the public streets, roads, or highways, except any vehicle operated exclusively on a rail or rails.

(4) The term "bus" means any motor vehicle designed to carry more than eight passengers.

(5) The term "truck" means any motor vehicle designed to carry property in furtherance of any business activity.

NATIONAL SERVICE ACT OF 1970

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I wish to discuss a bill which I have cosponsored, the National Service Act of 1970. This bill is designed to avoid many of the dangers of an all-volunteer army while giving a young man the option of serving his country in a military or civilian capacity.

Under the National Service Act of 1970, each young man would register at age 17 with the local office of the National Service Agency. At that time he would be informed of the three alternatives available to him when he turns 18.

First, he could volunteer immediately for military service. Second, he could allow his name to be submitted for consideration in the draft lottery for that year. Third, he could volunteer for civilian service. The first two options are the same as under the present system, while the third would enable those young men who wish to do socially valuable civilian work to do so in place of military service.

A registrant who elects civilian service may directly attempt to find a job with an employer participating in the civilian service program. Suitable employers would include Federal, State, and local agencies, schools, nonprofit hospitals, police, and Federal programs such as VISTA, Peace Corps, and Teachers Corps. A registrant unable to find a qualified job on his own would enter the National Service Corps. The Corps would directly operate Federal programs in areas of social need such as reforestation or mass-produced housing for the poor.

A Civilian Service Volunteer would be required to remain in the position he has selected for a period of time determined to be the equivalent of 2 years of military service. He would be paid a subsistence wage, and his employer would pay the difference between that wage and the market wage for the job to the Federal Government. This source of funds would be used by the Federal Government to offset the administrative costs of the program, and to help meet the expenses of the National Service Corps when it functioned as the employer of last resort. An 18-year-old who chose civilian service could postpone actual service for up to 4 years in order to obtain an education or complete his training.

Enactment of the National Service Act of 1970 would be beneficial in several respects. First, the flexibility of the present system to expand draft calls rapidly in times of national emergency would be retained. Second, it would continue the voluntary aspect of the present system in which the majority of our military personnel are citizen soldiers on short-term duty. Third, because a force of professional soldiers would not have to be purchased at existing market prices, the overall cost to the country would be lower than with an all-volunteer army. Fourth, enactment of this bill would be an indication that Congress considers our civilian needs as pressing as our military needs. Finally, the universality of national service would emphasize that all citizens have an obligation to serve their country in some capacity, not just those unable to obtain educational or occupational deferments.

RECORD VOTES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Michigan. Mr. Speaker, together with a bipartisan group of my colleagues, I have today introduced legislation under which a minimum of one-tenth of the Members of the House could compel a record vote on any amendment to any bill debated by the House in the Committee of the Whole House.

Few changes we might make in the system would mean more than the power of a responsible minority to compel a record vote on controversial issues. The cornerstone of our American system is responsible representation of the changing needs and desires of the people whose will we assemble here to voice.

No procedural gimmick should be permitted which denies to the people the recorded judgment of each Member of the House, especially on those issues where a significant number of Members feel responsibility to the electorate cannot be effectuated without recordation.

Congress cannot command respect without being deserving of respect, and, any of its procedures which tends to reflect an attempt to avoid responsibility causes it to appear to be less deserving of respect.

For many years I have been a strong advocate of congressional reform. Congress, and particularly the House of Representatives as the voice of the American people, must be efficient, hard-working, honest, responsible, well informed, and responsive to those it governs. This requires among other things a constant updating of its procedures and rules.

Since coming to Congress, I have fought for technical changes to give Congress better information on and greater control over the vast sprawling Federal Government and the activities of its 6 million employees and military personnel. The concept of an Office of Program Aanalysis and Evaluation incorporated in a bill I introduced when I first came to the Congress in 1967 is included in the bill reported by the Rules Committee on May 12, as are many other changes, but far from all those which have been advocated by those of us who have actively sought congressional reform these past several years.

Our first responsibility is to make the American system work, and for my part I shall pursue, one by one, if need be, those changes which are indispensible to that end.

The rule change I seek is necessary because of technical procedures now in effect.

As my colleagues know, the most informal but important debate on a bill takes place in what is called the "Committee of the Whole House"—the Whole House considering a bill as would a committee—a practice necessary to expedite the work of such a large legislative body. To save time, success or failure of amendments is determined by "teller" votes, a counting of "bodies" for or against the measure but not a recording of names, record votes being prohibited, and for good reason. For example, should each Member exercise his right to offer one amendment to each bill, rollcalls alone would require over eight, 40-hour weeks. But, teller votes were intended to expedite the business of the House, not to provide a means of escaping responsibility.

When a bill comes before the House it is often a package worked out by a small number of senior Congressmen. To change this package, two steps are necessary. First, it must be amended in the Committee of the Whole, without a recorded vote. If it passes in the Committee, it must be adopted in regular debate, where a record vote can be taken. Practically speaking, unless an amendment is approved in the Committee of the Whole, there is no opportunity to offer it again except through a "motion to recommit," the usage of this legislative tool being severely limited.

This procedure can—and has been—misused.

Too many times I have seen important amendments decided in Committee of the Whole by too few voting Members without further recourse being available, whereas a recorded vote on the issue would have prompted the presence and commitment of all Members. It works both ways; the result sometimes being good and sometimes bad, but it still permits a Congressman to avoid taking a position on critically important votes.

For example, I can sympathize with those who sought a clear-cut expression from each Member on the amendments to restrict use of funds for military activities which were proposed last month during debate on the military procurement authorization bill. Although the substantive position I supported prevailed, I think each one of my colleagues who opposed the House action should have had an opportunity to be so recorded.

This procedure can—and must be—changed.

If we are to "secure the blessings of liberty to—our posterity," as each Congressman has pledged himself to do in his oath of office, then Congress must constantly operate out in the open where the people can see how it works and what it does. Every Congressman should stand up and be counted on the issues—even more so—we should be required to sound off and be recorded.

STRATEGIC ARMS LIMITATION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California (Mr. COHELAN) is recognized for 15 minutes.

Mr. COHELAN. Mr. Speaker, as a consistent proponent of the strategic arms limitation, I was encouraged by the article in the Washington Post today which reports on the progress of the Strategic Arms Limitation Talks—SALT.

According to the Post, an agreement to ban deployment of the multiple warhead missiles—MIRV—is a definite possibility in the SALT negotiations.

As my colleagues are aware, I, along with more than 100 Members of the House, proposed to the President that we halt testing and the development of MIRV. This news that a bilateral halt is in the offing is welcomed.

It would be a significant gesture if the administration would formally announce a delay in further deployment of the

land-based MIRV's pending progress in the SALT talks.

The military reports that testing of the system is complete, therefore our strategic posture is secure. However, I consider delaying deployment a vital step for the reasons well known to the students of this subject.

The verification of MIRV's can only be accomplished by on-site inspection. It is this problem that has caused the arms limitation agreements to flounder. Thus, if deployment is complete, the inspection issue could cause an agreement to abort.

I take the floor today to urge the administration to announce that it has ordered the cessation of the land-based MIRV deployment. I do this because I fear that the business-as-usual attitude exhibited in the past by the Department of Defense could jeopardize the SALT talks.

There is another factor that should be mentioned. If the reports of the SALT talks—that ABM's will be limited to Washington, D.C., and Moscow—are true, then the administration should report to the American people what precautions are being taken so that billions of dollars are not wasted in other areas of the Safeguard ABM.

Personally, I am still convinced that the ABM is unnecessary and will not work as an entire system. However, if there will be an ABM subject to a two-site SALT limitation, I do not wish this Nation's assets further wasted on ABM sites that will never be used.

Mr. Speaker, at this point I insert the article, "Hope for MIRV Curb Rises at Arms Talks" by Mr. Chalmers M. Roberts that appeared in today's Washington Post. I commend the reading of this article to my colleagues in the House:

HOPE FOR MIRV CURB RISES AT ARMS TALKS

(By Chalmers M. Roberts)

For the first time there is now a real possibility that the strategic arms limitation talks at Vienna will produce a Soviet-American agreement to prevent the otherwise inevitable massive deployment of multiple nuclear warheads known as MIRVs.

This would be coupled, perhaps as a second stage of a SALT agreement, to an initial pact to freeze at present levels the numbers of rival missiles and to limit anti-missile (ABM) defenses to the protection of Washington and Moscow, as earlier reported by The Washington Post.

The MIRV part of the agreement would be to halt further testing. That would be designed to prevent emplacement of multiple warheads on Soviet missiles and also to end deployment, which is beginning this month, of MIRV warheads on American Minuteman 3 missiles as well as on the Poseidon missiles due to be emplaced on nuclear submarines beginning next January.

If this comprehensive package, which the two nuclear superpowers are now approaching, is eventually signed and sealed, it would be a substantial curb in the nuclear arms race.

But there are many complex issues as yet unresolved and a key decision remains to be made by President Nixon and probably similar major decisions by the Soviet leadership.

It is against this background of what is in motion at the secret Vienna conference table, where the two sides met yesterday for their 15th formal session, that the remarks, also yesterday, of Secretary of State William P. Rogers acquire meaning.

According to the State Department's version of what he said at a closed session of the House Foreign Affairs Committee, Rogers declared that "we have put forward proposals dealing with all offensive and defensive strategic weapons systems, including ABMs and MIRVs. Our approach has been concrete and comprehensive. The Soviets have also indicated a preference for a comprehensive approach, but have not been as concrete as we in spelling out important specifics."

Rogers said that "both sides have presented their respective positions and are now engaged in a more detailed examination of specific issues." He credited the Soviets with avoiding "polemics even in recent meetings," a reference to meetings since Moscow denounced the American action in Cambodia.

The Secretary coupled his hopeful view with the diplomat's traditional warning that while "some common ground has emerged," there "are still important differences," that "we are in the early stages of exploring the issues" and that "it is already apparent that hard negotiations remain." He added that "it is not clear yet what sort of an agreement will result or when. Nevertheless, we continue to be optimistic."

The most hopeful timetable is for an agreement in principle on at least the initial pact and perhaps also on the MIRV curb at the time SALT takes a summer recess, probably at the end of July. The talks are expected to resume in Helsinki next fall where, it is hoped a formal treaty would be written.

While the Soviets have indicated less interest in curbing MIRVs than has the United States, the verification issue has been the chief sticking point. Moscow has been adamant in the opposition to onsite inspection and scientists say that unless one is within a few feet of a warhead it is impossible, technically, to determine whether it has a MIRV warhead. Hence the use of a MIRV test ban as the way to control multiple warheads.

The belief is that Mr. Nixon would accept this proposal if the ABM-launcher agreements were reached though apparently he has yet to make that decision. But a strong clue to that possibility came on June 4 from an unexpected source, John S. Foster, Jr., the Pentagon's research chief who has been a hard liner on arms control.

In the first such administration statement, Foster said that "if MIRVs were to be eliminated by an arms control agreement, the Minuteman 3 and Poseidon systems could revert to a single warhead configuration."

A MIRV test ban, it is reasoned, would prevent both reliability and increased accuracy tests and thus would greatly limit the importance of multiple warheads. Whatever the risk inherent in a test ban, to be checked by Moscow and Washington by means located outside the other's territory, it would be offset by the ABM-launcher agreement, it is reasoned.

Foster also told the House committee that the excavations for the first ABM site, at Grand Forks, N.D., could be "refilled with dirt or if the foundations had been completed, they could either be abandoned or ripped up."

THE AMERICAN ADAGE: OUT OF SIGHT, OUT OF MIND—THE PLIGHT OF OUR AGED

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, recent events have demonstrated the effectiveness of serious mobilization among a large, vocal, and informed segment of our population. The fact that hundreds of thousands of people came to Washington or wrote to their representatives is an encouraging and healthy aspect of our political system. I know I speak for many of my colleagues when I say that I found their arguments and statements articulate and convincing.

