

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT

Mr. DOMINICK. Mr. President, the bill for equal employment opportunity has been laid before the Senate and will be the pending business tomorrow. I think that a few preliminary comments in connection with amendments which I intend to offer would be in order at this point.

Mr. President, this bill is designed to put some teeth into the enforcement procedures of the EEOC. It seems to me that this is a good idea. The question is, how do we do it, and to what extent are we going to increase the jurisdiction and the scope of the work of the Commission?

Under the bill as it has been reported by the committee, we are including within the jurisdiction of the EEOC for the first time all Federal employees, which means some 3 million additional people; all State and local employees, which means another 10 million people; and all employers who have, I believe, eight employees. The number had been 25, but I believe the limit has gone down to eight. So any employer who now has eight employees is considered covered by the bill. We know that we have at least 13 million additional people within the jurisdiction, and undoubtedly it is going to be a great deal more than that, probably much closer to 20 million—perhaps even more than that by the time we figure out the all-encompassing jurisdiction of this bill.

As I believe most people know, the Civil Service Commission at the present time has jurisdiction over allegations of discrimination in Federal employment. In most States in our country, anti-discrimination commissions have been set up to take care of problems of State employees and in many cases local employees. What we are doing in this bill—

and we might as well be frank about it—is taking jurisdiction away from the Civil Service Commission and putting it in the EEOC so far as the Federal employees are concerned, and we are at least attempting to outlaw all the provisions for enforcement procedures with regard to State and local employees, whether they be of a school district or a sanitary district or any of the State employees or municipal employees of this country. It is a pretty big slice of the apple to try to swallow in one year.

I will be offering amendments which deal with four items in the bill.

The first is the question of how we are going to provide enforcement of cases where the Commission believes that there seems to be at least *prima facie* evidence of some method of discrimination. Under the present system, we establish a hearing examiner system, and we have to set up a bunch of hearing examiners and different types of administrative procedures to handle the problems. Under the amendment which I will offer, we will simply say that in order to enforce this, they have to go into our existing court system and go through that way.

Under the second amendment, I will simply be prohibiting the employees or the officers or the members of the commission from filing charges. I have said over and over again in committee and in this Chamber that it seems wrong to me to establish in one executive agency the powers of being an investigator, a prosecutor, a judge, and an enforcer. Yet, that is exactly what we are doing over and over again in this particular bill.

Third, I will ask that the Civil Service Commission retain jurisdiction over the equal employment questions of Federal employees. There has been very little complaint as to the job they are doing. I see no reason why we should take

3 million employees and shift the jurisdictional requirements over to the EEOC.

Fourth, on behalf of Senator SMITH of Illinois in particular, and considerable sympathy from myself, I will be moving to exclude State and local employees from coverage by the act, on the ground that I think we might be interfering with State constitutional provisions, and we certainly would be injecting the Federal Government into every State and every municipality in the country.

So at this point I send these four amendments to the desk and ask that they be printed, for further consideration during the debate on the bill tomorrow.

AMENDMENTS NOS. 975 THROUGH 978

The PRESIDING OFFICER. The amendments will be received, printed, and will lie on the table.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is S. 2453, a bill to further promote equal employment opportunities for American workers.

ADJOURNMENT UNTIL 10 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 adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 59 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, September 30, 1970, at 10 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, September 29, 1970

The House met at 12 o'clock noon. Rev. James Davidson, Manassas Baptist Church, Manassas, Va., offered the following prayer:

Gracious God, thank You for bringing us to the freshness of this new day.

You understand us profoundly and know how our energies are taxed and our minds often fatigued; that even in the midst of our maturest thoughts we are still children. Encourage us and give us new insight for the business of today. Because in Jesus You became human. You realize the pressures and criticisms that besiege us, throwing us constantly into the valley of decision; so make us men of conviction, leaning toward what is morally right and not merely politically expedient, knowing it is righteousness which exalts a nation.

What we ask for ourselves, we ask for the leaders of the countries of our exciting yet complex world.

Through the strong name of Jesus. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 14373. An act to authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (Va.-53) in the city of Portsmouth, in exchange for certain lands situated within the proposed Southside neighborhood development project.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 752. An act to authorize the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the State of Maine;

S. 2461. An act to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes;

S. 3425. An act to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes;

S. 3795. An act to amend the Soldiers' and

Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war; and

S. 4187. An act to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands.

REV. JAMES DAVIDSON

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

Mr. SCOTT. Mr. Speaker, I appreciate the courtesy of the Chaplain of the House today in affording one of my constituents, the Reverend James Davidson, pastor of the Manassas Baptist Church, to open the House with prayer. Reverend Davidson is a new person in our midst, coming to us from Scotland, but some of his congregation have referred to him as another Peter Marshall. I am very glad he can be with us today.

Reverend Davidson was born in Glasgow, Scotland, in 1937. He graduated

from the Baptist Seminary in Bristol, England, and took postgraduate work in Switzerland. His first pastorate in this country was at St. Matthews Church in Louisville, Ky., and he became pastor of the Manassas Baptist Church, a few miles from here, in June of this year.

Again, I welcome him as a guest of the House.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, I was detained on official business on Monday and missed rollcall votes on two conference reports which I support fully. Had I been present and voting, I would have voted "yea" on rollcalls Nos. 317 and 318.

HEARINGS ON LOBBYING

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

Mr. PRICE of Illinois. Mr. Speaker, I take this means of advising Members of the House of Representatives that the Committee on Standards of Official Conduct has rescheduled hearings on lobbying practices for October 1, 7, and 8. The hearings originally scheduled for earlier this month had to be called off because, as I previously reported to you, interested witnesses were unable to appear on those dates.

We now expect to schedule public witnesses for October 1 and to hear Members of the Congress on October 7 and 8. Members desiring to testify or submit statements should advise the committee offices of their intentions.

You will recall that the House on July 8 adopted House Resolution 1031 directing the committee, which I have the honor to chair, to conduct investigations and studies of lobbying activities and campaign financing, and to report our findings and recommendations at the earliest practicable date.

Our committee, in considering the assignment, decided to deal with the two subjects separately, although they are related. Accordingly, we expect to conduct hearings on campaign money after concluding the hearings on lobbying.

DID THE DEMOCRATS CAUSE THE POWER BROWNOUT?

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

Mr. KYL. Mr. Speaker, I may have discovered an explanation for the unprecedented heat wave that has caused the latest power brownout. It could be all the hot air being generated by some Members of the majority in this Congress. The most blatant example is the latest charge by one of the wondering troubadours from the other body who claims that somehow President Nixon is to blame for the warm, dry fall that caused water shortages, cutbacks in generating capacity, and a consequent power cutback.

How desperate can a political party become for an issue? Is the party in

power now supposed to intervene with the Deity, or be subjected to charges of failure? It has long been my understanding that the weather, disasters, and the forces of nature were considered beyond the ken of any political party to control.

I might note that members of the Democratic Party have always been in the forefront when attempts have been made to halt building of power generating facilities by private industry. Perhaps they may regret this past action, and seek to divert public attention from their record. I am afraid that in search of political wattage they have only short circuited their credibility, and in fact have generated more heat than light.

WHERE IS THE SOCIAL SECURITY BILL?

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

Mr. CONTE. Mr. Speaker, on May 21, 1970, the House passed the social security bill by a vote of 343 to 32. That was more than 4 months ago.

But where is the bill today? It is still in the other body at the mercy of the majority party there.

Is this any way to treat our senior citizens?

Inflation is eating away at their precious savings.

Skyrocketing increases in the cost of living are diluting their social security payments.

And what is the other body doing about it?

This body clearly recognized the urgency of the problem. We passed a good bill providing for a 5-percent increase and a cost-of-living escalator clause.

Now there is talk of an October 15 recess. And the other body continues to move at a snail's pace with no apparent concern for the plight of our senior citizens.

Mr. Speaker, I think the American people should know just what is happening to the social security bill and just who is stalling it.

This bill must be passed before any recess and its effective date should be changed so that it will go into effect upon its passage, for the sake of our senior citizens.

PRESIDENT NIXON SHOWS COURAGE IN RESISTING PANIC BUTTON TO PUT U.S. ECONOMY IN STRAITJACKET CONTROLS

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

Mr. KING. Mr. Speaker, President Nixon has shown courage and tenacity in resisting those who would push the panic button and put the U.S. economy in straitjacket controls.

As a result, the economy is laying the groundwork for a decade of solid, sound growth.

The cost-of-living index for August shows the smallest increase in 20 months—and brought the rate of infla-

tion down to 2.4 percent for the month. This, coupled with a cutback in interest rates is positive proof that the Nixon administration's game plan for the economy is working for the American people.

While winding down the Vietnam war, making the transition from a defense-dominated to a forward-looking, peace-based economy, the President has made inroads against inflation. The U.S. economy has shown its basic strength. Productivity is high. Real worker income rose in August. The surtax is gone.

There is still work to be done—the cleanup of air and water, the war against crime, and help for State and local governments. The President needs a cooperative Congress to capitalize on the opportunity to make great progressive gains during the coming decade—a decade which can reflect a better standard of living for all Americans.

BATTLE CASUALTIES LOWEST SINCE 1966

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

Mr. WAMPLER. Mr. Speaker, last week, our distinguished colleague from Illinois (Mr. ERLENBORN) spoke to us on the progress of the Nixon administration in ending the war in Vietnam. He referred to the fact that American battlefield deaths the previous week in Vietnam were the second lowest toll in nearly 4 years.

I noticed a few days later that the U.S. military command in Saigon released figures for that week which showed that American battlefield deaths in Vietnam were the lowest since the week of March 5, 1966. Mr. Speaker, I agree with my distinguished colleague from Illinois that this is proof that the President is pursuing a most honorable course in Vietnam.

The President is ending the war. Just as I joined with the overwhelming majority of this body in voting my support for the President's policy in Vietnam on December 2, 1969, I too reaffirm my confidence in the President and his policy.

COMMENDATION FOR LETTER CARRIER LEONARD EVANS

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

Mr. HUNT. Mr. Speaker, in a world of social security numbers, bank account numbers, employee ID's, and ZIP codes, I have some good news—a nostalgic touch of personal service in the postal field service.

It seems that Mrs. Nels Carson of Phoenix, Ariz., had been waiting anxiously for several weeks for word from her son who is stationed in Vietnam. She would meet her mailman, Leonard Evans, each morning hoping that that would be the day to get her son's letter to reassure her of his safety.

As it turned out, Mr. Evans was sympathetic to Mrs. Carson's plight and in the best of traditions reminiscent of by-

gone days, he phoned her one morning that in sorting the mail he had come across a letter from her son and would have it for her at the start of his route.

Mr. Evans is to be commended for his thoughtfulness and it is reassuring to know that the human factor associated with our every-day affairs can still rise above the impersonalization of the numerical identity by which we are assigned to anonymity.

RADICAL-LIBERALS SUDDENLY SCRAMBLING TO GET ON RECORD AS HARD-LINE ADVOCATES OF LAW AND ORDER

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

Mr. ANDERSON of Illinois. Mr. Speaker, with the elections only a month away we are being treated to the fascinating spectacle of numbers of radical-liberals suddenly scrambling to get on the record as hard-line advocates of law and order. Some of our greatest advocates of civil license have suddenly seen the political light.

It should be noted, however, that there are still a few holdouts who are holding fast to the radical-liberal dogma. In the National Observer of September 21, Mr. Adlai Stevenson—who once accused the Chicago police of being "storm troopers in blue"—continues an unblemished record by saying, and I quote:

Violence cannot be tolerated, but the answer is not more law enforcement.

The answer, according to Mr. Stevenson, is leadership that reorders our priorities and pays more attention to the underlying causes of crime.

It is interesting to contrast Mr. Stevenson's prescription for crime fighting with actual experience here in the District of Columbia. Police Chief Jerry Wilson announced last week that the crime rate for August was down 19 percent from the same month a year ago. The basic reason, according to Chief Wilson was, interestingly enough, more police, more law enforcement. One cannot help wondering what the crime rate would have been if the District Police Department had spent the month of August reordering its priorities and searching for the underlying causes of crime.

DRAMATIC DOWNTURN IN CRIME IS GOOD NEWS TO ALL IN THE NATION'S CAPITAL

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

Mr. POFF. Mr. Speaker, the announcement last week by Police Chief Jerry V. Wilson that crime in the District of Columbia had taken a dramatic downturn is good news to all of us who have been concerned by the rising crime rate in the Nation's Capital.

Chief Wilson said that reported crimes in Washington for the month of August dropped to a level 19 percent fewer than for the same month last year. He also

noted that this has been the second successive month that the crime rate was below the corresponding month in 1969.

While this decrease is encouraging in itself, I believe the Congress should take notice of the Chief's statement that the Police Department has set its goal as the halving of the crime rate of 1969. This will be a highly commendable record if the objective is obtained.

The Congress has already been instrumental in creating the framework for effective control of the crime problem in this city by passing the administration's District of Columbia crime bill. One of the key provisions of that act is the reform and enlarging of the District court system. The President has acted promptly to send his nominations for the new judgeships to the Congress. It can be hoped that the Congress will respond with equal dispatch in clearing these appointments.

AMERICAN LOW CASUALTY RATE IN VIETNAM FOR WEEK ENDING SEPTEMBER 19 IS HEARTENING NEWS

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

Mr. ARENDS. Mr. Speaker, the announcement by the U.S. military command that the American casualty rate in Vietnam for the week ending September 19 was again at a 4-year low is heartening news. However, I do not believe these statistics alone tell the full story.

While the casualty rate last week was at the lowest point since the spring of 1966, it should be remembered that we now have a much higher troop level in Vietnam than existed in 1966. In April of 1966, there were about 240,000 American troops in Vietnam. Now, despite President Nixon's withdrawal of over 100,000 men, there are still about 395,000 American troops there.

When the present low casualty figures are interpreted in light of these relative troop levels, it is apparent that the effective casualty rate is even lower than it appears. While there may be many reasons for this development, there are at least two conclusions that can be drawn. One is that fewer American soldiers are engaging in heavy combat and that points to the success of the President's Vietnamization program. The second conclusion is that the enemy's capability to inflict casualties has been seriously hampered—an obvious result of the Cambodian operation. Overall, the casualty statistics are empirical proof that the President's plan to end the war is working.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE A REPORT ON S. 3619

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight tonight to file a report on the bill (S. 3619) to revise and expand Federal programs for relief from effects of major disasters, and for other purposes.

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

There was no objection.

TO PROVIDE FOR HOLDING DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK AT WESTBURY, N.Y.

Mr. WYDLER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 18126) to amend title 28 of the United States Code to provide for holding district court for the eastern district of New York at Westbury, N.Y., and ask for its immediate consideration.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 18126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph of section 112(c) of title 28 of the United States Code is amended to read as follows:

"Court for the Eastern District shall be held at Brooklyn, Mineola, and Westbury."

Mr. WYDLER. Mr. Speaker, H.R. 18126 is a bill vital to the establishment of a branch of the Federal courts in Nassau County. The administration of justice in our Nation requires adequate court facilities conveniently located for both litigants and attorneys. This bill will allow the court to establish itself in quarters in the central area of Nassau County and will allow a branch of the eastern district of New York Federal court to be established in Westbury. The needs of the people of Nassau and Suffolk Counties and all of Long Island will be served. I am asking the immediate consideration of the bill because of the necessity of prompt action. I appreciate the cooperation of the chairman of the Judiciary Committee in dispensing with the necessity for hearings since all parties concerned have not only agreed to such action but are anxious for it to be taken.

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

APPOINTMENT OF CONFEREES ON H.R. 15073, TO AMEND THE FEDERAL DEPOSIT INSURANCE ACT

Mr. PATMAN. Mr. Speaker, pursuant to the provisions of clause 1, rule XX, and by direction of the Committee on Banking and Currency. I move to take from the Speaker's table the bill (H.R. 15073) to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The SPEAKER. The gentleman from Texas (Mr. PATMAN) is recognized for 1 hour on his motion.

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

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

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

I assume that this is the bill to which I objected yesterday when the gentleman sought to send it to conference, this being the bill to which the other body attached three ungermane amendments. Is that correct?

Mr. PATMAN. The gentleman is correct.

Mr. GROSS. It would be my hope that the managers on the part of the House would very strenuously oppose the inclusion of these three ungermane amendments in this bill.

Mr. PATMAN. May I say that the gentleman's views will certainly be given consideration.

This is being brought up under what is known as the McCormack rule—Speaker McCormack advocated this rule over a period of years and under this rule it permits the committee to meet, a quorum being present, of course, and to instruct the chairman to make the motion to send the bill to conference and notwithstanding an objection having been made.

Mr. GROSS. Mr. Speaker, I thank the gentleman from Texas for yielding to me.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. PATMAN).

The motion was agreed to.

The SPEAKER. The Chair appoints the following conferees: Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. WIDNALL, Mrs. DWYER, and Mr. WYLIE.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 17575, DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 17575) making appropriations for the Departments of State, Justice, and Commerce, the judiciary and related agencies

for the fiscal year ending June 30, 1971.

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

There was no objection.

CONFERENCE REPORT ON H.R. 17123, ARMED SERVICES PROCUREMENT AUTHORIZATION, 1971, AND RESERVE STRENGTHS

Mr. RIVERS. Mr. Speaker, I call up the conference report on the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, 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 South Carolina?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 28, 1970.)

Mr. RIVERS (during the reading). Mr. Speaker, in view of the fact that the conference report has been printed, I ask unanimous consent that the further reading of the statement of the managers on the part of the House be dispensed with.