However, I become increasingly distressed because there are certain groups without our citizenry who are unable to speak for themselves, who are incapable of coming to Washington or of writing letters, but whose plight demands immediate attention. I am speaking about the 1 million senior citizens in our nursing homes around this country. With heart-rending frequency, they have found themselves the unwilling victims of the shocking conditions that we find in many nursing homes today. It is time for this Congress to take the initiative in this matter and fight the old adage, "out of sight, out of mind." Our senior citizens deserve better.

American technology and living conditions have prolonged the length of life of our citizens. We have provided senior citizens with social security and some health benefits so that they may have some means of support upon their retirement.

Yet, we have failed to provide adequate facilities for these people in the event of their illness. And we know illness strikes our senior citizens almost without warning. We have failed to provide an important intangible in this case: treatment with dignity even if the patient may be unable to care for his own needs. Instead, we have made entrance into a nursing home a demeaning experience for too many of our older Americans who should have the right to live out the rest of their lives in dignity and with decent care.

Visits show that many of the nursing homes are fire traps. Periodically, we read of incidents where older people have died in such fires. Many nursing homes do not enforce the most basic rules of sanitation. Food is below standard, as is the medical care. Most of the homes are seriously understaffed. For the most part, the prices and the costs of maintaining an older person in such a home is exorbitant. It is no wonder that people dread going there.

Through its inaction, the Federal Government is supporting this ongoing crisis of inadequate care. It has been assumed that because some standards seem unenforceable, we should not even bother to try. We have traditionally felt that all the Government has to do is provide the money; the conditions in which they must live are viewed as an unrelated issue.

Public officials can no longer claim ignorance of these conditions. We are all now aware that there are one million of our senior citizens who sit in nursing homes waiting for our assistance. I call upon this Congress not to disappoint them.

WE HAVE ARRIVED, NOW WHAT?

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, our economy is presently being tortured by a policy the foundations of which rest upon premises no longer relevant. The recognition of this fact explains why the performance of present administration economic programs has been so disastrous.

Let us consider some of the false foundations upon which present policy is based. First, there is the myth that Federal financial institutions are presently capable of regulating the flow, use, and velocity of the Nation's capital. This is untrue.

Hundreds of billions of dollars lie outside the jurisdiction of Federal policy. Pension funds, Eurodollar deposits, insurance trusts, to name but a few, are not affected by our present Federal structure. Because of this, it is quite impossible for Federal policy to coordinate and manage successfully the Nation's capital. To suggest otherwise is misleading, but that is precisely what the administration is doing.

Second, administration planners have permitted themselves to base the financial management of the country on the "fire brigade" concept. That concept requires that we deal only with the "fires" after they ignite. The policy is to put out the fire rather than prevent it in the first place.

In effect, what has happened is that we ineptly deal with the economy only when crises appear. Our response is crisis-oriented, and as a result the rest of the economy is, while we are so preoccupied with the crisis, neglected. Or, as we have recently learned, our response to one crisis becomes the cause of another.

Let us consider two very specific examples—two current crises. Inflation and unemployment are increasingly compelling factors in the economy. When this administration came to power, inflation was touted as the "problem." Policymakers in the administration immediately fell into the "fire brigade" trap and in their one dimensional view of our complex economic machine directed all their attention, resources, concern, and energy to putting out the inflation fire.

No efforts were made to develop policies that would prevent fires from breaking out elsewhere. The entire Nixon "brigade" was fighting inflation and if only this fire could be put out all would be well. Of course, this simplistic approach to the economy couldn't hold up.

By directing all the resources and energies at inflation, a new crisis was precipitated—unemployment. Now we observe the decisionmakers scurrying about trying to redirect policy. In order to deal with two fires, it has become abundantly clear that they have been unable to put out either. And, as expected, new fires, new crises, are igniting.

The third basis for present policy is as equally invalid as the two already described. The administration is laboring under the rhetorical myth that we still must attain some intangible economic goal connected with the mystique of ever greater output. Because policy planners in the administration are so caught up in their own outdated rhetoric, we watch amazed as the inflation fighters stand by as corporations dizzily compete against one another for diminishing capital in order to expand their output.

Administration inability to put a real brake on such a disastrous money market strain not only is inconsistent with their inflation control policies, which were, for a long time, tightening capital, but have virtually destroyed the homebuilding and home finance industries. Interest rates have skyrocketed, but corporate access and demands on the money market continue undiminished.

What, in effect, happened as a result of an inconsistent policy of not putting a brake on corporate demand for capital, while at the same time constricting the money market, is an escalating competition for the limited money available. The result is an unacceptable rate of interest on everything from home mortgages to municipal bonds. The most unproductive use of our wealth is generating ever higher interest rates, and that is exactly where we are now.

These of course are just a few of the inconsistencies in present policies. These inconsistencies and crises exist because policy planners in the administration have been unwilling, or unable, to recognize the new realities in America's economy.

We must reorient our thinking in terms of our national economic circumstances. The most compelling fact is that our economy has arrived. The economic goals we set for ourselves in the 1930's have been attained. By 1968 we were at virtually full employment, we had a steady and manageable real rate of growth in our GNP, inflation was still well below most other industrialized nations, the dollar was the firmest currency in the world, progress was being made on the balance of payments, interest rates were manageable.

In arriving at our economic peak on the goals established by labor and industry in the early 1900's and by Government and finance in the 1930's, we emphasized specialization. The scientific community and the engineering supplemental force cheerfully and effectively fell into dynamic partnership with these fractional specialized efforts. We practiced tunnel vision with a vengeance and every activity tended to live in its own well. Now we see that the complexity we have arrived at demands major attention on the interrelationships and interactions between segments of our society and the environment in which it flourishes. For over 50 years, this has been nobody's business. Suggestion for any meaningful consideration was looked upon as infringement upon "free enterprise." Well, the new reality has arrived. An economy or a society which does not bring attention, talent, money, and energy to bear upon the problems of interdependency between man and man, man and natural resources, and between man, resources and nature is doomed to decay and maybe death.

Our problems began when we did not, and still do not, recognize that the economic machine had reached its peak. All of our institutions had been created to encourage the economy to reach our stated goals. When we arrived, we did not know quite what to do. And because we did not recognize the new realities created by our arrival, we, through our institutions, kept doing what we always did—encourage more.

This unreal policy did not take long to get out of whack and present us with a few crises. Precisely at that same time, this administration came to power. We had then certain recognizable alternatives. First, determination of where we were with this economy and on that determination create new policy. Coincidental with the new policy, create new institutions and restructure existing institutions to deal with the new realities. Second, we could continue on the unreal path then being followed of dealing inadequately with the crises as they inevitably emerged.

The administration unfortunately has opted for the second alternative and as a result has come into direct conflict with reality. Policies have not only had a negative impact, they have created uncertainty and confusion.

The new reality is that our economy, now that it has arrived, must be managed—maintained—maximized. These must be the economic catchwords. Our institutions must now be restructured so that they can realistically manage and maintain our wealth and economic strength, rather than to continue to encourage and promote unbridled and unplanned growth.

If we are to maximize what we have attained, we must discard the outdated, and even dangerous rhetoric that extolls a nonmanaged economy. We can no longer afford diffused and segregated centers of economic policymaking.

Economic decisions can no longer be made in the vacuum of an open market committee meeting, a ways and means tax bill markup session, or in the Office of the CEA. Corporate decisions cannot be made in the vacuum of national considerations, nor wage demands pushed in the absence of a coordinated national policy.

The absence of management today, and the irrelevant attitudes that reflect realities of a decade ago, will no longer do. We have already been made painfully aware of how quickly we can lose all we have gained by not recognizing the new circumstances of our economy, and our unwillingness to change our policies to meet these circumstances.

What is immediately necessary is a series of intensive meetings between all the various personnel representing the center of national economic and financial power. At these meetings we must redefine our understanding and restructure institutions so that our policies and institutions are consistent with the realities in the national economy.

Some 40 years ago, a set of different economic circumstances caused this Nation to reassess both its attitudes and institutions. At that time we directed our energies at regaining and redistributing lost national wealth. What emerged was a new, and almost revolutionary approach in handling a capitalist economy.

Today, although the economic conditions are not similar, the reasons to re-

assess and restructure our economic policies are just as compelling. Today we are faced with maintaining what we have gained. What must emerge is a new thrust and new attitudes in dealing with the economy.

PENN CENTRAL RAILROAD AND FEDERAL GOVERNMENT LOANS

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BARRETT. Mr. Speaker, this morning's newspapers reveal that the administration is using the Defense Production Act to bail out a $7 billion corporation, the Penn Central Co. It appears the Government's benefactors have directed the providing of relief for wealthy bondholders and banks which have lines of credit out to the railroad conglomerate.

I was on the Banking and Currency Committee when the Defense Production Act was enacted and I do not recall that it was the intent of the Congress to use the act as a subterfuge to channel governmental largesse to huge corporations and banks. The defense business is only a small fraction of Penn Central revenues and it is absurd for the Defense Department and the Federal Reserve to come to the corporation's rescue under the guise of defense needs. The Defense Production Act was intended to give the smaller contractor a line of credit on a par with the big corporations which have always had good arrangements with the banks.

The very fact that the big banks were beginning to cut off Penn Central credit should have given the Nixon administration reason to doubt the advisability of backing new loans to the corporation. When banks would not lend to a $7 billion corporation, then something is drastically wrong and I question whether it is proper for the Federal Government to become involved in an apparently open-sided guarantee of credit in such a situation.

If these new loans fail, it will be the American taxpayer who will have to foot the bill. There are plenty of other areas of the economy that need help desperately, particularly housing and small business, yet we do not see emergency administration meetings on these problems. They apparently only act when a huge corporation and its stockholders are hurting.

Yesterday Cabinet officers of the Nixon administration ran all over town raising funds for Penn Central. They were apparently near panic to take care of the corporation. I would like to see a similar concern and a similar series of emergency meetings on each small business bankruptcy and homebuilding bankruptcy that has taken place during the first year and a half of the Nixon administration.

ENVIRONMENTAL CLEANUP: PART 2—CHRYSLER CORP.

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, this is the second part of a series of information tracts which I have come across dealing with environmental cleanup programs and plans by American industry. As I stated when the series began, I hope to show in these reports that our much-maligned free enterprise system is beginning to respond to the challenges of environmental pollution.

I know there will be criticism of the tracts by those who see business as the major or sole cause of pollution. These are perhaps the same critics who are convinced that passing of Federal law is the solution to every ill and every problem of pollution in the country, and who fail to recognize that government—Federal, State, and local—is and always has been, one of the largest sources of pollution of America's natural heritage.

On the other hand, I hasten to point out that industry is not blameless. Heretofore, and for the most part, the damaging environmental effect of the production process was simply not considered by management and/or labor. To change that situation in today's receptive public atmosphere will take more than words, fancy pamphlets or good public relations efforts. Action—effective, sustained, and expensive—is needed.

One of the very first things we learned in our beginning courses in economics was the existence of certain factors of production—usually labor, land, capital, and entrepreneurship. In light of the extent of degradation of our natural environment, I am suggesting that pollution control and abatement must soon take on the characteristic of another factor of production. Only then can we hope to make a truly significant dent in cleaning up our polluted country. In short, the costs of pollution control and abatement must become part of doing business. I maintain that the public is willing to share these costs in order to improve the changes of a cleaner and healthier environment for their children and their children's children.

In a pamphlet entitled "Toward a Cleaner Environment: A Report on Chrysler Corp. Efforts to Combat Pollution," one firm of the auto industry outlines its commitment to pollution control. In the introduction to that report, two sentences adequately summarize one of the reasons for my series of articles. They read:

> Much of what is printed and said about pollution leaves the impression that little is being done by industry and business to combat this problem.
>
> This simply is not true.

Knowing that our colleagues are interested in finding possible solutions to the problems of pollution, I commend the Chrysler report to their careful attention. The report follows:

TOWARD A CLEANER ENVIRONMENT: A REPORT ON CHRYSLER CORPORATION EFFORTS TO COMBAT POLLUTION

Environmental pollution is the number one concern in this country today. Ecologists warn that unless something is done to reverse environmental deterioration all Americans are going to see their quality of life destroyed.

Much of what is printed and said about pollution leaves the impression that little is being done by industry and business to combat this problem. This simply is not true.

Chrysler Corporation is a good example of a corporation that has worked consistently over the years to solve the pollution problem. As long ago as the late 1930s Chrysler production men were building plants with separate facilities for industrial waste treatment. And since the photochemical smog theory was first developed in 1953, Chrysler engineers have led the industry with systems designed to eliminate or reduce exhaust emissions, and bring them into compliance with federal and state regulations.

There is no method known today by which even the most simple product can be manufactured without producing waste. And designing and building cars and trucks is an extremely complex process, involving extensive facilities, such as manufacturing and assembly plants, power plants, laboratories, testing grounds, and service shops. The variety of materials used in the manufacture of cars and trucks is also extremely broad. They include steel, rubber, wood, paint, glass, chemicals, oils, grease, and tars, to name just a few. These materials must be smelted, stamped, welded, soldered, painted, dipped, and sprayed. And they produce waste which can add to the earth's pollution.

The problem does not end there. After the manufacturing process is over, and the cars are on the road, they themselves become a potential generator of pollutants.

But there is a favorable side to the problem—the very high proportion of industrial wastes, scrap, and emissions that are cleaned up, reclaimed, recycled, disposed of, and otherwise prevented from fouling the environment. It is good housekeeping as well as good business to conserve natural resources and re-use metals, liquids, chemicals, and other materials, and Chrysler does this wherever possible. For example, the reuse of scrap metals from all Chrysler stamping plants is 100 per cent. A large percentage of the water used in the manufacturing process is treated and recycled. Moreover, eighty per cent of the materials that make up a finished automobile—mostly metals—are recycled back into the economy, making the automobile one of the most highly reused of any industrial product.

To control the potential pollutants resulting from its industrial operations, Chrysler depends upon complex and expensive facilities, equipment, and systems which have been developed and perfected over many years. Engineers had to design or invent many of their own facilities and equipment when needed pollution controls could not be purchased or did not exist. Much of this work was carried out before industrial pollution became a national issue and before government agencies began strict enforcement of pollution codes. Chrysler capital expenditures for industrial air and water pollution controls now average between eight and ten million dollars a year.

Recognizing the need for a single corporate group to coordinate and advise management on pollution abatement problems, Chrysler has established an Air, Water, and Industrial Waste Control Committee. The committee analyzes pollution problems, recommends policy, and makes sure approved programs are carried out. The committee also investigates new methods of pollution abatement and attempts to anticipate the requirements of future codes.

While Chrysler has been devoting a great deal of money and manpower to the control of industrial pollution, it has also been working long and hard to reduce undesirable emissions from its vehicles.

Chrysler engineers first undertook a program of research and experimental engine modification for this purpose in the 1950s. It proved to be a massive effort involving years of time and thousands of man hours,

but the program gave Chrysler a head start over the rest of the industry. In the 1960s the company successfully applied its engine modification concepts to new and used vehicles.

Today not only 1970 Chrysler-built cars but more than 90 per cent of all the 1970 cars built by the American automobile industry make use of the basic innovations developed by Chrysler engineers and incorporated in the Chrysler Cleaner Air System. This system is so effective that five 1970 model cars generate fewer emissions subject to controls than those thrown out by one 1960 model car.

As a result, after having reached a peak of pollution in the mid-1960s, the air over this nation's cities is becoming progressively cleaner, month by month, and year by year. By the early 1980s, when through a total industry effort better than 90 per cent of all vehicles will have emission control devices, the quality of air in this country will compare wth the air of 1940.

Following is a detailed summary of Chrysler Corporation's efforts to control air, water, and solid waste pollutants in its manufacturing operations, and to eliminate or reduce the emissions from the products it builds and sells.

AIR POLLUTION AND THE AUTOMOBILE

Chrysler engineers, during the 1960's, developed the first practical system to reduce automotive emissions through a concept of engine modifications. No better alternative to this system has since been offered by anyone. More than ninety per cent of all automobiles now built in North America use this Chrysler-developed system.

The first work on the Chrysler system started in 1953, following the development of a new theory that smog in certain areas of California was caused by the photochemical effects of bright sunlight on concentrations of hydrocarbons and oxides of nitrogen under certain special conditions. Since the automobile engine produced large amounts of hydrocarbons and oxides of nitrogen, it was singled out for the first time as a major contributor to this type of air pollution. Chrysler immediately joined an industry-sponsored investigation to determine the soundness of this new theory and the degree to which the automobile was responsible for smog.

The industry investigation convinced Chrysler Corporation scientists and engineers that the photochemical theory was correct, and that the automobile did contribute to the smog problem in Southern California.

LITTLE INFORMATION AVAILABLE

Not only was the photochemical smog theory new; there was very little information of any kind about smog. Specifically, little was known about levels of hydrocarbons and oxides of nitrogen in the atmosphere. There was considerable controversy about the levels or ratios at which these materials would react to create smog. And because of the lack of instruments which could measure and evaluate them, scientists knew very little about the specific nature of automotive emissions.

After massive traffic studies and field surveys, an acceptable emissions level was esbalished—comparable to the emissions level in 1940. Chrysler engineers developed several firsts in instrumentation, and many of their emission test techniques are now used by government regulatory agencies. Chrysler was the first to adapt a non-dispersive infra-red gas analyzer, once used in submarines, to measure exhaust emissions from the automobile.

By 1956, enough information had been gathered to begin a broad exploration of possible solutions. Chrysler scientists and engineers investigated more than 100 proposals, ranging from catalytic mufflers and afterburners to special reactors which would replace the exhaust manifold. These investigations ultmiately led to the development of the effective pollution control systems now in general use in the automobile industry.

Early in this development period, Los Angeles authorities asked that emission control devices also reduce carbon monoxide, although major emphasis should continue to be on control of hydrocarbons. This request was apparently based on the popular belief that carbon monoxide and engine exhaust are synonymous. They are not. Carbon monoxide is commonly identified by its sight, smell, and taste; yet it is in fact colorless, odorless, and tasteless.

Carbon monoxide results when anything is burned at less than perfect combustion. From all available evidence, the amount of carbon monoxide produced by automobiles does not pose a health problem. Studies show that even in bumper-to-bumper traffic, carbon monoxide levels in the car are only slightly higher than those on the sidewalk. However, even though carbon monoxide emissions do not contribute to photochemical smog, they do constitute waste and can be toxic at levels above those normally encountered in the atmosphere. Therefore, automobile manufacturers have made considerable efforts to reduce carbon monoxide levels since 1956, and that effort will continue.

NEW FACTOR IS INTRODUCED

Until 1959, it was assumed that the only important source of automotive engine emissions was the exhaust. Early investigations, with inadequate instruments, led to this assumption, and no one questioned it. In 1959, however, while conducting a study for an entirely different purpose, automotive engineers from another company found that crankcase emissions were a substantial source of hydrocarbons. The industry immediately began working on devices to control this source of emissions and also began a study to determine its magnitude.

Crankcase emissions, which in 1959 accounted for about 20 per cent of the total automobiles smog output, are caused by combustion gases which are forced past the piston rings into the atmosphere through the oil filler tube. To offset this condition in Chrysler-built cars Chrysler Corporation installed a closed crankcase ventilation system which transfers the gases from the crankcase to the intake manifold so they are burned in the cylinders instead of being released into the atmosphere. The method is known as the "blowby" control device, or PCV (positive crankcase ventilation). It is generally agreed that this simple system, which has been installed on all new cars since 1962, has solved the problem of hydrocarbon emissions from the crankcase.

NEW ENGINES PROPOSED

After the photochemical smog theory was proved, many people suggested that the best way to eliminate pollutants would be to replace the piston engine with another power source—such as electric, steam, or turbine engines.

Knowing the practical limitations of these other power sources, Chrysler engineers concentrated on refining and improving the economical and efficient engine already in existence so that it would burn gasoline more completely and efficiently and thereby reduce air pollution.

INTRODUCE CLEANER AIR SYSTEM

On its 1966 models, sold in California, Chrysler introduced what has become known as the Cleaner Air System (CAS). This combination of selective engine adjustments and modifications which produce better combustion and improved engine efficiency was installed on all Chrysler-built cars in the U.S. with the 1968 models. The system was further improved for 1970 U.S. models to meet the new federal exhaust emission requirements. Emission levels on 1970 model cars as compared with 1963 models are as follows: carbon monoxide emissions reduced by 70 per cent; hydrocarbon emissions reduced by nearly 85 per cent.

Chrysler's development of the Cleaner Air System has received commendation from the County of Los Angeles, the State of California, and the federal government.

In developing the Cleaner Air System, Chrysler engineers explored every aspect of engine design and function, as well as all the complexities of carburetion, distribution, combustion, and fuel flow in the search for means to reduce automotive emissions.

For example, the carburetor, which regulates the distribution of the gasoline-air mixture, received considerable attention. And for good reason. Too rich a mixture results in greatly increased emissions of both hydrocarbons and carbon monoxide. Too lean a mixture brings poor operation, bad starts, and an unsafe vehicle.

The carburetor of the current Cleaner Air System has a small hole in the center of the throttle blade. Chrysler engineers drilled this hole in 32 different places on the blade to observe the effect on distribution. After time-consuming and expensive tests on the chassis dynamometer, they found the precise location at which the greatest reduction in emission levels was achieved. During the development of the 1966 Chrysler-built models, engineers ran 4,000 such tests on different aspects of the carburetor-mixture relationship.

The Chrysler Cleaner Air System, which resulted from this research, effectively reduces exhaust emissions. It is relatively simple and inexpensive, requires practically no additional maintenance beyond the normal recommendations, and does not adversely affect the engine's economy and performance.

USED CAR PACKAGE

Chrysler Corporation has recently introduced a system to reduce the pollution in emissions from vehicles built before the Cleaner Air System came into general use. Called the Used Car Cleaner Air Package (UCCAP), it is based on the principle of the Cleaner Air System. On March 18, 1970, Chrysler Corporation announced the availability of the UCCAP for nearly 100 per cent of its domestic Chrysler-built cars for the 1955 through 1967 model years.

The company immediately began a priority distribution program to supply its dealers in California with UCCAP parts and service instructions. The package was then made available to Chrysler Motors Corporation dealers throughout the country.

With UCCAP and proper engine tune-up, harmful emissions from typical older cars can be reduced as follows: 50 per cent less hydrocarbons; 50 per cent less carbon monoxide; 30 per cent less oxides of nitrogen. While UCCAP incorporates most of the features of the original Chrysler engine modification concept, some new features have been added which further reduce oxides of nitrogen.

EVAPORATIVE LOSSES

While preliminary work was being carried out on the Cleaner Air System, automotive engineers became aware of another source of hydrocarbon emissions—evaporative losses from the gas tank and carburetor. As in the case of crankcase emissions, evaporative losses had been largely overlooked in the early stages of the emission control program. However, extensive cooperative work done by the automobile and petroleum industries, the State of California, and the federal government established that they were also a substantial source of hydrocarbons.

VAPOR SAVER INTRODUCED

These evaporative hydrocarbon emissions are yet to be totally controlled. But important progress was made when Chrysler introduced a new Vapor Saver package on its 1970

models sold in California. It will be installed in 1971 motor vehicles nationwide.

The Vapor Saver eliminates more than 90 per cent of the fumes resulting from gasoline evaporation and expansion during temperature changes while the engine is not operating. The system is reliable and durable, contains no moving parts, and no components subject to deterioration. And it requires no adjustment or servicing.

The system displaces the lighter air in the crankcase with combustible fuel vapors with twice the density. These vapors, which once were vented into the atmosphere, are now carried by gravity feed from the carburetor and the fuel tank into the crankcase for storage until the engine is started. The combustible vapors then are burned in the cylinders during normal engine operation.

GOALS HAVE BEEN MET

As a result of all these developments, the emission control standards originally set for the automobile industry have been met, and in many cases exceeded. Chrysler Corporation's contribution to this achievement has been substantial. The company's breakthrough in developing the Cleaner Air System enabled the industry to meet the standards quickly and economically. Although Chrysler continues to explore alternatives, no better system has been developed by anyone.