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

There was no objection.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 319]

Adair	Conyers	Gray
Adams	Coughlin	Green, Pa.
Andrews, N. Dak.	Cowger	Hastings
Annunzio	Cramer	Hébert
Aspinwall	Crane	Jonas
Baring	Cunningham	Kleppe
Beall, Md.	Daddario	Landrum
Betts	Dawson	Leggett
Biaggi	de la Garza	Long, La.
Boggs	Dent	McCarthy
Bolling	Derwinski	McClory
Brock	Diggs	McClure
Brooks	Dorn	McKneally
Burton, Utah	Dowdy	Macdonald,
Bush	Edwards, Calif.	Mass.
Button	Edwards, La.	MacGregor
Cabell	Farbstein	Martin
Caffery	Felghan	Mathias
Casey	Fish	Melcher
Cederberg	Fisher	Miller, Calif.
Celler	Foreman	Murphy, N.Y.
Chisholm	Friedel	Nedzi
Clark	Fulton, Tenn.	Olsen
Clay	Gaydos	Ottinger
	Gilbert	Passman

Pirnie	Scheuer	Vander Jagt
Pollock	Shipley	Waggoner
Powell	Stuckey	Watson
Rarick	Symington	Watts
Reid, N.Y.	Tait	Weicker
Reifel	Taylor	Whitten
Robison	Teague, Calif.	Wold
Roudebush	Teague, Tex.	Zablocki
Ruppe	Tunney	Zwach

The SPEAKER pro tempore (Mr. EVINS of Tennessee). On this rollcall 329 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 17123 ARMED SERVICES PROCUREMENT AUTHORIZATION, 1971, AND RESERVE STRENGTHS

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. RIVERS), is recognized for 1 hour.

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

Mr. Speaker, I shall try to give the House as succinctly as possible a synopsis of the action of the conference on H.R. 17123, the military weapons procurement and research and development authorization bill.

I hope the Members will bear with me because this is a long and complex piece of legislation, and there were many items in disagreement.

The bill as presented to the Congress by the President totaled \$20,605,489,000. As passed by the Senate, the bill totaled \$19,242,889,000.

The bill as agreed to in conference totals \$19,929,089,000.

Thus, the final bill is \$642,400,000 less than the bill as it passed the House. It is \$686,200,000 more than the bill as it passed the Senate.

The final bill is \$676,400,000 less than the bill presented to the Congress by the President.

Let me now give a rundown on action taken on major weapons systems on which there was fundamental disagreement.

First, however, I wish to point out that of the reductions from the House bill, \$334,800,000 results from a general reduction due to the availability of prior year authorizations.

The House had deleted \$334.8 million of new authorizations requested by Defense for various older programs. The Senate not only concurred in denying this request but made an additional cut of \$334.8 million on the grounds that the Department of Defense had failed to identify or rejustify various prior year programs for which these amounts had previously been made available.

The Department of Defense was unable to persuade the conferees that the Senate action would adversely affect procurement or research and development. The House conferees, therefore, accepted the Senate's action.

MAJOR WEAPONS SYSTEMS
NAVAL VESSELS

The House included in its bill \$152 million for advance procurement for the third *Nimitz* class nuclear-powered aircraft carrier—CVAN-70. The Senate de-

leted these funds. In an unusual move, the administration while asking for the funds in the budget request, stipulated the decision to build the carrier not be made until a study by the National Security Council was completed on future carrier requirements.

It grieved the House conferees to have to recede on the CVAN-70. However, it was virtually impossible to change the mind of adamantine Senate conferees when faced with the absence of the will to make decisions on the part of the administration. The House conferees, therefore, had no choice but to agree to the elimination of the CVAN-70.

The House added \$435 million for new ship construction to the Navy in addition to the budget submitted by the President. This additional construction program was identified by the Secretary of Defense as the first priority should additional funds be made available to the Department by Congress.

The House conferees were able to convince the Senate conferees of the necessity for these ships in view of the critical state of our Navy, and the Senate receded.

However, as I have indicated, the President cut out the carrier, which, in my opinion, was a serious mistake. If and when we authorize it—and we must—there will come a time when we shall have to authorize it, make no mistake about it, because whether you like carriers or not, we cannot do without them.

Here is a memo which confirms the need to authorize new nuclear carriers. It speaks for itself and reads as follows:

DEPARTMENT OF THE NAVY.

Washington, D.C., September 26, 1970.

Memorandum for Vice Admiral Rickover.

Subject: Policy on nuclear carriers.

1. Mr. Packard has authorized you to take the following position, if asked, in connection with your forthcoming testimony before the House Armed Services Committee:

"It is his policy to support funds for a CVAN in 1973 or 1974. It is his view that, while the number of carriers must be subject to question, at any reduced force level which may become necessary, we nevertheless should aspire to have an all nuclear carrier force."

E. R. ZUMWALT, JR.

The gentleman from California (Mr. HOLIFIELD) knows what I am talking about. It will cost us at least \$100 million more if and when the President makes up his mind and if and when the other body makes up its mind.

The other day the U.S.S. *Kennedy* was ordered to the Mediterranean. The U.S.S. *Kennedy* is McNamara's masterpiece. The U.S.S. *Kennedy* is an oil-burning carrier. The U.S.S. *Kennedy* should have been a nuclear carrier. Because the U.S.S. *Kennedy* had to refuel and had to travel at reduced speed, it took 2 days longer to get to its destination in the Mediterranean.

I have in my possession a memo marked "confidential." I will "deconfidentialize" it and insert it in the Record at this point.

The statement is as follows:

SEPTEMBER 29, 1970.

When the oil-fired aircraft carrier *John F. Kennedy* CVA-67 was recently sent from the 2nd fleet to reinforce the 6th fleet in the

eastern Mediterranean, she transited about 4000 miles from Roosevelt Roads near Puerto Rico at a speed of advance of about 23 knots. This low speed of advance was necessary to conserve fuel so that a reasonable reserve would be aboard upon arrival. She refueled from the tanker *Truckee* west of the Strait of Sicily.

Had a higher speed been necessary for the transit it would have been necessary to refuel at Gibraltar as she does not carry sufficient black oil for a high speed transit of that distance without refueling. The *Kennedy* burns nearly twice as much fuel per mile steamed at 30 knots as she does at 23 knots.

A nuclear carrier could have made the transit at high speed and arrived 2 days earlier without concern for refueling.

In a real war situation the 2 days could have been decisive in battle and the tanker would have been a vulnerable target and might well have already been sunk when the *Kennedy* arrived. This is another example of the need for nuclear propulsion in our first line surface warships.

As the number of carriers in the fleet is reduced, the increased mobility of nuclear carriers will become even more important.

Mr. Speaker, had the carrier been a nuclear carrier, she could have operated at full speed to the Mediterranean, and had there been a conflict in the Mediterranean, she would have been there 2 days earlier. This is what I am talking about. The *Kennedy* is the newest carrier we have floating today and it is oil burning rather than nuclear powered—it is a disgrace to the Department of Defense—and it carries the name of a great American. It should have been a nuclear-powered carrier.

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

Mr. RIVERS. I yield to the distinguished gentleman from California.

Mr. HOLIFIELD. I want to express my complete accord with the gentleman. At the time the U.S.S. *Kennedy* was planned, the Joint Committee on Atomic Energy did everything it could to make it a nuclear-propelled carrier. We had hearings on the subject. Secretary of Defense McNamara appeared before the committee. His people had told him that it would cost \$84 million more to build the *Kennedy* as a nuclear-propelled vessel, but they failed to reveal to him that there was a \$30 million core in the nuclear-propulsion engine which would have obviated the need to buy fuel for about 9 years. They also failed to reveal to him, apparently, that it would carry something like 26 percent more planes, which would have given that much more striking power.

When we costed this out for a period of 20 years during the life of the carrier, it came to about \$4 million difference in the nuclear-propelled carrier and the conventional one.

When they launched it, on the day they launched the *Kennedy*, I announced at that time they were launching an obsolete carrier.

Mr. RIVERS. That is exactly what happened. That is as factual as it can be. I agree with you. But I do not agree with one thing the chairman of the Joint Committee on Atomic Energy has said. I do not think anyone could have changed Secretary McNamara's mind.

Mr. HOLIFIELD. I do not think he changed it. I said we conclusively proved before him that those factors were not considered, the factors of the life of the fuel, the additional carrying capacity, and other factors. They were not costed into his computation.

Mr. RIVERS. This gives me an opportunity to say that without the backing of the gentleman from California (Mr. HOLIFIELD) and that great Joint Committee, God knows what this country would do. I pray for him every day. What he is doing in the field of nuclear propulsion and nuclear energy will be remembered by future generations. They will thank him for it.

Mr. HOLIFIELD. If the gentleman will yield further—and I thank him for his kind words—I had an opportunity this morning to look at the figures the gentleman stated on the floor last night, and I wish to point out that they are accurate, particularly the figures on the submarine comparison. I paid particular attention to them. There was something like, if I remember, 367 submarines that the Soviets have and 145 that we have. At the end of this year they will have as many nuclear submarines as we have. At the end of 1974 they will have as many underwater missile-launching submarines as we have, and, in addition, they will have about 280 conventional submarines, all built since World War II, and all of our conventional submarines have been built since World War II.

Mr. RIVERS. Mr. Speaker, I thank the gentleman from California. I appreciate his substantiating what I said on the floor.

No one can tell me that the great Committee on Appropriations is not going to rise to its responsibilities. I confidently believe they will do so and will start us on the road to try to catch up with the Soviet Union.

At this point let me refer the Members of this body to my floor speech of yesterday in which I document the problem facing our country. Read pages 33898 to 33902 of the Record and I am certain you will begin to better appreciate the critical need for new naval construction.

This additional money will go for one fast submarine, long lead-time procurement for another such submarine, a submarine tender, a destroyer tender, two oceanographic research ships, and landing and service craft.

The House conferees receded on three provisions in the House bill: First, to withhold shipbuilding funds until the National Security Council had finished its study of the CVAN-70; second, to require \$600 million of funds authorized for naval vessels to be spent only in naval shipyards; and, third, to require the construction of the new DD-963 class destroyer at facilities of at least two different U.S. shipbuilders.

SAFEGUARD

The funds provided for the procurement of the Safeguard anti-ballistic-missile system are only \$10 million below the figures in the House bill. However, there is a change in language which limits the deployment concept.

The House had approved the program.

requested by the President which would allow beginning preparation of five sites which would eventually be used to provide a thin-area coverage against the potential Chinese threat.

The Senate bill prohibited work at four of these five sites and, in effect, limited the ABM development to defense of the strategic missile deterrent.

After extensive discussion, the House conferees receded and accepted the Senate position. The Senate conferees were unyielding in their position on Safeguard.

I want to make it clear that in accepting the Senate position on the ABM, the House conferees interpret the language of the bill as not prohibiting follow-on studies of present and future programs to assure the adequate protection of the national command and control function.

INTERNATIONAL FIGHTER

The House bill provided \$30 million for an international fighter aircraft so as to provide a relatively inexpensive aircraft to free world forces in Southeast Asia. The Senate had denied the funds for the aircraft.

In conference we were able to convince the Senate of the wisdom of going ahead with this vital program. The Senate not only joined us in providing the funds, but joined our conferees in suggesting and urging the Secretary of Defense to personally resolve whatever remaining problems have prevented the Air Force from going forward on this aircraft.

It is the view of the conferees that the availability of this type of aircraft should, in our national interest, be accomplished as expeditiously as possible—and the Secretary of Defense is expected to share the desire of the conferees that this action be taken without further delay.

CHEYENNE

The Senate had deleted all of the \$17.6 million provided in research and development money for the Cheyenne helicopter. Complex technical problems on this aircraft have now been solved and a tremendous weapons system is emerging. The Senate receded and accepted the House position.

B-1

The House provided \$100 million in research and development funds for the continued development of the much needed B-1, the advanced manned strategic aircraft. The Senate had reduced this figure to \$50 million. The conferees agreed on an authorization of \$75 million. The House conferees were very reluctant to see even this reduction in the pace of B-1 development and give fair warning that this stretch might be sowing the seeds of a future cost overrun. The Senate conferees, however, were adamant in their position.

C-5A

While there were no dollar differences in the authorization for the C-5A, the Senate bill contained language which would have prohibited the expenditure of \$200 million of the authorization for the aircraft unless the Secretary of Defense

submitted a plan for those expenditures to the Armed Services Committees and the committees approved the plan. This action raised serious constitutional questions in requiring that the executive branch come into agreement with specific committees before going forward with a discretionary action. In view of the House reservations, the conferees agreed to amend the Senate language to require the submission of the proper plan of expenditures to the Committees on Armed Services of the House and Senate with the further requirement that none of the \$200 million could be obligated or expended until the expiration of 30 days from the date upon which the plan had been submitted to the Congress.

With these changes, the House receded and accepted the Senate position. The House conferees are satisfied that this language will not deter the development of this vitally needed aircraft.

MAJOR ITEMS NOT IN HOUSE BILL

I would now like to discuss briefly several important items which were not included in the bill as first passed by the House but which are in the conference report.

A provision in the conference report expresses, as a statement of policy, the Congress' grave concern over the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from that involvement and authorizes the furnishing of aircraft and equipment to Israel in order to restore and maintain the military balance in the Middle East.

To furnish Israel the means of providing for its own security, the President is authorized, under this provision, to transfer to Israel, by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East.

Such sale, credit sale, or guarantee shall be made on terms and conditions not less favorable than those extended to other countries which receive the same or similar types of aircraft and equipment.

The authority to furnish such aircraft and equipment to Israel shall expire on September 30, 1972.

The provision of aid to Israel originated in the Senate Armed Services Committee. The managers on the part of the House fully concurred in the desire to provide needed help to Israel and the urgency in creating some presidential authority to provide such assistance. Members of the House should understand that without this provision in the conference report, the President would not have the authority to provide material to Israel to the extent that it is required.

The House conferees were concerned about the open ended nature of the Senate provision. The House managers were able to convince the Senate conferees that an expiration date should be provided in the authorization in order that the customary periodic authorization

surveillance by the Congress will be maintained. Therefore, the provision was amended in conference to add an expiration date of September 30, 1972.

The Congress and the Armed Services Committees responsible will be required to review the need for possible extension of this authority beyond that date.

This authority is provided with the understanding that the executive branch will provide the Congress and the committees responsible for this authorization a semiannual report on the implementation and utilization.

The conferees from both Houses agreed that the language of the amendment covers, as well as aircraft, the following: ground weapons, such as missiles, tanks, howitzers, armored personnel carriers, ordnance, and related items. It is also the intention of the conferees that the words "equipment appropriate to protect such aircraft" be construed broadly and that these words not be narrowly interpreted by the executive branch as imposing a requirement that only those ground weapons which are to be deployed by Israel in the physical proximity to airfields may be acquired by Israel under the authority in this act.

Mr. Speaker, I consider that section of the bill one of the most important actions the Congress has taken or can take this year to protect freedom in the world. The Israelis have exhibited in magnificent fashion a will to defend their nation and to remain free and independent. They have exhibited a strength of will that we can only wish more of our allies would exhibit.

Let me emphasize that nothing in this provision authorizes the sending of American personnel to the Middle East, and the Israelis have no desire for such assistance. The Israelis fight their own battles.

If I can quote what a great statesman said to our Nation 30 years ago:

Give us the tools and we will do the job.

If we give the Israelis the tools, they will do the job of protecting freedom in the interest of the Western World in the Middle East. They are fighting more than their own battle here. They are resisting the frightening spread of Soviet influence. Also, they are fighting to preserve a vital petroleum resource that supports Western Europe.

Make no mistake about it, an Arab victory over Israel would be a Soviet victory in the Middle East.

I hope the Members of the House can support this addition to the conference report.

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

Mr. RIVERS. Of course I yield to the gentleman from California.

Mr. HOLIFIELD. Seventy-three percent of the oil used in Western Europe comes from the Saudi Arabian and the Middle East oil fields; 80 percent of the oil used in Japan comes from there. When the Straits of Malacca are closed, the oil can be shut off going to Japan, and when the Soviets establish the position they want to establish in the Middle East, they can shut off the oil of Western Europe. If this occurs, economic col-

lapse will occur in both of those countries and will be followed by a political collapse. That is the threat right now in the Middle East, and the Soviets know full well what they are doing by moving in there.

Mr. RIVERS. I thank the gentleman. If you think the Soviets do not have a program, you just reexamine your information. They will control everything, and your Western civilization may be gone, because all of this hangs in the balance.

I want to say that the President knows this. He is not being kidded. I talked to the President about this, and he understands this. I cannot understand why France did not understand it when they held up planes for this country of Israel. I just cannot understand that.

Now, I will go on to explain other actions taken by your conferees.

AUTHORIZATION EXPANSION

This conference report extends the so-called 412 procurement authorization responsibilities of the Committee on Armed Services in two important ways.

It requires that beginning on July 1, 1971, an authorization for the average annual active duty strength of the Armed Forces will be required as a condition precedent to appropriation of funds for personnel. Up to now it has been necessary to authorize appropriations for missiles, planes, ships, tracked combat vehicles, research and development, and personnel strength of the Selected Reserve. As a result of this provision, beginning next year it will be necessary to also authorize the personnel strength of the Armed Forces.

In addition, the requirement for authorization prior to appropriations is extended to naval torpedoes. This extension is consistent with a provision in last year's House bill that was stricken in conference on the insistence of the Senate conferees at that time. Therefore, when the Senate included the requirement in the bill this year, the managers on the part of the House receded.

CONTRACT ANNOUNCEMENTS

The Senate bill included the provision that precludes the Secretary of Defense from furnishing information in advance of any public announcement to any individual concerning the identity or location of a person or corporation receiving a defense contract. Quite simply, this means the Secretary is not supposed to slip the word to a favorite Senator before public announcement of awards of major defense contracts.

I am sure the House will support its managers in going along with the restriction on this activity, since it has been my observation that the beneficiaries in the past of such a practice have been the Members of the other body.

RESEARCH AND DEVELOPMENT

I would now like to run down briefly the conference action on important research and development authorizations.

Both the Senate and House had reduced the research and development budget requests submitted by the Department of Defense.

The Defense Department had asked a total of \$7,401,600,000.

The conferees agreed on \$7,101,600,000, a reduction of \$300,000,000.