Some additional gains may still be made with further engine modifications. Beyond that, a variety of afterburners and catalytic mufflers have been proposed. These devices achieve levels of emissions as low as any achieved by other power sources. Unfortunately, these devices are expensive and subject to deterioration at high temperatures. In addition, they require scarce materials and would probably reduce fuel economy.

However, Chrysler Corporation is making a major effort to develop advance emission control systems, including catalysts, which will meet 1975 California and federal air quality standards. But on the basis of current technical knowledge, it is expected that some changes in gasoline composition will be essential for the successful development of catalytic systems.

STILL PROBLEMS TO SOLVE

Despite all the progress in reducing the pollutants in engine exhausts, many problems remain. For example, how can hydrocarbons and carbon monoxide be reduced without increasing oxides of nitrogen? The reduction of oxides of nitrogen is accomplished by a mechanism exactly opposite from that which reduces hydrocarbons and carbon monoxide.

Oxides of nitrogen, which are formed at very high temperatures during combustion, were not subjected to control until recently. Current standards require only that oxides be increased by no more than 15 per cent as a result of other emission controls.

EXPLORING ALL KNOWN APPROACHES

Chrysler Corporation has allocated thousands of man hours and spent millions of dollars for research into emission controls on conventional and non-conventional engines, including the turbine engine on which Chrysler's work is well known. As a result of these efforts, the company has reached three conclusions:

1. No single approach can yet meet all of the anticipated requirements. Not enough is known about durability, basic materials, longevity, and compatibility with other components.

2. If all laboratory problems were solved, it would still be nearly impossible to put any of the proposed controls into production by the 1974 models. Control of unconventional power sources would take much longer.

3. Any of the proposed approaches—conventional or unconventional—would cost at least three times as much as the current system. This would mean an added bill of about $3 billion annually to buyers of automotive products.

As a result, Chrysler is intensifying its efforts to develop more practical solutions. It recently completed a new fuel emissions laboratory at its Proving Grounds in Chelsea, Michigan, to provide additional space for its expanding air pollution control activities. This 12,000 square foot facility improves the company's ability to test various automotive emission control systems under field conditions. The company has also developed and installed new emission control test equipment in its vehicle assembly plants.

Chrysler Corporation's contributions to the abatement of air pollution have brought about a series of engineering achievements. Moreover, the systems which have been developed have been practical and reasonably priced, and have not detracted from car performance. Chrysler will continue to respond to the need for protecting the environment, while providing quality transportation at the lowest possible price.

AIR POLLUTION AND THE FACTORY

Chrysler Corporation, with more than 62 million square feet of manufacturing, office, and storage space at 123 major facilities in the United States alone, is a major corporate citizen. It has always been aware of its responsibilities as a citizen of the communities in which it lives—including its responsibility to contribute to clean air. Hundreds of Chrysler employees are working to meet that responsibility—in programs designed to improve the environment both inside and outside its plants.

Chrysler has spent hundreds of millions of dollars in recent years on plant expansions and construction of new, modern facilities. It has spent more millions installing the latest equipment to insure cleanliness, eliminate dust and oil mists, provide proper in-plant air and lighting, and provide the tools to meet new and more stringent federal standards as well as Chrysler's standards of good housekeeping.

Most pollution problems faced by the plants are easily identified. Smoke can be smelled. Dust can be felt. But the damage and irritation they cause are not always immediately determined because of the lack of proper testing facilities. There have also been periods in which there were no specific codes which defined acceptable and unacceptable pollution levels. As a result, solutions have come hard. But they have come.

Chrysler invested money and manpower in the control and treatment of all wastes and emissions long before federal or local standards were set for environmental control. In fact, Chrysler engineers, relying on their experience in pollution control, have helped several government agencies draft code standards. For example, company representatives recently gave technical assistance in the drafting of new county and state pollution standards.

In many cases, as with the construction of Huber Foundry in Detroit, Chrysler Corporation engineers, working with government agencies, established their own rigid pollution abatement standards in advance of formal government requirements.

Foundry and forge operations, by their nature, require the most expensive and most elaborate equipment for environmental control. Each individual factory has problems peculiar to its own location, atmospheric conditions, and power supply that affect stack emissions or odors.

Designing customized control equipment, frequently with the help of a supplier, requires considerable experimentation to determine the procedures which will assure clean plant emissions. It is a complicated process, requiring weeks or even years to test, build, and operate properly. And there is no guarantee that what succeeds in one plant will succeed in another.

Chrysler's coal-fired powerhouses in both the United States and Canada consume 600,000 tons of coal per year. To preserve the air around these powerhouses, the company has installed devices which trap the 50,000 tons of ash, fly ash, and particle dust produced by this combustion.

At the Winfield Foundry, Chrysler has replaced existing pollution abatement equipment with more advanced devices on a continuing basis. In the late 1940s, before pollution codes existed, the company installed abatement equipment on the electric arc furnaces. In 1959 and 1960, production increased and existing equipment had to be modified. Last year, when Chrysler began melting iron at the rate of 22,000 tons per year, it doubled the dust collecting equipment installation (baghouse) at Winfield at a cost of three-quarters of a million dollars. This baghouse collects 150 tons of dry dust per year. In addition, other collectors have been installed at the foundry to handle sand, Bentonite, and Seacoal.

MEETING THE NEW CODES

In trying to adapt to new codes which have been written, Chrysler Corporation is now conducting tests with the help of an industrial engineering consultant firm to determine powerhouse stack emission levels. In some plants, coal-fired boilers have already been converted to oil and gas. These conversions have cost Chrysler Corporation between $1 and $3.5 million per plant in these projects alone.

The St. Louis car assembly powerhouse, for example, has been converted to natural gas because of the high sulphur content of the coal used there. The boilers and heaters in Los Angeles, and Toledo, Ohio, are fired by natural gas. Detroit area plants which have converted from coal to gas include Highland Park, Wyoming Export, Mack Avenue, and Hamtramck.

Chrysler is continuing its efforts to improve the combustion efficiency of all its powerhouses. Improved combustion will not only reduce the amount of fly ash to be trapped and handled, but will also give the corporation better value for its fuel dollars.

COMPLEXITY OF THE PROBLEM

Because codes may change as new evidence comes in, Chrysler must invest its environmental control funds prudently. It requires patience and an understanding of the complexity of the pollution problem by private citizens, government, and business in order to effect fair and reasonable controls.

In 1964, Chrysler built Huber Foundry, the first large industrial facility built by a major manufacturer within Detroit's corporate limits in more than 12 years. This foundry presented Chrysler engineers with major pollution problems at a time when pollution codes were just being written. These engineers, using the pollution abatement guidelines then available, and relying on the guidance of government officials, obtained the most advanced equipment which would meet present and anticipated future needs. The program was successful.

Emissions from the two 50-ton per hour cupolas are cleaned by high energy water scrubbers which remove 2,500 tons of sludge per year. This creates clean air which exceeds the requirements of the Detroit, Wayne County, and Michigan codes.

One million gallons of water are cleaned and recirculated at the Huber Foundry each year to clean the cupola emissions. Thirty-three dust collectors clean the air leaving the plant. The collectors use 240,000 gallons of water per hour and trap nine tons of dust per day, dust which is then hauled away by rail for disposal. The water is cleaned and recirculated.

Acoustical control systems designed into the plant reduce noise to a low level never before reached in a foundry. And environ-

mental controls change the air in the plant every eight minutes.

LOS ANGELES PLANT

The five gas-fired incinerators installed in 1968 at the company's Los Angeles Assembly plant dispose of 2,700 pounds of organic solvents daily from the plant's eight paint bake ovens.

It was the first installation of its type to receive authority for construction under new regulations issued by the Air Pollution Control District, County of Los Angeles.

The five incinerators, or afterburners, provide a 94 per cent reduction in emission of organic solvents. Engineers from many companies have inspected the installation and talked with Chrysler engineers to learn the parameters involved in solving an air pollution problem of this type.

Chrysler personnel work constantly with paint manufacturers to produce paints which present fewer environmental problems for employees and reduce waste which can lead to pollution. Changes have been made to reduce sludge and fumes in body dip and body enamel.

Chrysler now uses electrostatic paint on all small interior parts in Chrysler plants and in the body prime painting at Newark, Belvedere, and Hamtramck. This change, while not required at present, should prevent pollution problems from developing in the future.

ACTION ON MANY FRONTS

Chrysler Corporation has been active in other areas to improve environmental control in its plants.

For example, the Air, Water, and Industrial Waste Control Committee was organized within the company to include its own subcommittees on air pollution and noise abatement. The company's Facilities Engineering Department has its own staff assigned to recommend and implement programs for plant environmental controls. Chrysler civic affairs executives work directly with government representatives and individual citizens on air and water improvement programs.

Chrysler's Industrial Hygiene Department for years has conducted periodic environment investigations based on standards established by government agencies and accepted standards-making organizations. Two-man teams check the work environment in manufacturing plants on a scheduled basis and whenever special problems arise in individual plants. The primary goal is to control in-plant air pollution including dusts, fumes, gases, mists, and vapors. In addition, manufacturing processes are audited to insure control of irritative substances and noise. This department also conducts special tests and surveys of equipment using radioactive sources licensed for use by the Atomic Energy Commission.

The Industrial Hygiene Department issues recommendations for controls which are implemented by the local plant management. During 1969 alone, 13 scheduled checks and 139 special investigations were conducted by the department's industrial hygienists. These specialized personnel also advise other departments involved in general air pollution, and water and solid waste disposal.

Chrysler Corporation is concerned about pollution of all kinds. Top level attention is given any problems that may develop. The company is especially proud of its "instant response" system which enables it to act immediately on complaints from individual citizens or government agencies.

WATER AND SOLID WASTE POLLUTION

Chrysler Corporation has always practiced water conservation. Recognizing the basic value of water, and the importance of water pollution abatement, Chrysler's corporate manufacturing engineering group has charged individual plants with the responsibility of making sure this vital resource is not abused. All Chrysler plants follow a water conservation program and report their efforts to the corporate level for review and evaluation.

All of Chrysler's assembly and stamping plants recirculate the water used to provide cooling for welding operations. All its machining and casting plants use recirculated water for heat treat, test stand facilities, and casting machines, as well as for welding operations.

Moreover, every plant constructed by Chrysler Corporation since the early 1950s has included separate systems for the disposal of sanitary, storm, and manufacturing process wastes. This action was taken even though the three separate systems often joined into one system outside Chrysler property. The wisdom of this early effort was soon clear. Water pollution codes have since been developed which call for separate systems as used by Chrysler.

Since 1960, when Chrysler plants were directed by corporate facilities engineering to conduct a new evaluation of their water conservation programs, water savings of 60 per cent have been realized. For example, water savings for a typical stamping plant amount to 350,000,000 gallons per year. For a typical engine or machining plant, the water savings amount to 200,000,000 gallons per year.

As pollution control laws—Federal, State, and local—become more strict, Chrysler engineers, scientists, and technicians are continuing their studies in an effort to keep abreast of new legislative requirements. They continually investigate new methods, systems, and procedures to make the corporation's pollution abatement efforts even more effective.

PILOT PROGRAM

Chrysler's Trenton (Michigan) Engine plant is a prime example of how industry meets the water pollution problem. When the plant was built in 1951, the original treatment facility was the most advanced of its type. This facility was updated in 1968 to take advantage of the latest practical developments in waste water treatment. It is now the site of an additional pilot waste water treatment plant that may have far-reaching effects on the treatment of all water, even by municipalities, in the years ahead.

The process removes phosphates, oils, and other contamination from the waste water before it is returned to the streams. The pilot plant was placed in operation in December, 1969, with some equipment modification in early February, 1970. Conclusive results with large amounts of waste water will not be in until late 1970 or early 1971. However, Chrysler has cooperated closely with government officials in all states and plant cities to work out meaningful water quality standards. These officials are kept fully informed of all results of this project.

City officials in Detroit, Syracuse, and Dayton—locations where Chrysler is planning new waste water treatment plants—are especially interested in the efforts and test results of the Trenton Engine pilot plant.

If the system proves successful, the waste water treatment facilities at Detroit Universal Division, the New Process Gear plant at Syracuse, and the Dayton Airtemp plant will also embody this latest technical advance.

WASTE WATER TREATMENT

Cooperation of this type has also resulted in other municipal-industry waste water treatment facilities in Detroit. The Mound Road Engine plant facility in Detroit and the Eldon Avenue Axle facility remove oils from waste water by skimming and adsorption. The oil-free flow is then put into the municipal sewer system so the adsorbing agent and other solids can be removed at the municipal waste treatment plant. This system of municipal-industry treatment was first used at the Chrysler Indianapolis Electrical plant in 1967. Chrysler Corporation has invested more than $5 million in water treatment at the three plants—Mound Road Engine, Eldon Avenue Axle in Detroit, and the Indianapolis Electrical Plant.

The joint treatment system permits both industry and the municipality to use their best resources in disposing of industrial waste without duplication of equipment. This system, which as the Mound Road plant will treat about one million gallons of waste water per day, also handles waste from other Chrysler industrial plants in the area which may not have sufficient flow for separate facilities. Chrysler Corporation employs a staff of trained technicians and engineers to operate and maintain the system.

Chrysler's Belvidere, Illinois, $2.4 million waste water treatment facility, installed when the car assembly plant was built in 1963, is another good example of corporate citizenship. Federal regulations, formulated after the facility was constructed, call for the level of biochemical oxyen demand (BOD) (the amount of dissolved oxygen that is needed by bacteria to decompose wastes) not to exceed five parts per million (ppm). The Belvidere plant BOD was 100 ppm.

Through the efforts of Chrysler technicians, the BOD count was dropped to between 10 and 20 ppm, and can be expected to drop even more with the addition of another lagoon to hold the treated waste water longer before it is released.

PUBLIC PRAISE

This approach led to public commendation from an officer of the Federal Water Pollution Control Administration at a public hearing in Chicago:

"Chrysler Corporation . . . in my experience has been one of the most forthright corporations in the United States in its pollution abatement program.

"They have not waited for State, Federal or local officials to come up and force them to do things, develop standards, develop criteria. They have put in the devices which they have believed on their own would do the job, and in a good many cases they have shown the way.

". . . while we had recommendations to make about other cities and some 33 industries in the area (Detroit), we didn't about Chrysler. They already were doing the job."

"Doing the job" at Chrysler's Canadian operations requires a $3 million treatment complex to handle all the industrial and storm water waste which emanates from the plants at Chrysler Centre in Windsor, Ontario.

Construction began in 1967, and the facility was completed in November, 1968. The waste treatment plant conforms to all City of Windsor requirements and also meets the stringent requirements of the Ontario Water Resources Commission governing the flow of industrial wastes into open water.

The process consists of three stages of successive treatment designed to remove oil and suspended solids. The influent includes such industrial waste materials as welding coolants and liquids from metal preparation such as acid wash, caustic dip and phosphate dip, gas, free oils, soluble oils, and storm water.

This influent comes into the facility at a rate as high as 3,000 parts per million and is returned to the Detroit River, though nonpotable, as clear as tap water.

The addition of a water recirculating system at Windsor for the underbody dip primer operation has improved the conservation of water and eliminated a costly disposal problem.

Originally, the operation used 1.3 million gallons of water per year, which was trucked

away for disposal as a watery sludge. With the addition of the recirculation system of piping, filters, pumps, and scrubbers to remove the sludge from the water, not only is water conserved but the amount of paint sludge to be disposed of is also reduced. The estimated five per cent overflow from the system is fed directly into the treatment plant for conditioning before being released into the Detroit River.

Water used for wash and dip operations at Chrysler plants is cleaned by scrubbers and then re-used, reducing waste and alleviating the disposal problem. Chrysler first began using water wash paint spray booths in 1935. These booths reduce the fumes from paint operations, providing a better plant environment for workers.

OHIO, INDIANA SYSTEMS

When the Toledo Machining plant was built in Perrysburg, Ohio, in 1966, it included a million dollar water treatment plant. Its three-stage process can continuously treat 24 million gallons of water per month or nearly one million gallons per day. This water is then suitable for release into the Maumee river which flows into Lake Erie, or for re-use in the manufacturing plant.

Chrysler has also begun work to bring its older plants up to the same high standards as its new plants. At its Indianapolis Foundry, for example, Chrysler has invested more than $1 million in a treatment facility which was put into use on December 11, 1969. This system re-uses the purified water in the plant's emission cleaning system and in slag cooling. To check the purity of the water, Chrysler places tropical fish in an aquarium containing treated water. This test is part of an elaborate daily testing of the system's effectiveness.

The Airtemp Division plant at Bowling Green, Ky., has a new waste water treatment plant which represents an investment of $1.2 million; and the Trenton, Michigan, Chemical plant plans to have its own waste water treatment facility by April, 1971 which will replace the present "holding tank" system in use there.

Until recently waste water was converted to vapor at the corporation's stamping plant in Twinsburg, Ohio. The $168,000 facility, with the capacity to handle 500 gallons per hour, had eliminated the possibility of water and air pollution in the community. However, as a final preventive measure, arrangements have been completed to have the waste water hauled by a private contractor who reclaims the oil waste in the water.

SOLID WASTE TREATMENT

Chrysler has invested millions of dollars in the necessary research and actual construction of systems to curb the pollution of water and air. In addition, it has been a leader in establishing systems which properly dispose of solid industrial wastes such as scrap metal, paper, packing material, and other forms of trash.

Chrysler Corporation's Purchasing Department, which makes contracts to remove all waste materials—solid, liquid or semi-liquid—estimates that on a corporate-wide basis Chrysler generates 7,608 tons of salable metal scrap per working day, and that non-metallic wastes—rubbish, sand, cardboard, liquids, and materials, total 6,861 tons per day.

A recent survey of 44 plants revealed that the average annual disposal costs ranged from a high of $7.99 per ton to a low of $1.29 per ton, for an average annual cost of $2.41 per ton for the car assembly, stamping, truck assembly, basic manufacturing, and diversified products operations.

In 1969, Chrysler Corporation disposed of 1,454,142 tons of waste at a cost of $3,500,103. Not included in the report and the figures above are the costs of collecting and handling waste material in the plants prior to legal disposal.

Because cost figures for water pollution control vary greatly, and include projects completed, projects underway, and projects considered necessary between now and 1975, it is not possible to establish specific costs in any model year capital improvements budget.

METHODS OF DISPOSAL

Chrysler solves the solid waste problem in two ways: sell the waste or pay to have it hauled out and disposed of legally.

Private contractors haul to legal disposal areas thousands of tons of solid, semi-solid, and liquid wastes generated in Chrysler's assembly and manufacturing plants across the country.

Solid waste material from the Huber Foundry and Hamtramck Assembly plant in the Detroit area, for example, is hauled by rail to Monroe, Michigan, to a landfill maintained by the Port of Monroe Authority. The waste material is being used to reclaim bottom land for eventual use as an industrial park.

In the Los Angeles area, waste from the Chrysler plant is being used to build up low land areas for private housing developments. Similar use is being made of solid waste at other Chrysler locations.

At other automotive companies, the responsibility for solid waste disposal rests with the individual plants or operating divisions. At Chrysler, private contractors are awarded three-year contracts which permit them to make investments in equipment and facilities impossible under shorter term contracts. Chrysler follows their performance closely, including checking the landfill disposal sites used by the private contractor before the contract is signed.

Scrap metals, although representing a large part of the daily tonnage of waste, do not ordinarily contribute to pollution. These metals—drop-offs, turnings, and defective or damaged parts—are sold through normal sales outlets.

LIQUID WASTE DISPOSAL

Liquid wastes in the form of spent oils, emulsions, chemical wastes, and paint sludge probably represent industry's major pollution potential. Federal, State, and local regulations establishing standards for liquid discharge into sewers or local watersheds are becoming increasingly restrictive.

Chrysler Corporation sends contaminated or spent solvents to outside contractors who reclaim the material and sell it back to Chrysler so it can be used again. The reprocessed solvents come back into the plant at about the same cost as new materials.

Oily wastes are reprocessed by outside contractors into low-grade petroleum products used at the plants, or they are converted into base stock which is used in the manufacturing processes by the Chemical Division.

This reprocessing and recycling procedure has helped Chrysler keep the total disposal cost, which runs as high as several hundred dollars per ton for some specialized wastes, to a relatively reasonable cost.

EPILOGUE

Chrysler Corporation takes pride in its long tradition of using the earth's natural resources wisely. It is also proud of its engineering progress which has led to cleaner air and water. However, it is clear that a good deal of work remains to be done by our entire economic society if man is to continue to enjoy the benefits of his natural environment.

More research into the total environmental problem—by industry, government, and the universities—is needed to determine how man can become more compatible with a finite system of which he is only a part. The research should continue, and be intensified.

Chrysler Corporation believes that the leaders of this nation's industrial system have the good sense, the ability, and the will to adapt this system to the natural environment, for the sake of the public it serves and our succeeding generations. Chrysler will continue its efforts to improve the quality of life which all men desire, and to preserve the natural resources over which man has been granted stewardship.

ROBERT ELLSWORTH

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, there are many of us who had the honor to know the U.S. Permanent Representative to the North Atlantic Council, Robert Ellsworth, as a colleague in the House of Representatives.

It is, therefore, with particular pride that I take this opportunity to bring to the attention of the House a report of the recent NATO Ministerial meeting in Rome which appeared in the International Herald Tribune.

As is pointed out in the article, the diplomatic formula which the ministers devised in calling for European security talks and in proposing an East-West discussion of mutual, balanced force reductions, "represents a switch to the initiative on the part of NATO and puts the ball back in the court of the Warsaw Pact powers, who have been pushing various security conference proposals at the West for more than a decade." The decision to transmit the proposal through the Italian Government to the Warsaw Pact powers signifies meaningful diplomatic action on the part of the NATO governments to determine what the prospects are for progress.

This new initiative is, I feel, in no small way attributable to the efforts and the dedication of our former colleague from Kansas. Robert Ellsworth has brought to his new role the wisdom, skill, and effective statesmanship from which the Congress benefited so greatly. It is indeed encouraging to know that this country, NATO, and the world continue to enjoy his valuable service.

The article follows:

[From the International Herald Tribune, May 28, 1970]

"WITH ALL INTERESTED PARTIES": NATO ASKS SECURITY TALKS, BALANCED MUTUAL ARMS CUTS

(By Don Cook)

ROME, May 27.—The North Atlantic Treaty Organization declared its readiness today "to explore when it will be possible to convene a European security conference" and commissioned the Italian government to make initial sounding "with all interested parties, including neutral and nonaligned governments."

At the same time, however, the 15 NATO foreign ministers, in a communiqué issued at the conclusion of their regular two-day spring meeting, agreed that there would have to be progress in the bilateral talks which are already under way on Germany and Berlin, in particular, to justify entering into a broad multilateral conference on security.

But the diplomatic formula, which the ministers devised in a full day of intensive give-and-take discussion, represents a switch to the initiative on the part of NATO and puts the ball back in the court of the Warsaw Pack powers, who have been pushing various

security conference proposals at the West for more than a decade.

The Italian Foreign Ministery will be making formal contact probably with every non-NATO government in Europe in the immediate future to transmit formally both the final NATO communiqué and an accompanying declaration from the ministerial meeting proposing an East-West discussion of mutual, balanced force reductions. It was noted that a deputy foreign ministers meeting of the Warsaw Pact powers is to be held early next month, and the hope is that the NATO initiative will be given active consideration by the Communist powers at that time.

The NATO communiqué makes specific mention of a proposal pushed by British Foreign Secretary Michael Stewart for "establishment of a permanent body as one means, among others, of embarking upon multilateral negotiations in due course." The NATO ministers also laid down in very general terms the kind of agenda which should be explored for a security conference:

"The principles which should govern relations between states, including the renunciations of force; the development of international relations with a view to contributing to the freer movement of people, ideas and information and to developing cooperation in the cultural, economic, technical and scientific fields as well as in the field of human environment."