The final total is \$164,000,000 less than the amount initially approved by the House and \$164,100,000 above the amount recommended by the Senate.

ARMY

For the Army, the conferees agreed on a research and development budget of \$1,635,600,000. This is \$100,300,000 below the Army's request.

As I already mentioned, the conference specified that the full amount requested for the Cheyenne helicopter, \$17.6 million, shall be authorized.

On another major system in this category, the Senate had reduced the funds for the Sam-D missile by \$15 million. The conference agreed to restore \$8.8 million of the Senate reduction. This results in a total authorization for the Sam-D of \$83.1 million, \$6.2 million below the departmental request.

NAVY AND MARINE CORPS

The conferees agreed on \$2,156,300,000 in research and development funds for the Navy and Marine Corps.

This is \$56 million below the departmental request.

The conference restored the \$5.2 million which the Senate had cut from the F-14 program. The conferees stipulated that the funds restored for the F-14 are to support the development of the advance technology engine and are not to be used for the development of the avionics of the F-14C.

AIR FORCE

For the Air Force, the conferees agreed on a research and development authorization of \$2,806,900,000.

This is a reduction of \$128,800,000 from the amount requested by the Department of Defense.

I already indicated that the conferees restored \$25 million of the \$50 million the Senate had cut from the B-1, leaving an authorization of \$75 million.

The conference also restored all of the \$27 million that the Senate had cut from the Minuteman rebasing account, leaving a total authorization of \$77 million. The Senate conferees agreed to this restoration with the understanding that the program would exclude expenditures previously planned for hard-rock development.

The Senate had reduced the F-111 budget by \$6.4 million. The conference agreed to restore the full \$6.4 million. The Senate had deleted these funds because they had been identified for use on the Aim-7G missile, which was later determined not to be required in fiscal year 1971. The Senate agreed to restoration of funds with the understanding they are going to support the development of the aircraft.

F-111

I want to say a special word here about the F-111 aircraft. The Senate bill contained provisions requiring certification by the Department of Defense on the structural integrity of the F-111 as a prior condition to the obligation of funds.

The House conferees were satisfied that this provision would in no way delay the procurement of the aircraft and that, in fact, the Department of Defense had advised the committee that it is prepared to provide the needed certification. The F-111 has gone through the most rigorous testing program that any aircraft was ever subject to. Each aircraft is meeting the tests and has already begun to return to operational status.

The House accepted the Senate provision.

However, I wish to make it unmistakably clear that in agreeing to this provision of the bill the House conferees in no way agree with the statement contained in the initial report of the Senate committee to the effect that this year's procurement will be the final buy for the F-111.

Initially it was determined that six wings of F-111's were required, and nothing has ever been presented to our committee in the way of military information to change the estimate of that requirement. However, the Air Force still believes it needs six wings. The buy was reduced for budgetary reasons.

The present plans are for only four wings, but the procurement authorized by the fiscal year 1971 buy will not even complete the fourth wing. The House managers and the Committee on Armed Services strongly object to any present decision to arbitrarily cut off production of the F-111. We believe the Department of Defense should be prepared to ask for further aircraft if they are called for by military requirements.

This is a truly unique aircraft. Even the Senate committee report says:

No other aircraft in the Air Force inventory can compete with the F-111.

Pilots who fly this airplane say they would rather fly the F-111 than any other airplane in the world.

If it is the best plane we can give them, then I think we should not permit substitution of a lesser aircraft.

INDEPENDENT RESEARCH AND DEVELOPMENT

The conferees spent an awful lot of time determining the proper course of action on one of the very important and very complex aspects of defense procurement, the so-called independent research and development.

Mr. Speaker, I will not take the time of the House to go into detail on this right now.

The conference action is fully spelled out in the statement of the managers.

The Senate bill had provided dollar limitations and, in addition, had contained language restrictions which we feared would have greatly limited the support of basic research which helps not only the military services but has great advantage for domestic development in the country.

Thanks to the vigorous and brilliant leadership of the gentleman from Massachusetts (Mr. PHILBIN) and the gentleman from California (Mr. GUESSER), we were able to get compromise language in the conference report which eliminates the dollar restrictions and eliminates the

handcuffs on basic research while at the same time forcing greater administrative control and surveillance on expenditures in this research area.

OTHER CONFERENCE DECISIONS

Before concluding, let me briefly mention some other decisions the conference made on items which were in dispute:

Southeast Asia funding: The bill contains a provision which has been in this legislation for several years to authorize the use of funds in support of South Vietnamese and other free world forces. The House agreed with the Senate change to specify these funds can be spent "in support of South Vietnamese forces" rather than "in Vietnam." The reason for this is to allow the use of such funds in support of operations like the cleaning out of Cambodian sanctuaries which are not strictly within the borders of South Vietnam but are related to Vietnamization.

The Senate had put a limit on such funding of \$2,500,000,000. The House bill had no dollar limit. The conferees agreed to a figure of \$2,800,000,000. The sole reason for this increased dollar figure is to provide flexibility to the Department of Defense to program additional money under this authorization if it is found possible to speed up the Vietnamization process. Speeding up Vietnamization, of course, will speed up withdrawal of U.S. troops.

The Senate bill contained language providing additional pay to free world forces in Vietnam in excess of the \$65 per month hostile fire pay given to U.S. forces. The House agreed to this provision with an amendment specifying it shall not apply to agreements executed prior to July 1, 1970. The reason for this amendment is simply to avoid renegeing on pay agreements made with those Asian countries which have sent troops to Vietnam.

Improved Hawk: The conference agreed on an authorization of \$81.4 million for procurement of the Improved Hawk, which represents a restoration of \$28.1 million of the \$37 million cut by the Senate. The statement of managers directs that the procurement buy for fiscal year 1971 not be consummated on Improved Hawk until the completion of a test program to insure the operational readiness of the missile subject to the approval of the Secretary of Defense.

The House conferees agreed to the deletion of \$14.1 million for procurement of Improved Hawk for the Marine Corps. The recently revised procurement program for Improved Hawk is such that money for the Marine Corps procurement, which follows the Army buy, will not be required until fiscal year 1972.

Tanks: The conference agreed to restore \$12.1 million for the Army's M60A1E2 tank which had been cut by the Senate. The Army has had a great deal of trouble in the development of this tank. However, the House conferees did not want to cut off the program, which appears now at the point where it can be brought to a successful development. The conference also restored \$10.9 million which the Senate had cut from the M60A1 tank program.

Tow: The House had initially required a test program of adapting the Shillelagh missile to the ground mode and, if successful, a competitive procurement between Tow and Shillelagh. At the request of the Senate conferees, the House receded from its provisional approval and concurred in the authorization of \$106 million for Tow funding after an intensive reevaluation by the Army established that each of these weapons should be continued in its present mode.

Falcon: The Senate eliminated \$15 million for the modification of the Air Force Falcon missile. The conferees agreed to restoration of \$6 million. This would allow a steady development program on modification of the missile to improve its capabilities.

Maverick: The House had eliminated procurement funds in the amount of \$25.3 million for the Maverick. The Senate restored \$3.1 million, which is sufficient to retain the terms of a favorable contract while the development proceeds for another year. The House receded.

CBW: The Senate bill included various additional provisions relating to the use or disposal of chemical and biological warfare agents. While the Department of Defense did not object to the main import of the Senate amendment, the House managers persuaded the conferees to amend the language to assure that it would in no way delay or prevent the immediate disposal of CBW agents when such disposal is required as a matter of health and safety.

Mr. Speaker, there are a number of other amendments the Senate had added which we did not consider advisable, and we were able to have them removed in conference. I do not want to take any more time of the House to introduce details. They are explained in the statement of the managers.

This has been a difficult job. There were many items in dispute in the conference. I believe we have done exceptionally well by the House position. We did not get everything we wanted, but we certainly did not come back empty-handed. It was a privilege for me to be chairman of this conference. I wish to express my appreciation to all of the members of the conference committee on both sides of the aisle who worked so diligently in hammering out the agreements in the conference report.

I hope the House will support the conference report.

Mr. Speaker, this is a good conference report. Take my word for it.

We won a pretty good victory in the other body. As I recall this bill went over to the other body on May 6. It came out of there on September 1. They asked for a conference on September 15 and we accommodated them on September 16, the next day. The House had the right for the first time to preside in conference and I presided. It took us 3 days to get this conference report through. Heretofore it had taken us 3 or 4 weeks. We did not listen to a lot of rhetoric. We had fine cooperation from the greatest group of House conferees we have ever had. We

did not do so badly. Of course, we had to give and take. However, we brought home more than we left. I am thankful to the members of the Committee on Armed Services. We are your committee. We have striven to leave a good image in the other body as your committee.

We recognize the fact that we are your committee. We have a good committee. We have very little dissent in our committee. Do not believe what you read, if you read that we do not have a good rapport. We are jealous of our good record and we shall continue to try to protect it.

Mr. Speaker, we bring to the House a good conference report today. We want every Member of this body to back us, because the stronger the bill that comes out of this branch or the other branch, the more notice there is to our potential enemies that we are not kidding—that we are determined to rebuild our military strength.

Mr. Speaker, we have in this bill the ingredients to save America and catch up in those areas where we have fallen behind. I commend the conference report to you.

Mr. RANDALL. Mr. Speaker, will the gentleman yield for just a half minute?

Mr. RIVERS. Of course I yield to the distinguished gentleman from Missouri, a member of the committee.

Mr. RANDALL. The conference report is so comprehensive and so good and contains so many things, including for the first time the provisions for Israel, I simply want to ask that the press, after the vote is taken today, note what happened to the doves.

Mr. RIVERS. As long as the light holds out to burn, there is time for the vilest sinner to return. Any time the doves want to come home, we have a roost for them.

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

Mr. RIVERS. I am happy to yield to my distinguished friend from Iowa.

Mr. GROSS. I would call the gentleman's attention to the language contained in the report which appears on page 30 thereof with reference to premature disclosure of defense contract awards, a provision put in by the other body and accepted by the House.

Would the gentleman address himself to that particular item briefly with an example of what this is designed to do?

Mr. RIVERS. This is one of the best things done by the other body. They put a provision in there whereby they could not announce contracts awarded to contractors. There have been occasions when there appeared in the papers the statement that "Rivers has announced the award of certain contracts." I never have announced one in my life. I do not think the Member of Congress should announce contract awards, because the minute we announce that a particular contractor received an award, the people of America may get the idea that we had something to do with it. We do not have anything to do with it. The contracts are made by the executive branch and out in the field. I feel it is a good provision.

Mr. GROSS. Then we have had some difficulty in the past with the announcement of contract awards.

Mr. RIVERS. This is a good thing, because now you will not see Members of Congress announcing the award of contracts.

Mr. GROSS. No, but I say that in the past we must have had some difficulty, or there must have been some difficulty.

Mr. RIVERS. There must have been. It did not apply to me, because I never have announced one.

Mr. GROSS. I had assumed that.

Mr. RIVERS. And this is a good thing. I have never announced the award of one since I have been in the Congress; I have never announced it in my office, but I have heard that a lot of Members of the other body have announced the awarding of contracts which they had nothing to do with. And so we accepted this proposition and we think it is a good thing.

Mr. GROSS. I thank the gentleman.

Mr. RIVERS. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Illinois, Mr. ARENDS.

Mr. ARENDS. Mr. Speaker, the conference report that our committee brings to the floor of the House today represents the best efforts of the House managers after long and hard bargaining sessions with the Members of the Senate. It also represents, in my judgment, the minimum program we could provide for the defense of this Nation in the world as we find it today.

Our Chairman, the gentleman from South Carolina (Mr. Rivers), has adequately explained the bill in great detail, and I will try not to be repetitious. However, there are some important matters that I would like to touch on briefly.

ABM

The bill, as finally agreed on by the conferees, includes an amendment originated in the Senate which limits the deployment of the anti-ballistic-missile system to the defense of four sites in an effort to limit the deployment of the system to the strategic missile deterrent. The House bill would have permitted the President to do advance work this year on four other sites—in the Northeast, the Northwest, the Michigan-Ohio area, and the Washington, D.C., area. The additional money involved was only \$25 million. However, the development of these sites would have allowed advance work to prepare for area defense should the President later determine that such is required. This area defense would have provided protection against a potential Chinese threat and would have allowed protection for bomber bases and for Washington, D.C. Elimination of this work in the present bill will delay deployment at least 1 year for most of these sites and at least 9 months for the Washington area. It should be understood that we are talking in terms of having the system ready by the late 1970's, when both the Chinese and Soviet threats will be even more dangerous than at the present.

It was, therefore, with great reluctance that the House managers conceded to

the Senate position. The Senate conferees were absolutely adamant in not wishing further debate on the ABM.

The House conferees in receding made it clear, as spelled out in the statement of the managers, that nothing in the language of the conference report prohibits follow-on studies of present or future programs designed to provide adequate protection for the national command and control function. It is the belief of the House conferees that adequate protection of our command and control system is essential to the national security, and that nothing should prohibit work designed to insure the survival of this system. The bill as agreed upon will allow a year to further the test and checkout of the ABM system as presently being developed, and further extensions could be authorized next year if such are determined to be required.

ISRAEL

Mr. Speaker, all of us are aware of the deepening crisis in the Middle East, and all of us are aware of the dark and insidious involvement of the Soviet Union in that crisis.

The nation of Israel stands alone against terrible odds in the Middle East and stands not only for Israel but for the interests of the Western World in that cradle and Gethsemane of civilization.

All of us should understand that the Middle East is a powder keg which could set off world war III. If Israel can maintain her military strength, we can retain the military balance in the Middle East and lessen the threat to world peace. But as long as the Soviets are giving so much advanced military equipment to Egypt and other Arab nations, Israel is going to require help, and we must give the President authority to provide that help.

With this understanding, the managers on the part of the House were sympathetic to an amendment on the Senate bill which expressed as a matter of national policy the Congress grave concern with the deepening involvement of the Soviet Union in the Middle East. The House conferees were also in sympathy with the amendment's purpose in authorizing the transfer to Israel of aircraft and other equipment by sale, credit sale, or guarantee, so that giving Israel the means of providing for its own security could restore the military balance in the Middle East.

However, we were concerned about the lack of an expiration date on the amendment as drafted by the Senate. We felt that periodic reexamination by the Congress, as is true of any authorization, was advisable.

Therefore, the conference agreed on an expiration date of September 30, 1972. The Congress and the committees responsible will have an opportunity to review the need for possible extension prior to the expiration date.

As the chairman has, I believe, already pointed out, we express the intention of the conference in the statement of the managers that the amendment, in addition to aircraft, covers ground weapons such as missiles, tanks, howitzers, and similar equipment and provides for the broadest interpretation

of the words "equipment appropriate to protect such aircraft." It is our intention that the provision of equipment not be limited to that which would have to be placed in close physical proximity to the aircraft itself.

Mr. Speaker, I think this is one of the most important actions the House will take this year in defense of world peace. I want all the Members of the House to clearly understand that without this amendment in our bill the President does not have adequate authority to provide the help that he may wish to give to Israel.

NAVY

The chairman of the Armed Services Committee has spelled out the provisions of the conference agreement on naval construction, and I will not go into a lot of detail. Simply put, the conference report provides the additional \$435 million which the House had included in its bill above the President's request for the construction of naval ships. This is a beginning step to get our Navy back to the level of strength that it simply must have if we are to maintain our position in the world. And I urge the Appropriations Committee in the strongest of terms to take action to fully fund this authorization.

The Secretary of Defense has told our committee that if the money is provided we will be sure that it is spent.

Those of you who have read Chairman RIVERS' magnificent speech yesterday have to be deeply disturbed about the Soviet threat in the world, particularly the Soviet advances in naval power. Those who read the chairman's words—which are irrefutable—must, I believe, in good conscience support this ship construction authorization.

We were unable to prevail upon the Members of the Senate conferees to also support the aircraft carrier which was included in the President's budget, but I believe on balance that we have taken a most important step forward in persuading the Senate to accept the need for modernizing our Navy.

The Members of the House should be aware that this is just the beginning of the program that is needed for modernizing the Navy.

CAMPUS RECRUITING

I want to say a word about one provision of the bill which I think is important as a matter of congressional policy.

The bill as passed by the House contains a provision prohibiting the use of funds authorized by the bill for grants to any institution of higher learning where the Secretary of Defense determines that recruiting personnel of the Armed Forces were being barred from the institution's campus.

Initially, objection was raised to the amendment as something that would cause many problems on campuses or be taken as a threat to academic freedom.

We were able to point out to the Senate conferees that the language of the amendment was actually identical to a law now on the books for NASA.

The Senate conferees agreed to the provision of an amendment making clear that it would apply where the military recruiters are "barred by the policy of

the institution." This will make sure that the amendment will not result in denial of Federal funds to a college or university where neither the students nor the faculty were responsible for denying military recruiters the opportunity to be located on campus.

What the amendment does is prohibit funds being given to an institution where the administration of that institution as a matter of policy denies the military recruiters the opportunity to appear on the campus.

This amendment in no way inhibits academic freedom. It in no way inhibits the pursuit of important research by universities. But it does say that we are not going to authorize the expenditure of Defense funds at institutions which are so dead set on opposing our Government that they object to even the sight of military recruiters on campus.

SUMMARY

Mr. Speaker, I do not wish to take any more time because others may wish to speak on the conference report.

I think your conferees have gotten important concessions from the Senate, and I think we have done an outstanding job.

I want to make one final observation. The bill as finally approved by the conference totals \$19,929,089,000. This is \$676,400,000 less than the bill as it was presented to the Congress by the President. This is true even though in one area—naval construction—the bill is \$435,000,000 above the amount recommended by the President. I think these figures spell out as clearly as anything can the depth of our concern for the deterioration of our Navy, and I think they spell out with equal clarity the fact that we have come forth with a very austere bill.

The Secretary of Defense characterized this as a "rock-bottom, bare-boned" Defense budget. We have reduced it below his estimates more than one-half billion dollars at a time when the world is in a terrifyingly unstable condition and at a time when the Soviets are building up their strategic offensive power and their naval power at an unprecedented rate.