In fact, these two "agenda headings" are very close to the agenda for a European security conference which was proposed by the Warsaw Pact powers in a communiqué following a foreign ministers meeting in Prague last October. By transmitting this text formally, through the Italian government, to the Warsaw Pact powers, instead of leaving it to them to read in the newspapers, the NATO governments will be taking diplomatic action instead of propaganda action to see whether there is any really serious thrust behind the security conference idea.

WELL SATISFIED

Official American sources said the United States was "well satisfied with the outcome" of the NATO meeting. At the previous ministerial session in Brussels last December, the American position was considerably less enthusiatic about a security conference, but since then, of course, the West German government has initiated talks in Moscow and Warsaw and four-power talks have begun on Berlin.

The American spokesman emphasized that "progress must be evident in the area of bilateral discussions before we can move into multilateral talks" but at the same time, it was stated that there was no objection to multilateral explorations in principle. It is simply the American position, which was also reflected in the NATO communiqué, that a security conference should follow on a record of progress and achievement in other negotiations now underway.

Nor does the United States ask for across-the-board progress in all the talks which are going on. It simply asks for indications of progress in at least some fields to avoid getting NATO involved in a multilateral security conference with no realistic prospects of success or improvement.

The Italian government, in transmitting the results of the NATO meeting to other governments, will in effect be inviting everybody to express their interest, or non-interest, in holding exploratory talks on mutual force reductions and on the convening of a security conference.

A SENSE OF DOOM: POLLUTION OR THE BOMB

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, the dimensions of our economic dependence on the military establishment are staggering. In terms of our gross national product, our labor force, our Federal budget, and numbers of our scientists and engineers, there is a vast involvement in defense and defense-related activities. This concentration has been telling on our society and on the quality of our environment. The advances of science and technology—from detergents and colored tissue to lethal chemicals and the nuclear threat—are outrunning our human and physical potential. In both available resources and in priorities for attention, these problems have gone unattended, until now they rival, if not supersede, the traditional issues of "national security" as urgent questions involving our very existence.

We have created a vast disproportion which we must now equalize. Conversion, in terms of both a rearrangement of national priorities and a shift of our economy into peace time production, is necessary to steer us away from the collision course toward which rapid technological change and rapid social change is taking us. The prospect of economic conversion presents complex problems, but also magnificent opportunities. The needs of our cities, our rural areas, for education, health, and the improvement of our environment, present great challenges.

A number of years ago I proposed that the United States utilize the demonstrated capacity of systems management techniques in the solution of nondefense public problems. I have introduced legislation to gear up the much needed long-range planning to enable our economy to shift smoothly into peacetime production. I am convinced that we can and must transfer this technological capacity, not only out of economic necessity, but out of the pragmatic recognition that this capacity can be successfully harnessed for the solution of our society's most pressing human needs. We need both the foresight and the commitment to move ahead with this.

Barbara Ward, British author, economist and educator, delivered a speech in Chicago under the sponsorship of the Chicago Council on Foreign Relations, the English Speaking Union, and the Adlai Stevenson Institute, in which she presented most effectively and compellingly the need for such foresight and commitment. I am honored to present it here for the careful consideration of my colleagues:

[From the New York Post, Jan. 3, 1970]

A SENSE OF DOOM: POLLUTION OR THE BOMB

(By Barbara Ward Jackson)

CHICAGO.—The human race is moving into an era which it can hardly understand or master. The root of the confusion is the furious and accelerated pace of scientific and technological change and the almost opposite effects of this headlong progress.

On the one hand our incredible mastery over physisocial laws which puts a man on the moon and will carry him beyond Mars seems to promise limitless horizons, total control, triumphant man setting the universe itself to work for his needs. Prometheus is alive and well and has stolen the cosmos.

At the same time, we realize the limits in our mastery. Now that we have left our planet, we can see it from the moon as it really is—very small, blue and shining, the only-carrier in ultimate space and dependent for its survival on a little envelope of air, a thinner covering of soil, and the living waters.

Into these last safeguards, our science, our technology, our inventions, our hunger for things is thrusting what may be irreversible pollution. The air which all must share moves across frontiers carrying death-dealing chemicals from one nation's industry to another nation's forests. The oceans begun to fill up with indestructible junk. Lakes die. Rivers are sewers. Humans breathe twice as fast as their grandparents because the supply of oxygen is impaired.

Behind everything, dwarfing every other risk, is nuclear destruction.

Let me take three examples of this interplay between an unlimited scientific capability and a limited human and physical potential, which together produce major crises ahead of all expectation or preparation. Defense, the cities, the plight of the Third World all illustrate the syndrome. They are also, in some measure, interconnected.

Defense begins with a traditional and not unrespectable doctrine—the balance of power. America's military strength, disastrously withdrawn after the First World War, remains in being as an active counterpoise to Russian might and Communist pressure after the second. Then into this traditional frame we pour the full resources of scientific research and industrial mobilization. Each superpower commands roughly the same scientific establishment. Russia's smaller consumer sector makes it an industrial match for America.

The confrontation begins. America has the bomb. Russia gets the bomb. Each side guesses what the other can invent in the way of further steps in effective destruction. It becomes the course of wisdom to keep ahead of that step.

To be perfectly "safe" American planners feel they must be in advance of any weapon system they can scientifically imagine the other side to command. They conceive of a "bomber gap" in the '50s. Then comes the "missile gap" upon which John F. Kennedy campaigned. Today it is an "anti-missile gap."

The mechanism is the same.

Keeping ahead means constantly inventing new and more devastating and more irresistible weapon systems. But since the other side is known to be able to invent them too, absolute superiority is never achieved.

This competitive race has now gone beyond any limit of reason. If we take a megaton warhead, which is 50 times more powerful than the Hiroshima bomb, it can virtually wipe out a city of half a million.

The Soviet Union has about 145 cities of over 100,000 and six big multimillion urban concentrations. One can therefore estimate that 200 nuclear warheads could more or less eliminate Russia's urban population and perhaps 70 per cent of its industry. The U.S. has some 4200 nuclear bombs and missiles. We can therefore, destroy Russia about 20 times over.

The Russians' projects are more modest. With 1700 warheads, they could only destroy America four or five times over. However, if the multiple independently targeted vehicles (MIRVs) are introduced, each warhead will contain four or five megatons, and this would bring Russia up to America's present rate of kill—20 times—and allow America to move on to a remarkable hundred-times overkill.

So much for the thrust of science and invention which has turned the balance of power into a horror of science fiction. Now comes the limiting factor.

To achieve an attack on a scale to insure no counterstroke—an effective "first strike," in the jargon—either superpower would have

to launch so many missiles that the single atmosphere shared by the whole planet would not absorb first the deadly radiation and then the plagues loosed by the unburied dead. In any case, no first strike would eliminate all response. Some submarines could still strike back.

But the issue is academic. The "first strike" itself strikes back at the attacker through the total violation of our destructible and interdependent atmosphere. With the thrust of our science and the power of our industry, we have therefore pushed defense over the frontiers of sanity and confront nuclear annihilation. And at every new level of spiraling costs—$20 billion, $40 billion, $100 billion—we are as insecure as ever.

As the nation built up this vast apparatus, mobilized great armies whose only industry is defense, created close interrelationships between the military machine and the top industrial power structure there was created, at incredible speed and without anyone either meaning it or noticing it, a built-in lobby for the $80 billion arms budget which is now incredibly difficult to dislodge.

The Vietnam war has followed something of the same cycle. Beginning as a quite modest effort of containment, it has burgeoned into a vast and incredible exercise in modern weaponry and chemical warfare. This apparatus is so destructive in its direct effects and so devastating in its impact upon the local economy that the original aim has been swamped and the country America came to help has been all but annihilated.

Moreover, the combined effect of steadily rising arms expenditure has meant steadily increasing inflation in America. Out of every tax dollar 71 cents goes to war, the most inflationary of all exercises.

Defense puts no goods or services back into the economy to mop up the wages and salaries it distributes. We cannot use obsolete Minutemen. We cannot live in old tents. We cannot eat discarded rations. And since the mark-up on defense supplies has in some cases reached 100 percent and more, and according to Sen. Mike Mansfield at least $23 billion of sheer waste has occurred over the past decade, the inflationary impact has been irresistible.

The consequence is, too, that there are no resources available for other great problems—as with defense—the sheer scale of technological change, linked now with equally rapid social change, has launched mankind into total crisis before the full nature of the emergency has been appreciated. All around the world, epidemic control ahead of full-scale modernization has led to a population explosion.

This is well known. But this is only the beginning of the story.

The new millions are also on the move. Men cannot cross the oceans to empty temperate land as in the 19th Century. They are swiftly moving within their own frontiers—out of the stagnant countryside into the exploding cities. Cities are now growing three and four times as fast as population. But they are growing ahead of the means of employing the migrants and their own city-born. Unemployment rates of 20 to 30 per cent are common in big cities, and for youths it can be nearer 50 per cent.

The U.S. shares some of this crisis in its ghettos created by massive black migration—which few noticed at the time—from the rural South. It is not scaremongers but the National Commission on the Causes and Prevention of Violence that warns the country of the risk of near-civil war if the present trends continue—the poor left to fester in the rundown cities, the wealthy retreating to heavily defended white suburbs, there to share the fall and collapse of imperial Rome—the destruction of urban order and civilized life.

But in the cities of the Third World the crises are, if anything, greater. The Atlantic world, like a white suburb, may have to live in perpetual defense against the armed anger of the 80 per cent of the world's people who enjoy not even 20 per cent of the world's wealth.

These crises and disproportions were not intended or planned. Many flow from the rapid changes in our totally radical world. They will continue if we remain on our present collision course. But they are neither inevitable nor incurable. In fact we begin to see a way forward.

The first step is to aim at halving the arms budget. If it can be done by agreement with the Russians at Helsinki, all the better. We already have the Test-Ban Treaty and the Nonproliferation Treaty to show us that agreement is not impossible. If not, President Nixon could follow up his bold initiative over germ warfare and give a unilateral lead.

America would still have as big a defense budget as under President Eisenhower. It would still have rather more than a lead in nuclear destructiveness. It would still maintain a reasonable NATO commitment.

But it would have started the move away from Armageddon. It would have freed itself for new initiatives.

The present policy of phasing out the Vietnam struggle would be made irrevocable, and America could learn from the tragedy that armed intervention in other peoples' social struggles and civil wars destroys more than it cures. It is better to learn that lesson in Asia than in Latin America.

With $40 billion to $50 billion saved each year, the nation could make the cities its first priority.

America almost alone in the world has no plans for new cities. With 100 million more Americans coming along, at least 100 new cities are needed by the year 2000. These, coupled with a total rebuilding of the ghettos, could give the arms industry the framework for reconversion and get the best brains out of the death research and into working for the betterment of the human condition.

If $30 billion went to the cities, $10 billion could then go, as America's 1 percent of gross national product, to carrying the "green revolution" of rising agriculture all around the Third World. Linked with city-building to match the urban multitudes, such a program would do more for American survival than depleting forests or dropping bombs and napalm on civilians.

A fantasy? Utopia? No, simply a modest rearrangement of priorities in a trillion dollar economy which, not by evil or ill will or conspiracy but by the thrust of its own vast science and technology, has been swept off its course.

But the change of direction is pitifully urgent. Young people cannot love their country. Poor people cannot live in it. The citizen cannot raise himself above fear. The sense of doom afflicts us all.

So let there be a quantum jump away from our unpremediated but lethal concentration of destruction. Let us turn from a curse to a blessing. Let us choose life.

ELLIOT L. RICHARDSON SPEAKS

(Mr. MORSE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORSE. Mr. Speaker, on April 29, Under Secretary of State Elliot L. Richardson spoke before a group of Soviet and American citizens, at the second national convocation on the challenge of building peace. His message is significant, I think, for its realism, and for its constructive, practical approach.

To deny that there are basic and serious disagreements between our two nations which are not likely to be dissipated in the near future, would be self-deluding, if not highly irresponsible. On the other hand, however, to fail to recognize that there are areas of common interest between the United States and the Soviet Union, and to categorically reject efforts which seek to maximize these points of mutual concern, would be self-defeating and dangerously inflexible.

The fact is that we can no longer afford to be doctrinaire in our thinking and in our policies. We must be responsive to the realities of the international situation today. Under Secretary Richardson goes a long way in demonstrating his understanding of the issues and the prospects for progress. I recommend his address, which I am including here, to my colleagues:

ADDRESS BY THE HONORABLE ELLIOT L. RICHARDSON, UNDER SECRETARY OF STATE, BEFORE THE SECOND NATIONAL CONVOCATION ON THE CHALLENGE OF BUILDING PEACE, HILTON HOTEL, NEW YORK CITY, APRIL 29, 1970

It is a privilege to be asked to participate in this extraordinary symposium.

Distinguished Soviet and American citizens are today mingling in this hall and exchanging views in a public forum, a fact which in itself contributes to a more positive relationship between our two countries.

Privately organized meetings such as this add a valuable dimension to official contact. I congratulate all involved on this initiative and hope that your discussions will be fruitful and will lead to other such meetings, with the next round, perhaps, taking place in the Soviet Union.

My remarks today were composed with an eye both to the unique nature of this audience and the title of your convocation. I seek to focus your concern on the grave hazards to world peace which arise when local conflicts threaten to escalate to the point of confrontation between the Soviet Union and the United States. Neither of our two countries—no country, indeed—can afford to underestimate these hazards.

There are many questions on which the United States and the Soviet Union disagree. We are likely to continue to disagree. There is nothing to be gained by pretending that this is not the case. Despite these differences, we also have areas of common interest. I should like to concentrate today on how we can maximize one of those areas of common interest: how we can most effectively insulate ourselves against the escalation of local conflicts. Whatever strengthens and promotes this common interest will also serve the cause of peace. To this end I would like to suggest three simultaneous and complementary forms of action.

The first involves acknowledging and developing what I shall refer to as "spheres of restraint"; the second calls for encouraging regional self-policing and the development of regional institutions and capabilities; and the third requires strengthening United Nations mechanisms so that they can more effectively cope with local conflicts.

As I look at the world situation that now seems to be emerging I see an uneasy equilibrium at the center in which the crucial element is the U.S.-USSR bilateral strategic relationshiup. In recent years we have both come to recognize the need to give this strategic relationship greater stability.

Significant headway has already been made. Agreements on a partial test ban treaty, the banning of nuclear weapons from Antarctica and from outer space, and the nuclear Non-

Proliferation Treaty have been followed by a draft treaty barring weapons of mass destruction from the seabed. The Strategic Arms Limitation Talks now under way in Vienna have even greater potential for stabilizing our strategic relationship. Extremely sensitive and complex matters touching upon the vital security of each side are at stake. But if solutions continue to be pursued in the same serious manner in which the talks have begun, we are confident that ways can be found to limit the dangers and costs of the strategic arms race.

Beyond this central strategic equilibrium and destined, I believe, to become increasingly important are complex new configurations of power involving other countries and, in some cases, new regional groupings. In some areas of the world the power of the United States is involved in the local balance; in some areas Soviet power is involved; in other regions we are both involved, directly or indirectly.

Certain regions where both of us are now deeply involved are so important to the central configuration of power that accommodations will require a careful process of negotiation on outstanding issues. Central Europe, for which the NATO ministerial meeting recently proposed mutual and balanced force reductions, is the outstanding example.

In other areas, however, where neither of us is now so heavily committed, progress can be made toward reducing the danger of expanded local conflict by deliberately limiting our involvement. This does not require that we agree on the origin and merits of the conflict in question nor that we forgo all interest in the area. What is required is that we do agree—either tacitly or explicitly—to refrain from any action, direct or indirect, which might disturb its internal equilibrium.

Since the world of the 1970's is not likely to be a placid one, this will not be an easy task. Experience has shown that the process of modernization is inevitably accompanied by convulsion and dislocation. Turmoil and turbulence are thus unfortunately likely to continue to accompany rapid social change in large parts of the world. Peaceful development—economic or political—is a process that has thus far eluded much of mankind.

The temptations, the impatience, and the anger which will be stirred by continuing eruptions and violence in developing areas emphasize the need for major power abstention. The development of "spheres of restraint" will require that both major powers recognize that their long-term interests are not furthered by attempts to gain short-term—and often fleeting—advantage.

Each side has its own views as to what constitute current examples of such attempts. I believe, for instance, that the Soviet Union should realize that any immediate gains it might make by attempting to take advantage of the troubled Middle East situation are far outweighed by the danger of stirring up a wider conflict. When in such an area one of us—in this case the USSR—involves itself militarily, it is inevitable that the other will take notice and react.

We in the United States, meanwhile, must come to terms with the fact that violent upheaval—however repugnant to our preference for orderly and peaceful change—is going to continue to occur. We must realize that in most such situations U.S. power is neither a desirable nor an effective prescription.

In addition to realizing that we have neither a moral right nor a duty to intervene in every local quarrel, both the U.S. and the USSR must also recognize that our power to deal with such disputes is sharply circumscribed by the new confidence and strength of many of the smaller nations. In many cases, to be sure, our participation—together with such leverage as we can usefully exercise—can help the parties find an acceptable formula for a settlement. This is what we are seeking to do in our discussions on the Middle East. But such efforts should not lead us to believe that an imposed solution, even where we can agree on its basic elements, is a lasting solution. Where persuasion fails, coercion is not an acceptable option.

These perceptions are reflected in the way the Nixon Administration is attempting to remold U.S. foreign policy. They can be seen in the more precise manner in which we are now setting the limits of our obligations. As President Nixon has put it, "We have commitments because we are involved. Our interests must shape our commitments, rather than the other way around." Accordingly, we are being more exact in the delineation of those U.S. interests which, when threatened, must call forth a response.

We hope that the Soviet Union is also undertaking a new look at its own real interests around the world to see whether they too might not, to advantage, be defined more narrowly. To the extent it does so, the development of spheres of restraint will become an easier task.

But even if both of us successfully pursue a course faithful to a recognition of spheres of restraint, this may not, in itself, be sufficient to insulate local conflicts and to prevent the risk of escalation. A second form of action, therefore, will also be important—that is, encouraging regional efforts to develop institutions for coping with local problems and disputes.

The Charter of the United Nations—in Articles 33 and 52—clearly envisages regional efforts which can contribute to the preservation of peace. These aspects of the Charter should be given increasing attention, especially by the developing countries.

While experience to date does not suggest that major successes will soon be achieved in this way, the record is not without promise. From the dispute between Costa Rica and Nicaragua two decades ago to the more recent conflict between El Salvador and Honduras, the Organization of American States has demonstrated a useful capacity for peacemaking. The Organization for African Unity has also scored some success in mediating disputes—as in those between Ethiopia and Somalia and between Morocco and Algeria, both in 1964. Nor should one discount the efforts made by the OAU in other instances where, although success was not achieved, some restraint was encouraged and useful experience gained.

In Asia, too, regional organizations are beginning to develop. These, as President Nixon observed in his report to the Congress on foreign policy, "can be bulwarks of peace." We look forward to their undertaking such a role in the future, and even now we hope that the nations of the area can help resolve the conflict in Southeast Asia, for certainly they have a paramount interest in seeing this accomplished.

It will be especially important, however, to guard against expecting too much too quickly from the emergent regional consciousness in various parts of the world. The necessary concentration of regional power and the formation of institutions for regional action will take time. Early failures or false starts should not lead us to abandon the encouragement of truly regional initiatives.

Since regional action to maintain local stability or control local conflicts will not, in many cases, be adequate, a third form of action is also necessary. U.S.-Soviet cooperation in United Nations efforts to contain and, if possible, settle local conflicts. If this is to be accomplished, the United Nations role in the prevention, isolation, and resolution of local conflicts will have to be revitalized.

The UN, now in its 25th Anniversary Year, has done well in fostering economic development, scientific interchange, and in the area of human rights. It must now be strengthened and enabled to do the job its Charter envisions in the maintenance of peace. The central questions here are when and how peacekeeping can most effectively be brought into play and how the U.S. and the Soviet Union can best join with others to make it work.

It is time to break through the six-year-old impasse on peacekeeping procedures and peacekeeping machinery. An effective and reliable new set of ground rules must be developed, one which allows for a quick response in emergencies. United Nations action must take account of the interests of all, be impartial in intent and application, and call forth the cooperation of the contending parties as well as of those nations on whom the UN must depend for manpower and funds. Procedures should also be politically responsive, efficient in administration, and adaptable to rapidly evolving events.

Among the key points on which the United States believes progress should be made are: The uses of "voluntary" peacekeeping, more precision and realism toward the balance of responsibilities between the Security Council and the Security General, firmer arrangements for ensuring the availability of personnel and facilities, widening the area of recruitment of peacekeepers, and more reliable and equitable sharing of costs.

I am glad to be able to take note today of the fact that the United States and the Soviet Union have already been discussing some of these matters both in informal meetings and in the negotiations of a United Nations working group in an attempt to work out guidelines for future international action. Although differences of approach exist between us with respect both to interpretation of the Charter and to practical mechanics, these need not stand in the way of uncovering sufficient common ground to afford a practical basis for certain UN peacekeeping operations. The responsibility for action, in any case, lies with the entire international community, not with the United States and the Soviet Union alone. The middle powers in particular must continue to play a key role in energizing and activating peacekeeping efforts.

When referring to "peacekeeping" I do not speak of it as applying only to actions taken after conflict is perilously close or has broken out. If the international community is to be insulated against the potential impact of local conflicts, efforts must be started at an early stage; quarrels and disputes cannot be ignored until the peace has been ruptured.

The UN Charter does not, after all, contemplate that the UN should be the last resort in efforts to preserve the peace. Articles 14, 33 and 36 of the Charter lay the basis for timely action by the General Assembly and the Security Council to recommend appropriate procedures or methods of adjustment of international disputes. It is a sad commentary on recent trends that these articles have largely fallen into disuse, and some of the blame must surely be borne by the United States and the Soviet Union.

Article 99 is also relevant to this discussion. Under this provision, the Secretary General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security. In assigning the responsibility to the Secretary General, the Charter thus provides, in effect, for an early warning system. The responsibility for action resides elsewhere, but realistic and imaginative efforts are now called for to bring this potentially significant role of the Secretary General more fully into play.

If the full potential of the Secretary General's role has been neglected, the same

can also be said of the Security Council. In September of last year, Foreign Minister Gromyko called attention to the power of the Security Council to consider general as well as specific problems affecting the maintenance of peace.

The government of Finland, which has been especially interested in such proposals, has suggested making the Security Council more of a center for world consultations by holding regular meetings at the foreign minister level. The U.S. hopes that some agreed way can be found to pursue this possibility. Also worth exploring is a recent Brazilian proposal to set up small informal subcommittees of the Security Council to examine the fundamental issues in specific disputes and to provide good offices for peaceful settlement of disputes.

Revival of the moribund International Court of Justice would also help to strengthen the mechanisms designed to settle disputes peacefully. Secretary Rogers last Saturday proposed several ways to enhance the role of the Court, which does not now have a single pending case before it.

The Secretary suggested that greater use be made of the chambers of the Court; that the chambers meet outside The Hague; that regional chambers be established, particularly in the developing world; and that regional organizations be given access to the Court. Noting that the major problem is the failure of states to submit disputes to the Court, Secretary Rogers underlined the intention of the United States to make more use of the Court in its own international disputes. He encouraged other states to do the same, adding:

"Mankind eventually must become wise enough to settle disputes in peace and justice under law."

The approaches I have outlined—the creation of spheres of restraint, the encouragement of regional institutions, and the strengthening of international peacekeeping machinery—will not by themselves, it is true, bring us to this goal. Neither will they guarantee our safe passage to a securely ordered world free of the shadow of thermonuclear war. They are, however, steps on the way—steps we can take now.