This bill is vital to our national survival, and I hope the program will be supported vigorously by the Members of the House not only today, but during the appropriation process as well.

Mr. RIVERS. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, I rise to congratulate the House conferees. They have done an exceptionally skillful and dedicated job in preserving the basic position of the House. Particularly do they deserve our congratulations for having prevailed in insisting upon the House position with respect to future procurement of the F-111, undoubtedly the most modern and most versatile aircraft in our defense arsenal.

The capabilities of this aircraft have been so publicly obfuscated by a plethora of sensational publicity emanating from political charges and counter-charges

unrelated to the aircraft's capability, that Chairman Mendel Rivers and the members of the House committee fully deserve our expression of confidence for their unwavering defense of fact in the face of so much highly publicized fallacy and popular fiction.

Particularly should I like to commend and call to the attention of the membership the following language from the statement of the conferees on the part of the House:

The House conferees wish to reiterate that the agreement upon language in the bill in no way reflects agreement with the position stated in the Senate report to the effect that the procurement authorized in the present bill represents the final increment of the F-111 procurement.

It is pointed out that the funds available for the F-111 for fiscal year 1971 will not even complete the fourth wing. The House conferees are unwavering in their belief that four full wings of F-111's should be procured; and it is clear, as the earlier House report indicates, that the Air Force believes six wings are required but such have been precluded for budgetary reasons. The House conferees believe that future decisions should be made in the future, and not made now on an arbitrary basis. A present decision on all future requirements for the F-111 is both unnecessary and unwise.

As the report of the Senate Committee makes clear, "no other aircraft in the Air Force inventory can compete with the F-111." The House conferees, therefore, will not accept the imposition of constraint on future procurement of this aircraft and shall insist that the Department of Defense consider further procurement for fiscal year 1972 if necessary for defense requirements and that no prohibition should be placed on the Air Force in planning studies for a fifth or sixth wing.

This conclusion is fully supported by a letter to the chairman of the Senate Committee on Armed Services written on September 17 by David Packard, Deputy Secretary of Defense. The text of the letter is as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., September 17, 1970.
Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services,
U.S. Senate

DEAR MR. CHAIRMAN: In Section 503 of H.R. 17123, as reported by your Committee, specific criteria were prescribed with respect to the obligation of FY 1971 funds for the procurement of F-111 aircraft. I am in full agreement with these criteria and I agreed with the Secretary of the Air Force's actions to have a detailed examination made of the structural integrity of the F-111 aircraft over and above the normal development and test program.

As a result, for the past several months the Air Force has been subjecting the F-111 fleet to a comprehensive structural integrity test program that included static and fatigue testing. Additionally, a proof test and inspection program was designed and implemented to insure that the fleet is free of all defects of the type that caused the loss of the aircraft in December 1969.

The Air Force has now progressed sufficiently through the test program to permit me to conclude from the results obtained that the F-111 fleet will be structurally sound, and that it will indeed perform its intended mission. Attached hereto, as requested, is a detailed report of the entire test program and results to date which provided the basis for my determination. Ac-

cordingly, I have approved the program for the procurement of remaining F-111's in FY 1971.

Sincerely,

DAVID PACKARD,
Deputy.

As Secretary Packard points out, the structural integrity of this aircraft has been established beyond doubt. In the summary statement analyzing the unpreceded test program to which the F-111 fleet has been subjected, the Department of Defense makes the following additional points:

At this time, there is a high level of confidence that we can expect a 6,000 hour fatigue structure to be attained versus the 4,000 hours in the original requirement. A 6,000 hour F-111 structure would provide 15 years of operation versus the 10 years initially planned....

This unique program of inspections and stress testing of assembled aircraft is accepted as a severe test of the aircraft structure and each successful test increases the confidence that the F-111 fleet is free of structural flaws of the type that caused the loss of the aircraft in December 1969. The program has been demanding and critical of every detail....

There have been no forging defects found in over 100 aircraft inspected and proof tested and in 2800 other forgings inspected....

Some 199 aircraft will have completed the proof test cycle by 1 November 1970, with 120 aircraft returned to the Air Force. All aircraft currently scheduled to be proof tested will be completed by mid-1971....

The results to date of the inspection and proof test program provides the basis for high confidence that the F-111 fleet is free of forging defects....

This review of the status of the structural development of the F-111 system shows that that the static strength of the aircraft is sound and we can expect a 6,000 hour endurance will be attained in fatigue life, thus exceeding contract specifications by 2,000 hours. The results of the inspection proof test of the F-111 aircraft to date show that no forging defects have been found.

The F-111f, soon to be delivered to the Air Force, is the fruition of many years of design and testing and unquestionably combines the very best performance features of all our most modern military aircraft.

The big money already has been spent, and as the House committee pointed out, we now are in a position to secure for the defense of the country the minimum four wings which the Air Force regards as absolutely necessary—or the six full wings which it desires—at a very substantial saving in unit cost.

Beyond this, the country needs for its deterrent strength a great many more of the FB-111, the strategic long-range version. The Air Force now has only 76 of these even though it originally requested 263.

Our aging fleet of B-52's has done yeoman service in keeping the peace, just as the B-36 did in its day. But the subsonic aircraft is obsolescent by modern standards.

The controversy now surrounding the ICBM's and how to protect them—whether to bury them in the middle of a granite mountain, place them on trains, surround each by the deployment

of ABM missiles—demonstrates the limitations upon the usefulness of missiles exclusively as a deterrent posture.

There is no doubt as to our need for missiles, but their application is so limited and inflexible—and so untested and hypothetical in its effectiveness—that we simply cannot afford to put all of our deterrent eggs in the missile basket.

We need bombers too, which can be used subject to the human judgment factor. We cannot expect to have in operation a fleet of B-1's at best before about 1980, and meanwhile the only aircraft which possibly can fill the gap is the advanced FB-111. I congratulate the House conferees on their recognition of this fundamental fact of life as we look to our national defenses.

Mr. GROSS. Mr. Speaker, will the gentleman yield for a question, now that the gentleman from Texas has raised the question of the F-111?

Mr. RIVERS. Certainly I yield to my very distinguished friend, the gentleman from Iowa?

Mr. GROSS. Mr. Speaker, let me ask how much there is in this bill now, since it has been to conference, for the F-111? And is that for the F-111 fighter or the F-111 bomber? I note on page 20 of the report that there is \$6.4 million for the F-111. It does not say whether it is for the fighter or the bomber version.

Mr. RIVERS. This is a fighter-bomber we are talking about. It is an interdiction plane, an interdiction attack aircraft, and it has the capability to operate at great speeds at both high and low altitudes. It is the only plane the Air Force has that is capable of on-the-deck all-weather operation. It is the only plane. We have spent a great deal of money on this plane.

Mr. GROSS. Yes, and it has been on the deck for a long time.

Mr. RIVERS. Let me say this to the gentleman. I have had misgivings about this plane. We have spent a great deal of money on it, but it is out of the woods and I am glad it is. This plane has been subjected to more research and to more ways of finding out whether it will fight than any plane in the history of America. It has come through, and I am glad of it.

Mr. GROSS. Is the only money in this bill for this plane the \$6.4 million as stated in the conference report?

Mr. RIVERS. This does not end the F-111 program. The plane is working, and it will continue to work.

Mr. GROSS. Is the \$6.4 million in the report the money in this bill for the F-111?

Mr. RIVERS. No. The answer is "No." I will read the gentleman what it says:

The fiscal year budget 1971 request for the F-111 aircraft is \$563.3 million. This amount includes \$48.2 million for continuing research and development; \$283 million for new aircraft procurement; \$200.5 for prior over target costs, and \$31.6 million for initial spares.

Does that answer the gentleman?

Mr. GROSS. The total is what?

Mr. RIVERS. It is \$563.3 million.

Mr. GROSS. So we are going to proceed now with the F-111; is that correct?

Mr. RIVERS. That is right; and it is working.

Mr. GROSS. Despite the fact that Australia is apparently the only country which originally bargained for these planes that is going to go through with the contract?

Mr. RIVERS. I do not know what Australia is going to do, but for the money we have put into this plane thank God we have got a good plane now. I am sure it is going to work.

I was never so surprised in my life as when I went down for the first time to the General Dynamics plant at Fort Worth, Tex., and talked to the Air Force personnel. This plane is loaded, believe me. McNamara put everything on this plane one could put on an airplane. The Air Force and General Dynamics have it working.

Mr. GROSS. Obviously the gentleman from South Carolina has changed his mind about this plane. I hope he is right, because he was not saying this a couple of years ago.

Mr. RIVERS. I surely was not.

Mr. GROSS. No.

Mr. RIVERS. A foolish consistency could be the hobgoblin of a little mind.

I want to congratulate the gentleman for changing his mind at times. I have taken a 180 degree turn on this plane. The gentleman is right. The Navy version of this plane did not work. McNamara cut off the fuselage, changed the aircraft, and it could not work. But the indomitable spirit of the Air Force did not give up on this plane. Thank God it is working. It is the only new plane we have.

Mr. GROSS. I hope the gentleman is right.

Mr. RIVERS. I hope I am right, too, and I believe I am right.

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

Mr. RIVERS. I yield to the gentleman from Ohio.

Mr. HOLIFIELD. Mr. Speaker, yesterday our distinguished colleague, the chairman of the House Armed Services Committee, MENDEL RIVERS, delivered a very significant address in this Chamber. He warned us of the growing military might of the Soviet Union, particularly the expansion of its naval forces. He drew comparisons between their growing strength and our complacency. He brought out the unfortunate new development which portends a possible re-running of the 1962 Cuban missile crisis.

It is with deep regret that I notice the United States and the Soviet Union appear again to be moving toward a possible confrontation. It is particularly unfortunate because both nations realize the dangers inherent in a nuclear war. Both nations are working toward strategic arms limitation at Vienna and Helsinki. However, as the United States is seeking ways and means to pull away from the abyss of nuclear disaster, the Soviet Union is increasing its nuclear offensive capability.

As I said in a speech in Chicago just 2 weeks ago on September 14:

The Soviet Union has come a long way. Its consumer goods are up. Its people are better dressed and better housed, but still it has not wavered from its desire for world domination,

and anyone who believes otherwise should read the speeches of Mr. Brezhnev. In 1962 the Soviet Union placed offensive nuclear weapons 90 miles from the United States shores. The Soviet Union attacked its own ally, Czechoslovakia, a scant two years ago when the Czechoslovakians gave some evidence of desiring more freedom. The Soviet Union today has more land-based nuclear missiles than the United States. Its nuclear submarine fleet may surpass the United States in the next few years. Its Navy, once confined to the North Sea, now roams the world. It is "fishing" in the troubled waters of the Middle East.

These are sad and unfortunate facts of life. We must not whet the appetite of those in Communist Governments who view the United States as a "paper tiger." We must maintain our strength or else we invite disaster.

I certainly hope that the leaders of the Soviet Union will weigh very carefully the dangers inherent in what appears to be an aggressive move which can only exacerbate the delicate relationship between our two countries. And—I hope that they do not misjudge the strength and courage of the American people when presented with a clear and present danger.

Mr. WOLFF. Mr. Speaker, when a version of this legislation came before the House last May I voted against it for several reasons. I was concerned about the expansion of the Safeguard anti-ballistic-missile system to new sites. I believed then, and still believe, expansion of this program would be ill advised since there is no assurance that it will enhance our security and the cost is fantastic given the very short odds on its success.

I also objected to the bill at that time because of the lack of controls on cost overruns on several weapons systems and on independent research and development by defense contractors. Moreover, I was fearful that we were being too free in extending support to the Indochina war and in supporting allied efforts that could expand the war which, in fact, should be ended.

Now, I have reviewed the conference report and, while I still have certain reservations about this legislation, I am impressed by the significant improvements made in conference. This is a much better piece of legislation than that offered to us last May and I am prepared to support the conference report for the following reasons:

First, additional deployment of the ABM is specifically prohibited in accordance with the view I expressed last spring;

Second, a new and important section has been added to provide credit sales to Israel of vitally needed military equipment including aircraft. This is a most important addition since it should help maintain peace in the Middle East, encourage success in the peace talks being held at the United Nations, and help offset the dangerous and flagrant violations of the cease-fire by Egypt and the Soviet Union;

Third, specific and detailed controls have been placed on cost overrun payments and on Federal support for independent research and development;

Fourth, amendments prohibit the use

of support funds for Indochina forces to expand the war or to pay third-party nationals unfairly for waging the Vietnamese war;

Fifth, reductions were made in several authorizations for weapons systems whose efficacy has not been proven; and

Sixth, controls were included on the development of delivery systems for chemical and biological warfare.

Mr. Speaker, as one who has opposed certain military funding in the past I feel a special obligation to be responsible, reasonable, and rational in my calls for controls and cutbacks in military spending not related to our national security. Of course I fully support the funds which are, in fact, necessary to insure our security in this troubled world.

This latter point is most important, Mr. Speaker. At stake here is a matter of consistency—when funds are needed, when a crisis develops, when assistance can actually act as a force for peace as in the Middle East—I favor that assistance. I recognize the necessity of thwarting aggression whenever possible; for this is an important priority. It is not only responsible, it is consistent with the position I have held for some time, to vote for this conference report.

The conference report is a significant step in striking a responsible balance in military spending and sets a number of important precedents in controlling wasteful expenditures. To oppose this report out of a shortsighted or blind approach to our needs would be most unwise. Those of us who have taken a position favoring cutbacks in nonessential military spending and for a reordering of priorities have a responsibility to recognize the important advances contained in this conference report and to give it our support.

Mr. YATES. Mr. Speaker, after considerable study and thought, I have decided to vote for this conference report. I voted against the bill when it passed the House because I thought it was bloated with unnecessary and exorbitant military programs. The Senate has corrected many of these, not to the degree I would wish for, but it is difficult to find many bills drafted exactly to my wishes. At best, legislation contains provisions that are distasteful keeping company with provisions that are good.

I believe timing is particularly important today. Tensions in the Middle East have rarely been greater. The death of President Nasser yesterday complicates even more the already complex situation. What moves will the Soviet Union make to aggrandize and make more permanent its favorable position along the Mediterranean Sea? What additional pressures will the U.S.S.R. seek to apply against Israel in concert with extremists in the Arab nations? The area which has been described so frequently as a tinderbox truly warrants that designation today. This bill, containing as it does a provision for long-term credits for sales of military equipment to Israel comes at a particularly appropriate time in reflecting the determination of the Congress that hard-pressed Israel will be given the tangible assistance it needs to survive

against the Soviet-Arab missile buildup at the Suez Canal and other potential military threats.

I approve, too, of that part of the conference report which prohibits American funds being used to support troops in Cambodia or Laos. This, I believe, will help prevent any increase or escalation of the Indochina war.

I would have preferred that all funds for the Safeguard ABM be stricken from the bill. I think this system is ineffective, ill conceived, overly expensive, and a waste of taxpayers' funds. It was one of the principal reasons I opposed the bill on its first consideration. The Senate has wisely limited the Safeguard to preventing the expansion of the system beyond their stated purpose of protecting our ICBM sites. Hopefully, the system will be scrapped next year and its funds allocated to a much more constructive purpose.

Mr. BINGHAM. Mr. Speaker, I voted against this bill when it came before the House some months ago. I did so after supporting a number of unsuccessful amendments which would have limited or eliminated a number of the wasteful, provocative, and in some cases totally unnecessary weapons programs contained in this bill. However, after careful consideration and with some hesitancy, I have decided to support the conference report now before the House.

This decision was an extremely difficult one, with major considerations on both sides. It was not made easier by the extensive remarks delivered in this Chamber yesterday by the chairman of the Armed Services Committee, the gentleman from South Carolina (Mr. RIVERS). On the contrary, if this bill actually gave effect to the views on defense and strategic matters expressed by the gentleman from South Carolina, I would have to oppose it. It does not, however. His views are, as is said in the law, obiter dictum.

I am, moreover, impressed with a number of areas in which substantial improvements have been made over the House-passed version as a result of Senate and subsequent conference action. The conference version, for example, deletes the House authorization to expand the Safeguard ABM to a broad, area-defense system. Instead, it contains a somewhat more acceptable, hard-fought Senate compromise that limits deployment of ABM's to two additional sites, and to missile bases rather than population centers.

The \$152 million authorized by the House bill to begin building a third nuclear-powered carrier—the CVAN-70—has been omitted. In my judgment, these extraordinarily costly carriers are fast becoming obsolete in view of the development of sophisticated missile systems for which such carriers would, in wartime, be nothing more than sitting ducks. If any more at all are to be built, it should not be until after, as the committee report notes, the National Security Council has completed the major study of the strategic value of carriers that is now underway at the request of the administration.

This conference report, Mr. Speaker, also contains the sole statutory authority for the sale of military equipment, including fighter aircraft, to Israel. The Military Sales Act, ordinarily an alternative source of such authority, has expired as a result of a House-Senate conference deadlock on the matter of the Cooper-Church amendment added by the Senate. The future of that legislation is most uncertain, and it is imperative that the President have full, uninterrupted authority to continue to insure the security of the embattled State of Israel.

Finally, Mr. Speaker, this legislation contains two provisions relating to our involvement in Southeast Asia which were not in the House bill but which were proposed in the Senate by Senator FULBRIGHT. The first prohibits U.S. military assistance funds from being used to support Thai or South Vietnamese troops in Cambodia or Laos. The second provides that payments to troops of our allies fighting in Vietnam not exceed the rate of combat pay given to American troops.

In many respects, this bill does not go nearly as far as, in my judgment, it ought to go in reducing our military hardware expenditures and adopting a less provocative strategic posture. It also contributes to the continuation of the war in Vietnam which is such a tragic mistake. Nevertheless, as I have specified, a number of provisions of this conference bill constitute reasonable and commendable steps in the right direction in comparison to the version that passed the House. On that basis, I intend to vote for it.

Mr. HELSTOSKI. Mr. Speaker, last May 6 this body passed H.R. 17123, authorizing appropriations for fiscal year 1971 for military procurement, research, and development, and for anti-ballistic-missile system construction.

I voted against this bill because I felt that the \$20 billion-plus was far in excess of the needed funds for the procurement of weapons for the military.

The Senate worked its will on this bill and arrived at an authorization figure of a billion dollars less than the amount approved by the House, and thus it was placed into the hands of the House-Senate conferees to resolve the differences in the bill.

Today, Mr. Speaker, the result of this conference action is before us. This military authorization measure is less than the bill which passed the House and is less than the bill presented to the Congress by the President.

I am pleased that the military aid for Israel has been broadened to include ground weapons as well as aircraft. These ground weapons include tanks, missiles, howitzers, armored personnel carriers, and ordnance.

It is necessary that these funds be authorized to maintain the balance of power in the Middle East for the half-staffed flag of Egypt now casts a precarious shadow over the entire Middle East, and places the hope for peace under uncertain conditions.

Mr. Speaker, I shall vote for the adoption of the conference report because the conferees have made drastic cuts in the

authorizations for projects which I have strenuously opposed for many years.

I am pleased that this measure has reduced a substantial amount of funds to be used in Southeast Asia, a cutback of funds for missile systems, the prohibition of the procurement of chemical and biological warfare delivery systems.

In voting for this conference report, although I am not in complete accord, I am doing so with the knowledge that some of the most objectionable authorization features have been lessened to a great degree, while still authorizing enough funds to maintain our Armed Forces at a level which can preserve our national security.

The savings made under the provisions of this authorization can well be directed to one of our many domestic programs to combat the ills and to provide the necessities for a better life in our own country.

I commend the conferees on their wise judgment in bringing to us a bill that has removed, if only in part, some of the objectionable features of it. This bill is a step in the right direction of reducing military financial commitments, and I feel sure that the House will adopt it by a wider margin than the 326-to-69 vote taken on it last May.

Mr. FRASER. Mr. Speaker, I shall vote for this military procurement authorization without enthusiasm. My vote indicates approval of the roughly \$600,000,000 cut this bill represents when compared to the bill we passed May 6. I believe in and support a strong military posture for the United States but I would毫不犹豫地 vote for much larger cuts than these agreed upon in the conference which produced this bill.

I approve of the decision not to authorize preliminary work on the so-called anti-Chinese phase of the ABM system but I continue to oppose the ABM expansion authorized by this bill.

There are other provisions of this authorization which make it impossible for me to be an outspoken advocate for the bill. But there are also improvements in this bill evident when I compare it to the House authorization I voted against in May.

I applaud the striking from the final authorization the House-approved provision for \$152 million to start procurement for CVAN-70, the third nuclear-powered aircraft carrier.

I strongly approve of the amendment which bars our paying "free world assistance funds" for Vietnamese or Thai military operations on behalf of Laos or Cambodia.

I support the amendment not in the House-passed version which will bar in the future our financing overseas allowances to foreign troops that exceed those paid U.S. troops in the same theater.

And, I believe we must accept the Senate decision to establish a more flexible mechanism for providing arms to Israel. This bill now has such a provision. Another effect of this particular amendment will be the lessening of the pressure on conferees who support the Cooper-Church amendment to the Foreign Military Sales Act.

Legislation is always the product of compromise. In the recent past I have ordinarily voted "nay" on defense authorizations because they inevitably fund unneeded and expensive weapons systems. My "yea" vote today does not indicate that I now support these same or similar systems. It merely indicates that this particular compromise has more in its favor than those bills I opposed in the past.

Mr. PRICE of Illinois. Mr. Speaker, I support the adoption of the conference report on H.R. 17123, the military procurement bill for fiscal year 1971 because it contains a very important provision concerning the security of Israel. The provision, title V, section 501, authorizes the transfer of aircraft and supporting equipment to Israel by sales, credit sales, or guarantee in order to maintain that brave nation's integrity.

Included in the Senate-passed version the provision was readily accepted by the House in conference. As one of the conferees strongly in favor of the Senate language, I am pleased to have this opportunity to speak out in its favor.

The Middle East situation has assumed ominous dimensions. Despite the recent cease-fire Israel's security is threatened by the missile buildup. The military balance is askew, and the United States must honor its commitment to Israel by making available to it the necessary military wherewithal to restore that balance. This provision is both an expression of our commitment and a means of helping our Israel friends.

I, therefore, strongly urge my colleagues to vote for the adoption of this conference report.

Mr. ASHLEY. Mr. Speaker, as a Member who voted against a House-passed military procurement bill, I rise to set forth my reasons for casting an affirmative vote on this conference report today.

It will be recalled, Mr. Speaker, that an amendment was offered during House debate on this measure earlier this summer which would have prohibited expenditure of funds in Cambodia after June 30, 1970. The amendment was defeated. In the conference report before us, however, use of funds is prohibited to support Thai or South Vietnamese troops in Cambodia or Laos and payment to troops of U.S. allies fighting in Vietnam may not exceed the rate given to American troops.

A second reason that I am persuaded to vote for the conference report today is that the measure contains the only statutory authority for the sale of military equipment, including aircraft, to Israel. The United States, in my view, has a direct interest in the Middle East and in an Israel that is capable of defending herself from hostile neighbors.

I was very much against the \$152 million authorization in the House bill to begin a third nuclear-powered carrier, the CVAN-70. This provision, too, has been deleted from the conference report.

Finally, the measure before us repudiates the House authorized expansion of the Safeguard ABM, instead permitting a more acceptable, hard-fought Senate

compromise to limit deployment of ABM's to two additional sites and to missile bases rather than population centers.

Mr. Speaker, I continue to be strongly of the view that far too great a proportion of our resources is being directed to military might and far too little is being directed to our increasingly serious problems here at home. But it would be the height of naivete to deny that a balance must be struck between our domestic needs and the requirements of national security. The conference report before us at this time is a vast improvement over the House bill many of us voted against and, because it at least comes closer to the kind of reasonable balance we seek, I intend to support it.

Mr. PHILBIN. Mr. Speaker, I want to congratulate and commend the chairman for his outstanding remarks and effective work on this vital bill which is of such great import to the security of this Nation and to the free world.

I also commend and thank my esteemed colleagues of the House Armed Services Committee for the great ability, patriotism, discernment, and hard work that they and the outstanding staff of our committee have put into this bill.

I think we are all agreed that in this dangerous world, this Nation must be kept strong in every sense of the word, not only militarily, but economically, financially, socially, spiritually, and in every other way.

There never has been a time when our country has been under greater challenge from abroad, yes, and at home. This Congress must recognize that fact, and do something about it that will insure that the security and safety of this Nation shall be defended and protected as well as that can be done in this nuclear age. We must perform this task, even as we hope, pray, and work for total peace in Vietnam and in the world.

We must recognize the urgency of keeping the homefront secure and ready to cope with any emergency that may eventuate. I cannot emphasize this point too strongly.

One of the most vital sections in this bill is the one that deals with the problems of the Middle East, and the clear and present danger to world peace that exists in that area which cannot be ignored by this country.

It is the unanimous view of the distinguished conference that in order to insure the free, courageous nation of Israel and its gallant people the means of providing for their defense, security, and freedom this Nation must extend appropriate, effective assistance in the form of aircraft and equipment and everything that may be necessary, to enable this great, young, free nation to protect itself against determined aggression and threatened takeover by those powerful forces working to destroy it.

We have provided in this bill that the valuable aid we so willingly extend to Israel would be made on terms and conditions just as favorable as those extended to other countries in the same position, where their freedom, self-determination, and security were in danger

from willful aggressors and determined enemies. Indeed, Israel must be helped in every possible way to protect and defend herself.

It is the considered view of the conference that it is unquestionable that the key to peace in the Middle East depends upon the independence, freedom, and self-determination of Israel threatened by other nations trying to overrun her territory, which are posing aggressive hostilities that could gravely endanger her freedoms, and the influence this brave, young country may be able to wield in helping to establish lasting peace in that part of the world.

It is our judgment that this action is similar to that which we have taken in behalf of other nations, similarly beset by threats of aggression, and is urgently needed at this time, and our decision was unanimous.

I hope and urge that the decision of the House as a whole will likewise be unanimous.

This bill involves very large expenditures, but every effort has been exerted by the committee and the conference to keep expenditures down to minimum limits that conditions in the world require. But we must make sure of the national defense and security.

We believe that the posture of strength and devotion to freedom which this bill represents will be very helpful in holding the line for an effective defense of our Nation as well as assurance to the free world that we propose to stand with firmness and resolution against willful aggressors, whatever their source, and particularly those that would destroy our liberties and those of free peoples of the free world.

At the same time, we must make it very clear that the national policy of this country is for peace, freedom, self-determination, and justice for all peoples, and that we are working with all our hearts toward the realization of these ends in the world.

Let us hope that continued efforts for peace, understanding, and cooperation by all nations to reach the goals of peace, will soon be effective in assuring a peaceful world, organized on the rule of law, where threats, force, aggression, and confiscation of territory and the rights of men be renounced and outlawed, and where peace dwells for all peoples.

Mr. Speaker, I urge the enactment of the bill. It is necessary for our defense and security and deserves the support of every Member of this House.

Mr. VANIK. Mr. Speaker, I am particularly pleased to support section 501 of the conference report on H.R. 17123 which includes the language added by the Senate Committee on Armed Services which authorizes the President to transfer to the state of Israel, by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East.

This provision reflects a belated recognition of the deteriorating military balance and the threat to world peace

resulting from the critical and intensive involvement and interference of the Soviet Union in the Middle East. The presence of Soviet weapons, equipment, and military personnel constitute an ominous danger. The men of the Soviet and their weapons—are the intruder—and constitute the threat not only to Israel, but to America and to the world.

This language affirms the view that the restoration and subsequent maintenance of the military balance in the Middle East is essential to the security of Israel and to world peace. It recognizes the severe economic burden presently borne by Israel in providing for its own defense. The language further provides that the credit terms upon which authorized arms should be transferred will not be less favorable than the terms extended to other countries receiving the same or similar armaments.

This provision serves notice upon the Soviet Union that the United States can no longer stand by while the Soviets pour armaments and men into the Middle East.

In the past, America has supplied weapons and materiel to nations headed by dictators, monarchs, and military juntas. It is time we take our stand in support of the principles of democracy and freedom of those nations which incorporate these principles as the law of the land.

In the Middle East, Israel is the outpost of democracy and freedom. It is in trouble because it is a free nation—which respects the dignity of the individual man. If these precepts are driven from this rehabilitated cradle of civilization, they will be threatened all over the world. The democracies of this planet must mutually aid and support each other. When one is destroyed—all are threatened.

Mr. Speaker, following is the language of section 501 of title V which so critically affects the future of democracy in the Middle East and in the world:

TITLE V—GENERAL PROVISIONS

Sec. 501. The Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States. In order to restore and maintain the military balance in the Middle East, by furnishing to Israel the means of providing for its own security, the President is authorized to transfer to Israel, by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East. Any such sale, credit sale, or guaranty shall be made on terms and conditions not less favorable than those extended to other countries which receive the same or similar types of aircraft and equipment. The authority contained in the second sentence of this section shall expire September 30, 1972.

The death yesterday of President Gamal Abdel Nasser has immense and far-reaching implications. We must hope that the new leaders who emerge in Egypt will be a rallying point for agreement within the Arab bloc to seek peace with Israel. Let us hope that new leaders will bring an end to the nationalism of

hate, which has characterized so much of the past.

But while we hope, we must also stand on the alert, prepared for any contingency. As a result of Soviet influences in Egypt, the reequipment of the Egyptian Armed Forces, and the uncertain policies of that nation's new leaders, the situation may further deteriorate. It is imperative that the State of Israel be equipped and prepared to defend herself against the sophisticated weapons systems provided by other superpowers.

Section 501 is a long overdue and needed response to the crisis in the Middle East. It is a sign, written on the law books of the Nation, that we support free peoples and true democracies against threat of extinction.

Mr. Speaker, although I voted against original passage of H.R. 17123, the military procurement bill for fiscal year 1971, I believe that the other Chamber and the conferees have made enough improvements in the bill to warrant my support of the bill which has come from the committee of the conference.

I still feel that there are programs in this bill which should not have been authorized. These are programs which have failed to prove themselves, which are wasteful and duplicate existing weapons systems, which are a form of overkill and contribute to the arms race.

Yet, there are significant improvements. The bill as presented to the Congress by the President asked for \$20.6 billion. The bill which passed the House provided for about \$35 million less than the Pentagon wanted. The bill that passed the Senate provided for \$19.2 billion, or nearly \$1.4 billion less. The bill reported by the conference committee of Senate and House Members provides for \$19.9 billion—thus the difference between the two Chambers was rather evenly compromised.

Among the notable improvements in the final bill over the version that passed the House are the following differences:

First. While both Chambers provide essentially equal amounts of money for the ABM Safeguard system—a system whose rationale and practicability I still question—the Senate version which was finally accepted limits ABM development to several sites and prohibits expansion of this questionable program to four additional sites as proposed by the House.

The limiting of ABM sites not only holds out the promise of saving money but makes negotiations at the SALT talks easier by indicating to the Soviets that we have not irretrievably committed ourselves to a massive ABM system and a further arms race.

Second. The final bill also drops some \$152 million provided by the House for construction of the third *Nimitz*-class carrier. There is no need to spend money on this project when the administration itself is not sure it wants it. In an age of increasing powerful submarines and the demonstrated success of the Soviet Styx missile against surface craft, the long-range continuing strategic worth of the carrier must be questioned.

Third. Some controls are placed on the potential payment of \$200 million to Lockheed Corp. as a possible compensa-

tion for cost overruns and inefficiencies on the C-5A.

Fourth. In addition, Senate amendments were accepted which provide for more rational and careful disposal of chemical and biological warfare systems.

Mr. COHELAN. Mr. Speaker, today I am voting against the conference report to the military procurement authorization bill. I voted against the House version of this procurement bill because I felt that some of the weapon systems authorized in this legislation had little strategic or political justification. I was hopeful that when this bill returned from conference I could offer my support. However, such is not the case. After analyzing the provisions of this report I can find little justification to support the conference bill.

First, the decision to further deploy the ABM at Whiteman Air Force Base is wrong in my judgment. I cannot subscribe to the bargaining chip theory recently proposed to further justify deployment of the ABM. Since the ABM is not operational, further deployment is inadvisable—at least pending a demonstration of its component's capabilities.

Second, there is another area of strategic weapons theory that the conferees to this bill did not, in my opinion, handle satisfactorily. This is the decision to continue the deployment of the MIRV'ed Minuteman III. I offered the amendment to delete this item from this bill when it was being considered in this Chamber. At that time I pointed out that multiple warheads in our land-based missiles could be interpreted as a quantitative as well as qualitative jump in the nuclear arms race. The continuation of this step will cause nuclear asymmetry and thus assure an end to the present nuclear stalemate. While the present stalemate is not the ideal solution to the present nuclear threat, it is infinitely preferable to the escalation certain to result from a MIRV'ed ICBM capability.

I was also disappointed that the conference report approved the \$435 million for ship construction not requested by the administration, but added by the House. This type of add on at a time when our domestic needs cannot secure adequate funding is but another example of the glaring mismanagement of priorities to which we have become accustomed.

I am further disappointed by the modifications presented in this conference bill. For instance, the changes in the structure of the allied troop supports payments was such that the present agreements will continue thus assuring continuation of the considerable overpayments. I am also disturbed by the rejection of some of the Senate language designed to control the C-5A type overruns.

While I would support adequate military assistance for Israel, I do feel that this urgent matter should be dealt with in separate legislation.

I am hopeful that the Department of Defense appropriation bill for fiscal year 1971 will be more responsive and realistic in relation to our national defense needs. I have consistently supported an adequate defense bill, but that items that I have mentioned here are so important

to me that I can only register my protest by withholding support from the conference report as I did on the House-passed version of the military authorization bill earlier this session.

Mr. MONAGAN. Mr. Speaker, I support the conference report on the military procurement bill.

This bill provides the weapons needed for the proper functioning of our military services and it is important that our man in uniform be adequately supplied.

It is worthy of note that this bill reduces the overall authorization by nearly \$700 million below the request made to Congress by the President. The reduction came principally in the limitation on the expansion of the ABM system and I approve of the House acceptance of the Senate language which limits the deployment of the Safeguard to specified sites connected with the defense of our strategic missile deterrent. In view of the current SALT talks this limitation is quite appropriate.

I believe that we can continue to look for opportunities to save money in the defense budget and since the instant bill is an authorization bill I feel quite confident that the actual appropriation can be brought in at a figure substantially below this authorization.

Mr. PEPPER. Mr. Speaker, I wish to warmly commend the able chairman of the distinguished Committee on Armed Services for including in section 501 of the conference report and, therefore, in this act, the concern of the Congress over the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement, which is a matter of grave import to the United States, and by authorizing the President to transfer to Israel by sale, credit sale, or guaranty, such aircraft and equipment appropriate to use, maintain, and protect such aircraft as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East.

It is further provided in this section that any such sale, credit sale, or guaranty shall be on terms and conditions not less favorable than those extended to other countries which require the same or similar type of aircraft and equipment.

Thus, we have come face to face with the threat of Russia's building up the military power of the Arab countries in the Middle East to such an extent that they would dare to enter upon a war determined to destroy the State of Israel and to wipe her people from their ancient land. We are saying in this provision that we will not allow the weakness of Israel to invite such aggression. We are telling Russia and all others who would prepare the enemies of Israel to destroy her that we will not let Israel be destroyed and we will furnish her such aircraft and, I hope, such other weapons as she may need to be sure of her ability not only to ward off and defend herself against any aggression but to possess such strength that she will deter aggression.