If we succeed in these, we shall have the chance to take other, longer steps. If we do not succeed in these, we may never have that chance.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WYATT (at the request of Mr. ARENDS), for today and tomorrow, on account of illness.

Mr. DENT, for the period from June 11 to June 26, on account of attending Geneva Conference of ILO as congressional delegate.

Mr. PEPPER (at the request of Mr. BOGGS), for today, on account of official business.

Mr. PATMAN (at the request of Mr. BOGGS), for today and through June 11, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CUNNINGHAM), to revise and extend their remarks and include extraneous matter:)

Mr. FINDLEY, for 10 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. HALPERN, for 5 minutes, today.

Mr. BROWN of Michigan, for 5 minutes, today.

(The following Members (at the request of Mr. PRYOR of Arkansas), to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. DENT, for 30 minutes, today.

Mr. COHELAN, for 15 minutes, today.

Mr. OLSEN, for 60 minutes, on June 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CORBETT and to include extraneous matter.

Mr. SCOTT immediately following the remarks of Mr. SPRINGER in general debate in the Committee of the Whole today on the Clean Air Act Amendments of 1970.

Mr. BELL of California, following the remarks of Mr. FARBSTEIN on his amendment offered in the Committee of the Whole today.

Mr. GUDE, to extend his remarks immediately following those of Mr. BUTTON and prior to the vote.

(The following Members (at the request of Mr. CUNNINGHAM) and to include extraneous matter:)

Mr. DUNCAN in two instances.
Mr. HUNT in two instances.
Mr. MIZE.
Mr. HARSHA.
Mr. WYDLER in two instances.
Mr. SCHERLE.
Mr. SCHNEEBELI.
Mr. BROOMFIELD.
Mr. BUSH in two instances.
Mr. CONTE in two instances.
Mr. WHALEN.
Mr. BOB WILSON.
Mr. NELSEN.
Mr. FINDLEY.
Mr. WOLD.
Mr. STEIGER of Arizona.
Mr. WIDNALL.
Mrs. REID of Illinois.
Mr. MCKNEALLY in three instances.
Mr. COUGHLIN.
Mr. KEITH.
Mr. DELLENBACK.

(The following Members (at the request of Mr. PRYOR of Arkansas) and to include extraneous material:)

Mrs. GRIFFITHS in four instances.
Mr. CELLER.
Mr. CORMAN in two instances.
Mr. MURPHY of New York in two instances.
Mr. DINGELL in two instances.
Mr. PATMAN in two instances.
Mr. EDWARDS of California in three instances.
Mr. ADDABBO in three instances.
Mr. ANNUNZIO in three instances.
Mr. BARING in two instances.
Mr. DELANEY.
Mr. MINISH in two instances.
Mr. PATTEN in two instances.
Mr. NICHOLS.
Mr. BIAGGI in five instances.
Mr. ANDERSON of California in two instances.
Mr. STOKES.
Mr. DONOHUE in two instances.
Mr. FULTON of Tennessee in three instances.
Mr. FOUNTAIN in two instances.
Mr. KLUCZYNSKI in two instances.
Mr. GONZALEZ in two instances.
Mr. RARICK in two instances.
Mr. JARMAN in two instances.
Mr. DORN in two instances.
Mr. DENT in five instances.
Mr. GIBBONS in two instances.
Mr. THOMPSON of New Jersey in two instances.
Mrs. GREEN of Oregon in six instances.
Mr. BINGHAM in five instances.
Mr. HAGAN in two instances.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On June 9, 1970:

H.R. 10184. To provide for the disposition of judgment of the Sioux Tribe of the Fort Peck Indian Reservation, Mont.; and

H.R. 15166. Authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes.

On June 10, 1970:

H.R. 14306. To amend the tobacco marketing provisions of the Agricultural Adjustment Act of 1968, as amended.

ADJOURNMENT

Mr. PRYOR of Arkansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Thursday, June 11, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2122. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

2123. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to extend the duration of the highway trust fund, and for other purposes; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. House Resolution 1071. Resolution to provide funds for the select committee cre-

ated by House Resolution 976; with an amendment (Rept. No. 91–1173). Ordered to be printed.

Mr. CELLER: Committee on the Judiciary. H.R. 17825. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes (Rept. No. 91–1174). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR (for himself, Mr. MOLLOHAN, Mr. FUQUA, Mr. ERLENBORN, Mr. ROBERTS, Mr. CLEVELAND, Mr. WILLIAMS, Mr. COLLIER, Mr. MILLER of Ohio, Mr. DERWINSKI, Mr. BUTTON, Mr. PIRNIE, Mr. GRIFFIN, Mr. HUNT, Mr. CRANE, Mr. SNYDER, Mr. BUCHANAN, Mr. KUYKENDALL, Mr. FISHER, Mr. HAYS, Mr. BLACKBURN, Mr. POLLOCK, Mr. JOHNSON of Pennsylvania, and Mr. SHRIVER):

H.R. 18006. A bill to amend title 18 of the United States Code to provide a penalty for persons who interfere with the conduct of judicial proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. ADAIR (for himself, Mr. BURKE of Florida, Mr. DICKINSON, and Mr. BROYHILL of Virginia):

H.R. 18007. A bill to amend title 18 of the United States Code to provide a penalty for persons who interfere with the conduct of judicial proceedings, and for other purposes; to the Committee on the Judiciary.

By Mr. HOGAN:

H.R. 18008. A bill to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM:

H.R. 18009. A bill to amend section 403(b) of the Internal Revenue Code of 1954 with respect to eligibility for certain annuity plans; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 18010. A bill to provide for the establishment of a national cemetery in Los Angeles County in the State of California; to the Committee on Veterans' Affairs.

By Mr. FINDLEY:

H.R. 18011. A bill to require that buses and trucks operated in commerce be equipped with instruments to provide a record of certain operating data, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYS:

H.R. 18012. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations; to the Committee on Foreign Affairs.

By Mr. MILLER of California:

H.R. 18013. A bill to permit expenditures in connection with the provision of certain public improvements or public facilities in the city of Hayward, Calif, to be counted as local grants-in-aid to federally assisted urban renewal projects in the city of Hayward, Calif.; to the Committee on Banking and Currency.

By Mr. MINISH:

H.R. 18014. A bill to provide for an equitable sharing of the U.S. market by electronic articles of domestic and of foreign origin; to the Committee on Ways and Means.

By Mr. MINSHALL:

H.R. 18015. A bill to amend the Internal Revenue Code of 1954 to allow an incentive tax credit for a part of the cost of constructing or otherwise providing facilities or equipment for the control of water or air pollution or for processing of solid waste, and to permit the amortization of such cost within a period of from 1 to 5 years; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 18016. A bill to declare that certain federally owned land is held by the United States in trust for the Stockbridge-Munsee community, and to make such lands parts of the reservation involved; to the Committee on Interior and Insular Affairs.

By Mr. PEPPER:

H.R. 18017. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in certain lands in Florida to the record owner or owners of the surface thereof; to the Committee on Interior and Insular Affairs.

By Mr. ROGERS of Florida:

H.R. 18018. A bill to amend the Tariff Act of 1930 to provide for informal entry under regulations of certain educational articles manufactured in the United States; to the Committee on Ways and Means.

By Mr. SIKES (for himself, Mr. LONG of Louisiana, Mr. SAYLOR, Mr. MCCLURE, and Mr. BROCK):

H.R. 18019. A bill to amend section 4182 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 18020. A bill to prohibit Federal financial assistance for State or local educational agencies which permit primary or secondary students within their jurisdiction to conduct experiments with live animals; to the Committee on Education and Labor.

By Mr. WHITTEN:

H.R. 18021. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

H.R. 18022. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. WOLD:

H.R. 18023. A bill to amend section 4182 of the Internal Revenue Code of 1954, to remove statutory restrictions on the sale of .22 caliber ammunition; to the Committee on Ways and Means.

By Mr. WYATT:

H.R. 18024. A bill to amend title II of the Marine Resources and Engineering Development Act of 1966; to the Committee on Merchant Marine and Fisheries.

By Mr. BINGHAM (for himself and Mr. BUTTON, Mr. DINGELL, Mr. FULTON of Pennsylvania, Mr. HALPERN, Mr. HATHAWAY, Mr. HELSTOSKI, Mr. MR. REES, Mr. SCHEUER, and Mr. THOMPSON of New Jersey):

H.R. 18025. A bill to create a new National Service Agency to fill military manpower requirements, to create a voluntary civilian service as an alternative to military service, and for other purposes; to the Committee on Armed Services.

By Mr. DELLENBACK:

H.R. 18026. A bill to amend the act of April 12, 1926 (44 Stat. 242; chap. 117), as amended; to the Committee on Interior and Insular Affairs.

By Mr. DENT (for himself, Mr. GIBBONS, and Mr. GAYDOS):

H.R. 18027. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require motor vehicle safety standards relating to the ability of the vehicle to withstand certain collisions; to the Committee on Interstate and Foreign Commerce.

By Mr. BOB WILSON:

H.R. 18028. A bill to assist in the efficient production of the needed volume of good housing at lower cost through the elimination of restrictions on the use of advanced technology and for other purposes; to the Committee on Banking and Currency.

By Mr. SKUBITZ:

H.J. Res. 1253. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. TAFT:

H.J. Res. 1254. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week"; to the Committee on the Judiciary.

By Mr. BROWN of Michigan:

H. Res. 1073. Resolution urging withdrawal of Russian personnel from the Middle East; to the Committee on Foreign Affairs.

By Mr. GUBSER (for himself, Mr. ANDERSON of Illinois, Mr. BENNETT, Mr. BIESTER, Mr. BRADEMAS, Mr. BROTZMAN, Mr. BROWN of Michigan, Mr. BUSH, Mr. BUTTON, Mr. CLAY, Mr. COUGHLIN, Mr. CRANE, Mr. DELLENBACK, Mr. DENNIS, Mr. EILBERG, Mr. HALPERN, Mr. HECHLER of West Virginia, Mr. HORTON, Mr. KOCH, Mr. LEGGETT, Mr. MATSUNAGA, Mrs. MAY, Mr. MCCLORY, Mr. MCCLOSKEY, and Mr. MCDADE):

H. Res. 1074. A resolution to amend the Rules of the House of Representatives; to the Committee on Rules.

By Mr. GUBSER (for himself, Mr. MILLER of Ohio, Mr. MIZE, Mr. OTTINGER, Mr. PEPPER, Mr. PODELL, Mr. QUIE, Mr. REID of New York, Mr. REUSS, Mr. RIEGLE, Mr. RUPPE, Mr. SAYLOR, Mr. SCHADEBERG, Mr. SCHWENGEL, Mr. STEIGER of Arizona, Mr. STOKES, Mr. TEAGUE of California, Mr. TUNNEY, Mr. VAN DEERLIN, Mr. WHALEN, and Mr. ZWACH):

H. Res. 1075. A resolution to amend the Rules of the House of Representatives; to the Committee on Rules.

By Mr. SYMINGTON:

H. Res. 1076. A resolution expressing the sense of the House of Representatives with respect to an international compact regarding the safety of persons entitled to diplomatic immunity; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 18029. A bill for the relief of Miguelito Ybut Benedicto; to the Committee on the Judiciary.

H.R. 18030. A bill for the relief of Hem Chow Loo; to the Committee on the Judiciary.

H.R. 18031. A bill for the relief of Alice Paz Z. Manlucu; to the Committee on the Judiciary.

H.R. 18032. A bill for the relief of Isais Sanabria Montalvan; to the Committee on the Judiciary.

By Mr. GOLDWATER:

H.R. 18033. A bill for the relief of Mrs. Lili Gek-Lee Kho Kim and Mr. Jai Uk Kim; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 18034. A bill for the relief of Thomas C. Johnson; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

506. The SPEAKER presented a petition of Milomir Radovich, Chicago, Ill., relative to redress of grievances, which was referred to the Committee on Ways and Means.