I have thought for a long time that we should enter into a solemn agreement

with Israel that we would not allow her to be destroyed. This language and this bill will, however, I believe, serve as effective notice to those who would assist and encourage Israel's enemies to make war upon Israel that they will meet superior military might in Israel, and so much of it as may be necessary will be furnished by the United States.

Mr. RIVERS. Mr. Speaker, I yield the remaining time to the distinguished Speaker to close debate.

Mr. McCORMACK. Mr. Speaker and my distinguished colleagues, this conference report is before the House of Representatives at a very important and a very challenging period in the history of the world and in the history of the life of our own country.

I want to congratulate the conferees on the action taken, because this bill represents strength so necessary in this period and in the years that lie ahead. This bill is a recognition of the fact that the law of self-preservation applies to a nation the same as it applies to an individual. Certainly the law of self-preservation applies to our country as well as to any other country, no matter how large or powerful or no matter how small and powerless.

I have repeatedly stated, in and out of the Congress, some pertinent observations I believe we cannot ignore. Only yesterday I made reference to the fact that, on many occasions in the past—and I repeat it again today, because I believe it should be repeated and emphasized as much as possible—up to and including World War II, the Atlantic Ocean was our first line of defense. But it is no longer our first line of defense.

We have to face the realities of life whether we like it or not, because what is involved is not only our Nation of today but the Nation that the next generation or future generations will enjoy. We have the mandate, which is unwritten, from past generations, who built and strengthened our Nation, to preserve this great country of ours, to improve upon it by all the means necessary and to preserve the existence of our institutions of government.

We are very thankful after Pearl Harbor that we had a breathing spell in the sense that the Atlantic was still our first line of defense and that we had the opportunity of building up and marshaling our great resources, industrial, military, and manpower. It took at least 3 years to do that. Then we started the journey toward victory both in Europe and in the Far East.

We had that opportunity then, but we will never have it again. In a few words that no one can deny, if they have a minimum of intellectual honesty, we will never have another opportunity to prepare ourselves after the fact. Our country has to be prepared before the fact. That is a fact of life that faces us. It is not a question of how one might feel on some of the aspects of South Vietnam where we respect the views in disagreement. Everyone should recognize the fact that we will never have an opportunity and that we will not have the opportunity to prepare ourselves after the fact. Anyone with a minimum of in-

telligence, because it requires no great intellectual ability, would know that when the next war starts, if it does, the only thing that might stop it is a strong and powerful America. When the next war starts the enemy will go all out to win the war. They are not going to go out just to win a battle or two and lose the war. They are going to go all out to win the war. That means they will have to destroy America. That means a concentrated attack. The concentrated attack will be on America, if you look ahead. Being practical, they will attack installations around them—maybe, for example, the Soviet Union—but the concentrated attack will be in a matter of minutes upon America in an attempt to destroy our military ability or to destroy it to such an extent that it will destroy our will to fight or a combination of both.

So I say there is nothing brilliant about knowing that. One can project himself into the future on those two facts. One fact is already here. We no longer have an opportunity to prepare ourselves after the fact. We have to be prepared before the fact. That already exists. World War II established that. One does not have to be brilliant to project his mind to the fact that if there is going to be an attack by a potential enemy who exists now, that potential enemy becoming an actual one is going to go all out to win the war and in order to win the war they will have to defeat America. We have heretofore said this. They will have to defeat us militarily or through a destruction of our will or a combination of the two.

I am very glad that the committee accepted certain Senate provisions in relation to the Middle East, and Israel. I want to commend the House conferees. I want to commend the distinguished gentleman from South Carolina (Mr. RIVERS), the chairman of the committee, the distinguished gentleman from Massachusetts (Mr. PHILBIN), the distinguished gentleman from Louisiana (Mr. HÉBERT), the distinguished gentleman from Illinois (Mr. PRICE), the distinguished gentleman from Florida (Mr. BENNETT), the distinguished gentleman from New York (Mr. STRATTON), the distinguished gentleman from Illinois (Mr. ARENDTS), the distinguished gentleman from Wisconsin (Mr. O'KONSKI), the distinguished gentleman from Indiana (Mr. BRAY), the distinguished gentleman from California (Mr. BOB WILSON), and the distinguished gentleman from California (Mr. GUBSER).

And, mark what was said in this conference report which will become law. It reflects the recognition of the Congress of the United States as to where the danger is. Not only does it provide the authority for our country through the President to take necessary steps in relation to Israel, but note this language. I have never seen it contained in any bill before, and it is properly there. I quote:

The Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States.

Mr. Speaker, that is a direct statement of policy on the part of the Congress of

the United States. This bill when signed by the President becomes a direct statement of policy by both the legislative and executive branches of Government.

I have never seen in my 42 years as a Member of this body language of this kind used in an authorization bill or in an appropriation bill. It is brave language and it is correct language. It states to the Soviet Union that we know who the No. 1 potential enemy is and from where the primary source of danger comes. Further, that the Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East, and so forth, as the bill and the conference report states.

So, my colleagues, let us go forward with vision and courage. Let us face as brave men and women the problems of our country today. Let it not be said that we failed the next and future generations of Americans.

The SPEAKER pro tempore (Mr. EVINS of Tennessee). All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Mr. RIVERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 341, nays 11, not voting 77, as follows:

[Roll No. 320]

YEAS—341

Abbitt	Chappell	Fraser
Abernethy	Clancy	Frelinghuysen
Addabbo	Clark	Frey
Albert	Clausen,	Fulton, Pa.
Alexander	Don H.	Fuqua
Anderson,	Clawson, Del	Galifianakis
Calif.	Cleveland	Gallagher
Anderson, Ill.	Collier	Garmatz
Anderson,	Collins	Gaydos
Tenn.	Colmer	Gettys
Andrews, Ala.	Conable	Gialmo
Arends	Conte	Gibbons
Ashbrook	Corbett	Gilbert
Ashley	Corman	Goldwater
Ayres	Coughlin	Gonzalez
Baring	Cowger	Goodling
Barrett	Culver	Green, Oreg.
Beicher	Daniel, Va.	Griffin
Bell, Calif.	Daniels, N.J.	Griffiths
Bennett	Davis, Ga.	Gross
Berry	Davis, Wis.	Grover
Bevill	Delaney	Gubser
Biaggi	Dellenback	Gude
Blester	Denney	Hagan
Bingham	Dennis	Haley
Blackburn	Dent	Hall
Blanton	Devine	Halpern
Boggs	Dickinson	Hamilton
Boland	Dingell	Hammer-
Bolling	Donohue	schmidt
Bow	Dorn	Hanley
Brademas	Downing	Hanna
Brasco	Dulski	Hansen, Idaho
Bray	Duncan	Hansen, Wash.
Brinkley	Dwyer	Harrington
Broomfield	Eckhardt	Harsha
Brotzman	Edmondson	Harvey
Brown, Mich.	Edwards, Ala.	Hathaway
Brown, Ohio	Ellberg	Hawkins
Bryohill, N.C.	Erlenborn	Hays
Bryohill, Va.	Esch	Heckler, Mass.
Buchanan	Eshleman	Helstoski
Burke, Fla.	Evans, Colo.	Henderson
Burke, Mass.	Evins, Tenn.	Hicks
Burleson, Tex.	Fallion	Hogan
Burlison, Mo.	Fascell	Holifield
Burton, Calif.	Findley	Horton
Byrne, Pa.	Flood	Hosmer
Byrnes, Wis.	Flowers	Howard
Caffery	Flynt	Hull
Camp	Foley	Hungate
Carey	Ford, Gerald R.	Hunt
Carter	Ford,	Hutchinson
Casey	William D.	Ichord
Chamberlain	Fountain	Jacobs

Jarman	Murphy, Ill.	Schwengel
Johnson, Calif.	Myers	Scott
Johnson, Pa.	Natcher	Sebelius
Jones, Ala.	Neisen	Shriver
Jones, N.C.	Nichols	Sikes
Jones, Tenn.	Nix	Sisk
Karth	Obey	Skubitz
Kazen	O'Konski	Slack
Kee	O'Neal, Ga.	Smith, Calif.
Keith	O'Neill, Mass.	Smith, Iowa
King	Passman	Smith, N.Y.
Kluczynski	Patman	Snyder
Koch	Patten	Springer
Kuykendall	Pelly	Stafford
Kyl	Pepper	Staggers
Kyros	Perkins	Stanton
Landgrebe	Pettis	Steed
Langen	Philbin	Steiger, Ariz.
Latta	Pickle	Steiger, Wis.
Lennon	Pike	Stokes
Lloyd	Poage	Stratton
Long, Md.	Podell	Stubblefield
Lowenstein	Poff	Sullivan
Lujan	Pollock	Talcott
Lukens	Preyer, N.C.	Taylor
McCloskey	Price, Ill.	Teague, Calif.
McClure	Price, Tex.	Thompson, Ga.
McCulloch	Pryor, Ark.	Thompson, N.J.
McDade	Pucinski	Thomson, Wis.
McDonald,	Purcell	Tierman
Mich.	Quie	Udall
McEwen	Quillen	Ullman
McFall	Railsback	Van Deerlin
McMillan	Randall	Vanik
Madden	Rarick	Vigorito
Mahon	Reid, Ill.	Waggoner
Mailliard	Reid, N.Y.	Walde
Mann	Rhodes	Wampler
Marsh	Riegle	Whalen
Matsunaga	Rivers	Whalley
May	Roberts	White
Mayne	Rodino	Whitehurst
Meeds	Roe	Whitten
Meskill	Rogers, Fla.	Widnall
Michel	Rooney, N.Y.	Wiggins
Mikva	Rooney, Pa.	Williams
Miller, Ohio	Rosenthal	Wilson, Bob
Mills	Rostenkowski	Wilson, Charles H.
Minish	Roth	Winn
Mink	Rousselot	Wold
Minshall	Ruppe	Wolff
Mize	Ruth	Wright
Mizell	Ryan	Wyatt
Mollohan	St Germain	Wyder
Monagan	Sandman	Wylie
Montgomery	Satterfield	Yates
Moorhead	Saylor	Yatron
Morgan	Schadeberg	Young
Morse	Scherle	Zion
Morton	Schmitz	
Moss	Schneebell	

NAYS—11

Edwards, Calif.	O'Hara
Hechler, W. Va.	Reuss
Kastenmeier	Royal
Mosher	

NOT VOTING—77

Adair	Edwards, La.	Murphy, N.Y.
Adams	Farbstein	Nedzi
Andrews,	Feighan	Olsen
N. Dak.	Fish	Ottinger
Annunzio	Fisher	Pirnie
Aspinall	Foreman	Powell
Beall, Md.	Friedel	Rees
Betts	Fulton, Tenn.	Reifel
Blatnik	Gray	Robison
Brock	Green, Pa.	Rogers, Colo.
Brooks	Hastings	Roudebush
Burton, Utah	Hébert	Scheuer
Bush	Jonas	Shipley
Button	Kleppe	Stephens
Cabell	Landrum	Stuckey
Cederberg	Leggett	Symington
Celler	Long, La.	Taft
Chisholm	McCarthy	Teague, Tex.
Conyers	McClory	Tunney
Cramer	McKneally	Vander Jagt
Crane	Macdonald,	Watson
Cunningham	Mass.	Watts
Daddario	MacGregor	Weicker
Dawson	Martin	Zablocki
de la Garza	Mathias	Zwach
Derwinski	Melcher	
Dowdy	Miller, Calif.	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Adair.
Mr. Brooks with Mr. Jonas.
Mr. Cabell with Mr. Bush.

Mr. Fulton of Tennessee with Mr. MacGregor.

Mr. Stuckey with Mr. Cramer.

Mr. Friedel with Mr. Weicker.

Mr. Ottlinger with Mrs. Chisholm.

Mr. Annunzio with Mr. Taft.

Mr. McCarthy with Mr. Conyers.

Mr. Miller of California with Mr. Robison.

Mr. Shipley with Mr. Andrews of North Dakota.

Mr. Murphy of New York with Mr. Cederberg.

Mr. Edwards of Louisiana with Mr. Crane.

Mr. Zablocki with Mr. Zwach.

Mr. Teague of Texas with Mr. Hastings.

Mr. Adams with Mr. Kleppe.

Mr. Aspinwall with Mr. Burton of Utah.

Mr. Blatnik with Mr. Brock.

Mr. Leggett with Mr. Cunningham.

Mr. Cellier with Mr. Button.

Mr. Long of Louisiana with Mr. Watson.

Mr. Daddario with Mr. Beall of Maryland.

Mr. Dowdy with Mr. Berry.

Mr. Fisher with Mr. Roudebush.

Mr. Rooney of Pennsylvania with Mr. Pirnie.

Mr. Gray with Mr. Derwinski.

Mr. Rogers of Colorado with Mr. McClure.

Mr. Rees with Mr. Powell.

Mr. Nedzi with Mr. Reifel.

Mr. de la Garza with Mr. Mathias.

Mr. Melcher with Mr. Fish.

Mr. Macdonald of Massachusetts with Mr. McKneally.

Mr. Watts with Mr. Foreman.

Mr. Landrum with Mr. Vander Jagt.

Mr. Stephens with Mr. Martin.

Mr. Olsen with Mr. Tunney.

Mr. Farbstein with Mr. Feighan.

Mr. Symington with Mr. Scheuer.

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

URBAN MASS TRANSPORTATION ASSISTANCE ACT OF 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1224 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1224

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. 18185) to provide long-term financing for expanded urban mass transportation programs, and for other purposes. 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 Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and 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.

The SPEAKER. The gentleman from Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending

which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1224 provides an open rule with 2 hours of general debate for consideration of H.R. 18185, the Urban Mass Transportation Assistance Act of 1970.

The purpose of the legislation is to provide long-term financing for expanded urban mass transportation programs. It would permit the Secretary of Transportation to enter into long-term contracts with local communities totaling \$5 billion for 5 years to provide grant assistance to local transit agencies. This new authorization would be available until the \$5 billion is obligated. Appropriations for the liquidating of obligations incurred would be authorized in aggregate amounts not to exceed \$130 million prior to July 1, 1971, \$500 million prior to July 1, 1972; \$1.15 billion prior to July 1, 1973; \$2 billion prior to July 1, 1974; \$3 billion prior to July 1, 1975; and not to exceed \$5 billion thereafter.

The Secretary would be authorized to make loans for the acquisition of real property upon a determination that the real property is reasonably expected to be required in connection with an urban mass transportation system and that it will be used for that purpose within a reasonable period of time. These loans could be used for rights-of-way, station sites, and related purposes such as parking lots and access roads.

The Secretary would be required to report annually to Congress with respect to outstanding grants or other contractual agreements executed pursuant to the act. Not later than February 1, 1972, he would submit to the Congress additional authorization requests for fiscal years 1976 and 1977.

The bill also contains a provision which broadens the existing air pollution control requirements in the 1964 act to provide that in the planning, designing, and construction of mass transit project financed under the act, special efforts shall be made to preserve the natural beauty of the physical environment. The Secretary of Transportation would be directed to cooperate and consult with the Secretaries of Health, Education, and Welfare, Agriculture, Housing and Urban Development, and Interior, and with the Council on Environmental Quality with regard to each project that may have a substantial impact on the environment.

Capital grants made under the bill may not exceed 12½ percent of the aggregate amount of funds authorized to be obligated except that 15 percent of the aggregate amount of the funds authorized to be obligated may be used by the Secretary without regard to this 12½-percent limitation for grants in States where more than two-thirds of the funds available under the 12½-percent limitation has been obligated.

The bill authorizes the Secretary to conduct a study on the feasibility of providing Federal assistance to help defray the operating costs of mass transportation systems and report his findings to the Congress within 1 year after the date of enactment.

Mr. Speaker, we all know the great importance of this bill. Public transit sys-

tems all over the Nation, in major cities, in medium size urban areas, are in disrepair and in economic peril.

The growing problems of our cities are aggravated by the poor public transportation systems. Job opportunities are restricted because of costly and incomplete routes. Traffic congestion is increased because the city dweller and the commuter prefer their own cars to a dilapidated public transportation system. Pollution is aggravated and made more serious by the increasing number of motor vehicles entering and traveling in the cities.

There is not a city of any reasonable size in this Nation that does not need massive improvements and extensions of its public transportation system.

This bill will go a long way toward satisfying that need. It will provide help over one of the biggest hurdles in mass transit systems, and that is money and long-term financing.

This legislation shows the commitment on the part of the Congress to expanding and improving mass transit programs.

The transportation needs of cities and metropolitan areas are great. Large amounts of money, great periods of time, and extensive research must all go into solving the transportation problems of the urban areas of the Nation. This bill is an excellent beginning.

Mr. Speaker, I urge the adoption of the rule in order that H.R. 18185 may be considered.

The SPEAKER. The Chair recognizes the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I agree with the statements just made by my colleague, the gentleman from Massachusetts (Mr. O'NEILL). However, I wish to take a few moments of the time allotted to me to clear up some misunderstanding which developed in the Committee on Rules yesterday on some of the provisions of this bill—two of them in particular. One of them pertained to the question of the eligibility of communities under 25,000 population.

I am pleased to report that I have investigated the matter of the eligibility of these smaller communities with the Department and have learned that grants have been given to them and such grants can be authorized under this legislation.

I mention this as I have only one city with more than 25,000 in population in my district. But, we have transportation problems insofar as older people are concerned, especially in the larger counties. We do not have public transportation available between many of our smaller communities.

Under the provisions of this bill, such counties would be eligible even though they do not have cities over 25,000. These counties or cities could form a transit authority and apply for a grant under this program.

Second, Mr. Speaker, I would like to point out that neither this bill nor the act of 1964 discriminates against privately owned mass transportation companies in favor of publicly owned systems.

The question was raised yesterday as to whether or not the District of Co-

lumbia transit system would be entitled, since it is privately owned, to assistance under this bill. The answer is "yes," indirectly.

Such grant assistance could be made to the District of Columbia and the District government could then lease the buses to a privately owned company.

This indirect assistance to private companies has been taking place. For example, I have been informed that three grants have been made to the State of New Jersey aggregating over \$21 million to assist in providing improved railway commuter operations in the New York metropolitan area. This was done through the State appropriating required local funds to match the Federal grants, and using the total to purchase 80 modern rail commuter cars for lease at nominal rental to the Penn Central Railroad, and relocating tracks to give the Jersey Central Railroad better access to the commuter operation serving Newark.

A similar grant of \$26 million was made to the Chicago-South Central Mass Transportation System to enable it to purchase 130 modern double-deck commuter cars for lease at nominal rental to the Illinois Central Railroad.

Mr. Speaker, coming now to H.R. 18185, let me say it is to amend the Urban Mass Transportation Act of 1964.

The bill seeks to insure that in future years substantial Federal assistance will be made available to assist cities in improving their mass transit systems, or to construct subway systems where they are deemed necessary.

The bill empowers the Secretary of Transportation to make loans for the acquisition of real property which is to be used in connection with an urban mass transit system within a 10-year period. Any loan agreement must provide for the beginning of actual construction. If for any reason the real property purchased through Federal assistance funds is not so used, the then current value is to be determined and two-thirds of the appreciation is required to be paid to the Secretary of Transportation.

Any applicant for such Federal assistance is required, prior to such application, to first, hold public hearings on the matter; second, consider the impact of such a transportation system on the economic, social, and environmental factors existing in the local area; and third, insure that plans for the transit system are consistent with official plans from the comprehensive development of the urban area.

The bill also creates another new financial assistance program. The Secretary of Transportation may incur obligations in the form of grant agreements in amounts aggregating up to \$5,000,000,000 to finance all programs and activities authorized by the act. This new authorization would remain available until the \$5,000,000,000 is obligated. Appropriations are authorized not to exceed \$130,000,000 prior to July 1, 1971; \$500,000,000 prior to July 1, 1972; \$1,150,000,000 prior to July 1, 1973; \$2,000,000,000 prior to July 1974; \$3,000,000,000 prior to July 1, 1975, and not to exceed \$5,000,000,000

thereafter. The Secretary would report annually to the Congress with respect to outstanding grants or other contractual obligations. This new grant program is created to assist local communities in starting as soon as possible the many essential projects which require several years for completion, with the assurance that the Federal assistance will be available to complete the project.

Finally, the bill amends existing law with respect to the percentage of funds which each State may receive from the total amount appropriated. After July 1, 1970, each State may receive up to 12.5 percent for the grants made; this is current law. However, the Secretary retains the right to make grants amounting to 15 percent of the sums authorized. This is to be held by the Secretary to make supplemental grants to States whose prior grants are nearly exhausted. This policy will enable the Secretary to put funds where they can accomplish the most.

There are no minority views nor agency reports.

Mr. Speaker, I reserve the balance of my time.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PATMAN. 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. 18185) to provide long-term financing for expanded urban mass transportation programs, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

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. 18185, with Mr. McFALL 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 Texas (Mr. PATMAN) will be recognized for 1 hour, and the gentleman from New Jersey (Mr. WIDNALL) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas.

Mr. PATMAN. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, H.R. 18185, the Urban Mass Transportation Assistance Act of 1970, represents a significant national commitment to the development of local urban mass transportation systems through the provision of adequate long-term Federal funding. Past Federal efforts have been an important first step and have provided us with a solid foundation upon which to build. It is now time to make a truly substantial monetary contribution to the task of helping communities develop this essential public service.

The existence of good urban mass transportation is of great importance to every citizen of this country. The critical importance to all urban areas both large and small is obvious. In order for our cities to function effectively as centers of economic activity, people and goods must be able to move quickly and economically in them. In order for our cities to remain habitable, all people must be able to move comfortably and conveniently within them. Our cities must maintain both of these qualities if they are to continue to play their critical role in maintaining the prosperity of this country. Even citizens who live in the rural areas of our Nation must be deeply concerned with the health of our cities and be willing to aid in the solution of their problems.

This bill would authorize the Secretary of Transportation to make loans for the acquisition of real property upon a determination that the real property is reasonably expected to be acquired in connection with an urban mass transportation system and that it will be used for that purpose within a reasonable time. These funds could be used for rights of way, station sites, and related purposes.

The basic new direction of this bill is the provision which authorizes the Secretary of Transportation to enter into contracts in form of grant agreements beginning upon the date of enactment in amounts aggregating up to \$5 billion over 5 years to finance all programs and activities authorized by the 1964 Mass Transit Act. This new authorization would be available until the \$5 billion is obligated.

H.R. 18185 would also require the Secretary to report annually to Congress with respect to outstanding grants or other contractual agreements executed pursuant to this act. The Secretary would submit to the Congress additional authorization requests for fiscal years 1976 and 1977 not later than February 1, 1972.

The bill also contains a provision which broadens the existing air pollution control requirements in the 1964 act to provide that in the planning, designing, and construction of mass transit projects financed under the act, special efforts shall be made to preserve the natural beauty of the physical environment.

Capital grants made under this bill may not exceed 12½ percent of the aggregate amount of funds authorized to be obligated except that 15 percent of the aggregate amount of the funds authorized to be obligated may be used by the Secretary without regard to this 12½-percent limitation for grants in States where more than two-thirds of the funds available under the 12½-percent limitation has been obligated.

While it is obvious that the problems which constitute the current crisis of the cities are extremely complicated and will not permit simple solutions, an indispensable ingredient of the revitalization of any city is the establishment of a good total urban transportation system. The private automobile will certainly continue to play a significant role in such systems in the future, as the flexibility

and conveniences which it offers for many purposes cannot be equaled. However, the continued addition of more private automobiles and the deterioration of our public transportation systems simply cannot adequately meet this Nation's urban transportation needs. Unless we begin today to bring about a significant reorientation of our urban transportation systems, by making a substantial, long-range commitment of Federal funds to urban mass transportation, the prospects for the health of the cities in the decades ahead are truly discouraging.

There are four particularly significant problem areas in urban transportation and all are worsening rapidly. The first is the totally inadequate mobility of significant segments of our urban population—the poor, the old, the young, and the handicapped. Great numbers of people in each of these groups are either financially or legally barred from driving or having access to a car. These individuals suffer with public transportation service which is often slow, uncomfortable, dirty, inconvenient, and expensive relative to their ability to pay. However, they are captive riders who have no choice but to use the generally undesirable service offered to them. There are two particularly critical examples of this situation. Less than 50 percent of those people in this country with incomes under \$3,000 have automobiles. A poor person may often be forced to spend 2 hours and transfer several times going only one way to work on public transportation. The gravity of this situation is significantly increased for an unemployed person who is searching for a job. An old person in need of regular medical attention may similarly find the journey from home to hospital an ordeal if an automobile, which so many of use take for granted, is unavailable. These obvious examples do not even hint at the tragedy of people who feel that a trip across town is such an ordeal that they rarely leave the vicinity of their homes and jobs to take advantage of those benefits which our cities have to offer.

The second major problem is congestion of urban streets and freeways which exacts an enormous toll from that vast majority of the population which is fortunate enough to be able to afford the great expense of owning and maintaining one or more cars. In a very real sense, many of these rush-hour occupants of cars are captive drivers, as there is simply no meaningful alternative form of transportation which they can use. Past studies indicate clearly that many auto users would gladly use public transportation if its quality, availability, and speed could be improved.

Some have argued that transportation users have clearly demonstrated their preference for the car by abandoning public transportation in dramatic numbers during the past three decades. Perhaps in the forties and early fifties, there was some pleasure in owning and driving your car to work. Since 1945, the number of cars in this country has more than tripled and fantastic amounts of public resources have been devoted to expanding and improving our urban roadways to accommodate them. During this same

period, mass transportation has received virtually no public financial support, and as a consequence, its quality has declined to the point where a person who can afford a car is not willing to submit himself to the ordeal of riding the bus or a 50-year-old railroad car. The net result is that all cars, buses, trucks, and even pedestrians find it progressively more difficult to move about in our cities throughout the day but particularly in the morning and evening rush hours.

The third major problem with today's urban transportation is the extensive air pollution it causes. Many people are killed by it, the direct costs for cleaning up its daily fallout are enormous, and it can often cast a dreary pall over the activities of daily life in the cities. Over 60 percent of the air pollution in this country and as much as 90 percent in many urban areas is caused by automobiles. I must concede that belching buses appear to be equally guilty in this regard, but in fact a bus which can effectively remove 20 to 30 cars from the roadways twice each day produces less than one twenty-fifth of the amount of the pollution produced by 15 automobiles. In other words, the decrease in transportation-caused air pollution could be more than 96 percent. In addition, the Department of Transportation is currently involved in several developmental projects which show promise of further reducing that pollution which buses do so visibly produce.

The fourth and final major problem is the tremendous consumption of land resources in our urban areas which auto-oriented transportation has required. Not only are scarce and valuable pieces of land devoted to more roads and parking lots, but also, in a great number of instances, people are forced to move from their homes, and communities are sliced in half. While persons are paid fairly for the value of their property when their homes are taken, there is no way of adequately compensating individuals or neighborhoods for the full losses caused by forced dislocation and intrusion.

Over 70 percent of the population of the United States now lives in urban areas. It is expected that by the year 2000, our population will double and that all of this growth will occur in and around our cities. Statisticians also project that the number of cars in this country will double by the end of the century. If we unquestioningly accept such a projection and simply proceed to build the added roads needed to accommodate such numbers, it will surely prove to be a self-fulfilling prophecy. But, in spite of the many benefits of the automobile and the tremendous success of major recent efforts to improve the highway system of this country, the automobile cannot adequately solve the problems of transportation in our cities. There is not a great deal more room in our cities which we can afford to devote to great numbers of additional vehicles which often carry only a single person to and from work and lie idle in downtown parking lots for most of the day. The benefits in trying to add significantly to present highway, roadway, street, and parking resources in our urban centers are severely limited.

The dispersal of people and jobs to suburban areas which America's recent extensive commitment to roadway spending has helped to accelerate, is having the effect of devitalizing our urban centers. Over 50 percent of the area of many of our major cities is now taken up by roadways and parking lots. Let me stress this fact that over one-half of the land area of the large cities of this country is unavailable for housing, parks, office buildings, centers for social and cultural activities, and, most fundamentally, people. At the same time, our cities are becoming dehumanizing prisons for many people who are forced by circumstances beyond their control to continue to live there.

The urban residents of the greatest nation in the world should not be required daily to either struggle with traffic congestion or ride on very low quality public transportation. We must provide decent transportation to those who do not have cars; we must combat pollution; we must provide relief from the pressures on our scarce urban land resources; we must provide frustrated and economically burdened automobile drivers a reasonable alternative; we must relieve congestion and provide balanced urban transportation which permits our urban streets and highways to perform more efficiently for public transportation, for people who still choose to use their cars, and for goods carried in trucks. It is essential that we begin today to bring about a total revitalization of urban mass transportation in this country.

The urban mass transportation industry in this country is currently in very bad condition. The service offered tends to be of extremely low quality and limited scope; companies are operating at deficits; and sources of new capital are very difficult to find. Most mass transportation operations are now caught in a continuing spiral of rising costs, higher fares, loss of ridership, deteriorating service, and increasing operating deficits. There is virtually no indication that real progress will be made in the effort to break out of this vicious circle without massive Federal assistance. The transit industry has been the victim of the American desire for the automobile so that public transportation has not received much new capital and is now operating with old equipment, old ideas, and, all too often, uninspired management operating on the premise that their primary goal is to minimize losses. In recent years, 120 public transportation companies have disappeared, 70 of these being in cities of less than 25,000 population. Ninety additional companies are in significant financial difficulty. At best, this sad financial condition means that fares must be raised causing great hardship to captive riders, and, at worst, it means that vital service may be terminated completely.

In view of the apparent local nature of the problems, some people might wonder why the Federal Government should undertake the vast responsibility of assisting communities in the development of their public transportation service. The first and most significant reason is the Federal interest in keeping the cities

of this country healthy. Good mass transportation is an essential requirement for the health of any city, but the cities simply do not have the financial resources required to revitalize their transit systems. The present financial crisis of the cities is due in significant degree to the fact that the Federal Government takes by far the largest bite out of the individual's tax dollar. It should be noted that close to 80 percent of the people in this country live in our urban areas. In view of this fact and the vital national concern in having prosperous cities, it is not only fair but essential that we assist the cities in financing needed public transportation service.

A second and perhaps less obvious reason is the fundamental Federal interest in building up this local transportation link which will enable other transportation modes to work more effectively. We have devoted huge amounts of Federal money to the development and improvement of our national highway system—\$2.2 billion in fiscal year 1970 in urban areas alone against significantly less than \$1 billion for urban mass transportation since 1961. We have just undertaken a new commitment to the improvement and expansion of the airport-airway system, and it is to be hoped that the railroads can be revitalized to provide significant intercity transportation to people in the decades ahead. These other modes are generally capable of moving people and goods quickly and efficiently between cities and regions within the country, but in many cases, movement may virtually grind to a halt as the individual or freight approaches a major urban center. Current urban congestion may thus often substantially negate the benefits of airplanes or highways. The airline passenger may often spend more time on the ground getting to the airport and then to his ultimate destination than he does in the air. An automobile driver may move quickly between cities and then become immobilized in traffic jams or totally frustrated in his efforts to find a place to park. Trucks moving vast quantities of goods are similarly stymied. Intercity transportation does not generally have the option of transferring to good public transportation and cannot perform very efficiently upon entering an urban area because most of the local residents have also been forced to use their automobiles and thus clog the roads and parking areas.

The essential feature of the Urban Mass Transportation Assistance Act of 1970 is the provision of substantial long-range financial assistance to improve public transportation in the cities of this country. While the \$5 billion to be made available by the bill will be used primarily for the renovation and expansion of the capital facilities and equipment of mass transportation systems, this infusion of new resources can also serve to fully revitalize such systems and the cities that they serve by producing efficiencies and economies of scale into public transportation operations and attracting talented individuals to the industry in sufficient numbers to provide the dy-

namism to its management which has been disappearing over the past three decades as capital resources deteriorated. Although the basic need for substantial and continuous Federal funding may be clear, I must also stress the compelling urgency dictating its immediate availability. Cities must be enabled not only to halt the current intolerable deterioration of public transportation immediately but also to begin planning for and building major new projects which will take as long as a decade to complete.

This bill was reported out of the Committee on Banking and Currency by a unanimous vote of 34 to 0, and I urge its prompt adoption.

The passage of the Urban Mass Transportation Assistance Act of 1970 today is an essential step toward the saving of our cities, and I seek the support of every Member of this body in attaining this goal.

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

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

Mr. GROSS. Mr. Chairman, where in the report will I find the departmental reports on this bill?

Mr. PATMAN. I do not have the report before me, but there is no question about the agencies' approval. They testified for this bill. There is no doubt about the administration support.

Mr. GROSS. I have read the report, and I do not find a single communication from any department or agency.

Mr. PATMAN. We do not always incorporate the reports of the agencies in our report when they testify before the committee.

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

Mr. PATMAN. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, if the gentleman will look on page 107 of the hearings, he will find Mr. Volpe's report and testimony advocating that the administration wants this type of program.

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

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

Mr. GROSS. Mr. Chairman, of course, that is in the hearings. It is most unusual when we have a report which contains no communication from any department of Government with respect to the legislation. Frankly, I am surprised.

Let me ask the gentlemen this question. Where does the gentleman propose to get the \$11,780,000 that would be committed if this bill is approved?

Mr. PATMAN. I think the gentleman is mistaken. The \$5 billion is obligated over 5 years. That is the only commitment. There is a policy statement about the need for additional billions in future years, but no commitment.

Mr. GROSS. The bill provides for \$130 million in fiscal year 1971.

Mr. PATMAN. Yes.

Mr. GROSS. And in fiscal year 1972 \$500 million; in fiscal year 1973, \$1,150,000,000; in fiscal year 1974, \$2 billion; in fiscal year 1975, \$3 billion; and in fiscal

year 1976, \$5 billion. This adds up, according to my attention, to \$11,780,000,000.

I wonder from where it is proposed to get this money in the next 6 years, and what interest rate will be paid. That should be added to this. What interest rate will be paid on that money?

Mr. PATMAN. May I respectfully say to the gentleman, anything above \$5 billion cannot be committed. This bill would commit only \$5 billion.

Mr. GROSS. Only \$5 billion?

Mr. PATMAN. Only \$5 billion, for 5 years.

Mr. GROSS. That is small change around here now, is it not; \$5 billion?

Mr. PATMAN. In comparison to the overall budget, which is over \$200 billion, it is not large, although it is not small change.

Mr. GROSS. What does the gentleman think the interest rate on this borrowed money will amount to?

Mr. PATMAN. It depends, of course, on what the going rate will be. That will be one of the determinations, the going rate in the marketplace on comparable Federal securities.

Personally, I do not think too much of the going rate for things as important as housing for the people. I believe housing should be high on a priority "must" list and the interest rate even fixed at a reasonable level. It should not exceed 5 percent, I would say.

But, of course, in the marketplace the fellow who wants to buy a home is in competition with the speculators, the big corporations, the gambling casinos, the high-interest-rate money lenders, and he does not have much of an opportunity to keep this rate down.

That is the reason why I believe the Government should protect the homeowner, as to buying a home at a reasonable rate of interest. If it were within my power, I would do it.

It is a sad situation today when a person who purchases a \$20,000 home must obligate himself to pay, according to traditional terms, \$38,000 in interest. In other words, he obligates himself to pay \$58,000 for a \$20,000 home.

I share the views of the gentleman that we should be careful about interest rates.

Certainly the 55 to 60 million families in this country really compose this country. What we do here that is beneficial to those families will help the country, and what we do obviously detrimental to them will hurt the country.

I believe we should have a very reasonable rate, but we have not approached the time yet when we can say we will have a fixed rate.

Now, interest rates have been going down recently. We have put on a drive to get the big banks to change the prime rate. They raised it to 8½ percent. A 1-percent raise is equal to \$15 billion a year of extra burden.

That can be calculated very easily and very quickly by the gentleman, just taking his own pencil and writing on the back of an envelope. He can insert the total public and private debt, which is \$1.5 trillion. He can take 1 percent of that, and it is \$15 billion.

The interest rates have gone down 1 percent in the last month. That means we are saving \$15 billion a year. If we can just reduce the interest rate back to where it was when Mr. Nixon was elected, in November of 1968, it would be 6 percent, and that would save us an additional large sum of money.

Mr. GROSS. Let me ask the gentleman one further question, if he will yield. This is entitled the "Urban Mass Transportation Assistance Act of 1970." What is this going to do for us out in Iowa, this commitment of \$11,780,000,000?

Mr. PATMAN. Well, it will be very beneficial to the gentleman. It will enable you to get your product to market. It would not do much good, after all, to get into the Chicago suburbs if you could not get to the main part of the city. We must have transportation in the main part of the city as well as between cities. I think it will be of great help to the gentleman and to his State to provide needed mass transit facilities for your people.

Mr. GROSS. You do not mean they are going to transport agricultural commodities over the subways, do you?

Mr. PATMAN. No; I did not have that in mind.

Mr. BARRETT. Mr. Chairman, will the gentleman yield to me?

Mr. PATMAN. I yield to the gentleman.

Mr. BARRETT. I just want to say to the gentleman from Iowa that this is a bill which concerns the low- and moderate-income people. The people in the city of Waterloo, Iowa, have a grant for approximately \$325,000 for mass transportation. This will aid your State and your city of Waterloo just as well as it will every small town and city in the country of under 25,000 population.

Mr. GROSS. Will the gentleman yield further?

Mr. PATMAN. I yield to the gentleman.

Mr. GROSS. The gentleman will have to admit that that is less than a crumb off the table in a bill committing some \$11 billion.

Mr. PATMAN. Mr. Chairman, I reserve the remainder of my time.

Mr. WIDNALL. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I am pleased to rise in support of H.R. 18185, the Urban Mass Transportation Assistance Act of 1970, which has been reported favorably and unanimously by the Banking and Currency Committee. A very similar bill, S. 3154, passed the Senate by the overwhelming margin of 84 to 4.

I think these actions, and the degree of unanimity with which they were undertaken are significant barometers of a sense of urgency, not only within this House and the other body, but in the hearts and minds of the public in every part of our Nation. The problems of mobility within our urban and metropolitan areas, not only for the affluent who can afford cars but also for the poor, the young, the old and the physically handicapped, must be solved—now. The problems of strangulation of our cities' streets and the wasteful use of valuable urban

land for freeways and parking facilities by an ever increasing flood of automobiles, trucks, and buses must be solved—now. The problems of pollution of the very air we breathe by the exhaust emissions from millions upon millions of internal combustion engines must be solved—now.

I think these actions also reflect a consensus of realism. They reflect recognition that these problems can be solved only, as President Nixon has said if we can "make public transportation an attractive alternative to private car use." This in turn can only be achieved, as the bill now before the House states, by "A Federal commitment for the expenditure of at least \$10 billion over a 12-year period to permit confident and continuing local planning and greater flexibility in program administration."

The Federal commitment provided for in this bill is nothing unexpected, nothing precipitous or rash, nothing undertaken without thorough study and substantial experience over a period of years. As many senior Members of the House will recall, I have long had an interest in the subject of urban mass transportation. The Housing Subcommittee of the Banking and Currency Committee has worked on it ever since the modest pilot program of loans, demonstration grants and temporary program of capital loans for urban mass transportation were authorized in the Housing Act of 1961.

The committee was intimately involved in the drafting of the Urban Mass Transportation Act of 1964, which created the mass transportation capital grant program and an ongoing program of research, development, and demonstration projects. It has watched these programs closely as they grew from an initial funding level of \$60 million in fiscal year 1965 to the current level of \$214 million for fiscal year 1971, and participated in the preparation of the 1966 amendments which created the technical studies planning grant program and the university research and managerial training grant programs.

It is my considered judgment, and that of the committee, that these programs have been and are as successful as could be expected, in view of the limits imposed by the annual appropriation process and the small amounts of funds actually appropriated. They also furnish a solid basis of experience for the long-term and expanded commitment of Federal resources now proposed and I am confident of the long-term success of the program. In fact, I think that the \$10 billion 12-year commitment made in the bill is a minimum figure which will probably have to be revised upward after the new "contract authority" program has been in operation for a few years. Even so, I am of opinion that never in the history of this Nation has the Congress had an opportunity to do more to improve the quality of urban living with such a relatively small commitment of less Federal money than is presented by this bill. I urge its immediate passage.

Mr. Chairman, I think it might be useful if I took a few minutes to discuss H.R. 18185, both to the changes which it would

make in existing law, and as to the few respects in which it differs from S. 3154 as passed by the Senate.

First. H.R. 18185 would create a new program of short-term loans to States and local public bodies and agencies thereof to finance the acquisition of real property and interests in real property planned for future use in urban mass transportation systems. The acquired real property and interests must be so used, within a period of not more than 10 years following the fiscal year in which the loan was made. When such real property is so used, or on the expiration of the 10-year period, then the loan would be due and payable, including interest at a rate based on the average interest rate being paid by the Government on its borrowings of comparable maturity. If the real property is not used for transit purposes, an appraisal would be made and the borrower would be required, in addition to repaying the loan, to pay the Government a sum equal to two-thirds of any increase in value which has accrued since the loan was made. If a Federal capital grant should be made for a mass transportation project which involves use of such real property, then the grant may include forgiveness of the loan and accrued interest as an item of project cost. S. 3154 contains substantially the same provisions.

Second. H.R. 18185 provides a greatly increased amount and a completely new method of funding the urban mass transportation program. It would authorize the Secretary to enter into obligations for funding of projects in advance of funds actually appropriated to cover the agreements, which he may not now do. This "contract authority" could be exercised by creating obligations up to a total of \$5 billion immediately upon enactment of the proposed legislation, but a ceiling is provided on the authority of the Congress to appropriate funds to liquidate such obligations as follows: \$130 million in fiscal year 1971; \$370 million more in fiscal year 1972 for a total of \$500 million; \$650 million more in fiscal year 1973 for a total of \$1.15 billion; \$850 million more in fiscal year 1974 for a total of \$2 billion; \$1 billion more in fiscal year 1975 for a total of \$3 billion; and \$2 billion more thereafter for a grand total of \$5 billion.

The Secretary would also be required to report annually to the Congress as to the grant commitments he has made and his estimate of future appropriation needs, and, after consultation with State and local public agencies, to submit his requests for authorizations for fiscal years 1976 and succeeding years. The provisions of S. 3154 are quite similar, the major difference being that the Senate version would limit the initial "contract authority" of the Secretary to an aggregate of \$3.1 billion, and would limit appropriations for liquidation to an aggregate of \$1.68 billion over the first 5 fiscal years.

Third. The bill would amend the 1964 act to make it clear that the local share of "net project cost" in any urban mass transportation project may be furnished in whole or in part from other than public sources, and to remove the re-

quirement that a local public body "demonstrate" its "fiscal inability" to provide the local share from public sources before more than one-half of such share can be provided from public or private transit system funds. The requirement that any public or private transit system funds so used must come from undistributed cash surpluses, funded depreciation or replacement reserves, or new capital, is retained. The provisions of S. 3154 are identical.

Fourth. Requirements are added to the act to provide for opportunity for public hearings at the local level to permit all segments of the public to express their views as to the impact of proposed urban mass transportation projects on community growth and development, mass transportation service, and aesthetic and environmental factors. S. 3154 has a similar provision.

Fifth. As stated by our Banking and Currency chairman, the 12½-percent limitation now provided by section 15 for grants in any one State would be left in effect as to the new authorization of funds, but the Secretary's discretionary fund provided for in that section, which is now fixed at \$12.5 million, would be changed to a 15-percent limitation based on the amount of authorized contractual obligations.

Finally, the Secretary is directed to carry out a new study of the feasibility and utility of Federal grants to defray operating deficits of mass transportation systems, and the 50 percent emergency capital grant program is continued in effect until July 1, 1972.

Mr. Chairman, this is a good bill. There may be some who may criticize it—who may argue that it provides too little money or too much money—who may say that we should have an urban transportation trust fund or an all-purpose transportation trust fund—who may say that the "contract authority" provisions give too much power to the Secretary and detract from the responsibility of the Congress to control expenditures by the annual appropriations process. But I say to you, that the members of our committee have worked long and hard over it, and it appears to be the most feasible means of dealing with an immediate, urgent national problem. It has languished far too long due to the press of other urgent business, and every day of delay simply increases the cost of what we have to do if our cities are to survive. I repeat—This is a good bill and I urge its immediate passage.

Mr. PATMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BARRETT).

Mr. BARRETT. Mr. Chairman, this Nation is confronted by a large and growing crisis in urban transportation. While this crisis is of great significance to all segments of the country, its most critical impact is on the citizens of our cities, both large and small. The almost exclusive emphasis in recent decades on increased use of the private automobile to meet new transportation demands in the cities has produced a situation in which all persons—not just those who are poor or old or handicapped or otherwise disadvantaged in our highly individualistic

society—are confronted by overwhelming problems of time-consuming congestion, disastrous pollution, inadequate mobility, devastation of the environment, and transportation which is often inordinately expensive. The quality of life for those who live in the cities is severely threatened and the efficiency of transportation of people and goods into the cities from other parts of the country is significantly diminished.

In an effort to meet the critical problems of urban transportation and provide for appropriate Federal participation in their solution, the committee has unanimously reported by a vote of 34 to 0 the Urban Mass Transportation Assistance Act of 1970, which will amend the Urban Mass Transportation Act of 1964 in eight significant ways.

First, \$5 billion contract authority—This most significant provision of the bill authorizes the Secretary of Transportation to incur obligations up to \$5 billion to finance all of the programs and activities provided for in the 1964 act as well as those additional activities authorized by this act. In addition, this bill states a congressional finding that \$10 billion will be needed to improve urban mass transportation in our cities over the period of the next 12 years. There can be no illusions that the money we are authorizing here will provide a final solution to the transportation problems of our cities but it is a significant start which we must make now. The committee believes that \$5 billion is a reasonable level of funding for the next 5 years.

Contract authority would empower the Secretary of Transportation to enter into contractual obligations immediately upon the enactment of this bill and the full faith and credit of the U.S. Government would be pledged to honor these obligations. The real benefit of this mechanism is that it provides cities with the necessary long-term assurance that substantial amounts of Federal funds will be forthcoming so that they can confidently undertake the lengthy task of planning, developing, and financing major new public transportation projects.

However, the bill also contains a schedule which provides yearly limitations on the authorizations for appropriations to liquidate the obligations incurred. This schedule will insure that the development of vast new public transportation projects will be orderly. For example, the bill would only authorize new appropriations of \$130 million for fiscal year 1971 and this amount would rise at a graduated rate to an aggregate of \$3 billion for fiscal year 1975 and \$5 billion thereafter. In addition, the Secretary of Transportation would be required to report to the Congress biennially beginning in 1972 to request extensions of the contract authority and any necessary adjustments in the schedule of appropriations for liquidation of obligations. The committee believes that this approach provides the best balance between the urgent need for substantial long-term Federal funding and the possible danger of increasing the size of our urban mass transportation assistance program too rapidly.

Second, advance land acquisition—the

bill authorizes loans to local public bodies for the acquisition of land expected to be used for urban mass transportation purposes within a reasonable period. Such land could be used for rights-of-way, station sites, maintenance buildings, parking areas, access roads, and other purposes reasonably related to the building and operation of a well planned mass transportation system. The loans provided for may be used to finance relocation payments as well as the cost of property management pending actual construction of mass transportation facilities on the land. If the land is not used for mass transportation purposes within 10 years, the recipient must not only repay the loan but must also pay to the Secretary, for credit to miscellaneous receipts of the Treasury, two-thirds of any increase in the value of the land. An applicant for such loan assistance must submit a copy of its application to the comprehensive planning agency of the community affected and give it at least 30 days in which to comment on the proposed action.

This new authorization is particularly important because of the general escalation in the cost of land as well as the continuing rapid development of those few vacant parcels of land which still exist in our urban areas. Such development would require greater acquisition costs in the future as well as entailing the displacement of families and businesses which are constructed on vacant land in the interim.

Third, Secretary's discretionary fund—This act and the 1964 act both contain a provision which sets a basic limit of 12½ percent on the amount of the funds authorized pursuant to the mass transportation program which may be expended on projects in any one State. However, this act also provides that 15 percent of the total of the new funds authorized under this act may be used by the Secretary without regard to this limitation.

The basic purpose of the limiting provision is to insure that the benefits of the urban mass transportation program are not unfairly concentrated in a few States. However, the large discretionary fund is essential to give the Secretary the flexibility needed to meet critical urban mass transportation demands in those States where the 12½-percent limitation may be undesirably restrictive. Such leeway can be of particular importance in States which contain more than one major urban center.

Fourth, study of operating subsidies—The only substantial aid provided for cities in the current Federal mass transportation program is capital assistance. That is, matching grants to assist in the acquisition, construction, or improvement of property to be used in a city's urban mass transportation system. The existing act expresses the congressional policy of helping to improve and expand existing systems by enabling cities to acquire new facilities and reflects a conscious congressional choice not to become involved in the actual operations of local transit systems. However, primarily as a result of the deepening financial crisis facing local transportation systems, there has been increasing pressure for

greater Federal involvement in local transit operations through the provision of cash subsidies to defray operating deficits or operating costs generally. Such assistance could have the dual effect of keeping marginal but essential transit operations running while at the same time freeing funds for use in improving the capital position of such systems. However, in addition to a widely felt aversion to greater Federal involvement in, and scrutiny of, the day-to-day affairs of local transit operations, there is a fear that any subsidies based on operating costs may produce inefficiency in operations. An operating subsidy may simply be a treatment of the symptoms without trying to treat the cause and working for its cure.

This bill contains a provision offered by the gentleman from New York (Mr. HALPERN) directing the Secretary to conduct a study of the feasibility of a Federal program of assistance to defray operating costs and report to Congress with his findings and recommendations within a year. Such an effort will provide us with a comprehensive and factual study of the issues involved which will enable us to more intelligently evaluate the possible benefits and disadvantages of such a new program.

Fifth, public hearings—An applicant for a capital grant or loan for a project which may substantially affect a community or its mass transportation service must hold hearings after giving adequate notice unless no party with a significant economic, social, or environmental interest requests a hearing with regard to such project. In addition, the applicant must certify to the Secretary that its proposed project is consistent with official plans for the comprehensive development of the urban area in which it will be located.

The purpose of this provision is to require that an applicant consider all ramifications of a contemplated project, make certain that such project is properly coordinated with other aspects of urban development, and give affected citizens a meaningful opportunity to participate in the decisionmaking process.

Sixth, environmental protection—Section 6 of the bill is designed to insure that in the planning, designing, and construction of all mass transportation projects financed under the act, special efforts will be made to preserve our natural, historical, and cultural resources.

The Secretary will be required to cooperate and consult with the Secretaries of Health, Education, and Welfare, Agriculture, Housing and Urban Development, and Interior, and with the Council on Environmental Quality with regard to any project within their areas of expertise or jurisdiction that might have a substantial impact on the environment. The applicant must fully analyze the environmental impacts of its proposal and possible alternatives to it and submit with its applicant a statement similar to that required by section 102(2)(c) of the Environmental Quality Act of 1969. Before approving any capital grant project, the Secretary must hold hearings at which views of concerned persons can be presented unless he determines that there

has been an adequate opportunity for a local hearing for such purpose. He must also determine that the applicant has given adequate consideration to all environmental concerns and, most importantly, that either no adverse environmental effect is likely to result from the project or that there is no feasible and prudent alternative to such impact.

While it is the committee's feeling that any mass transportation legislation is inherently beneficial to the quality of the human environment, in that it provides a desirable alternative to other modes of transportation, and also allows them to operate more efficiently, we feel it is important to provide this added specific protection so that all options and consequences with regard to the environment are adequately evaluated before significant new projects are undertaken.

Seventh, comments of Governors—an applicant for a capital loan or grant will be required to submit a copy of its application to the Governor of any State in which the project will be located if such State has statewide comprehensive transportation planning. In reviewing an application, the Secretary must consider any comments submitted by the Governor within 30 days.

In spite of its very broad State and national significance, the current problem of mass transportation is one which primarily requires local initiative and commitment for its solution. The precise transportation needs of each urban area are different, and undue State or Federal involvement in the details of projects designed to cope with local transportation problems may result in proposed solutions for specific cities which are not really appropriate in the light of their needs.

State and Federal involvement in this critical area should generally be restricted to the granting of financial assistance and in some cases the extension to localities of the broader legal powers required for the establishment of public transportation systems which can effectively service whole urban areas composed of many separate jurisdictions. Although State governments cannot generally be of great help in the formulation of specific projects, we feel that in those cases where a State actually has statewide transportation planning, the Governor should have the opportunity to comment on applications and thus to ensure appropriate coordination of State and local transportation systems.

Eighth, source of local share of project cost—The bill retains the matching grant formula set up under the 1964 act. The Federal share may not exceed two-thirds of that portion of the cost of the proposed project which cannot be financed from revenues of the transit system being aided. However, the bill will remove the present restriction that requires that 50 percent of the local share must come from public sources unless the applicant can demonstrate its fiscal inability to supply such funds. This provision has not worked well as localities are naturally reluctant to officially admit their inability to raise funds. By removing the restriction,

the act will allow undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital of public or private transit systems to be used to provide the entire local share of the project costs. This provision will remove an impediment to the difficult task of raising the local share of the cost of urban mass transportation improvement projects and can facilitate increased private participation in such projects.

Most of the provisions of this bill are refinements and improvements on the basic urban mass transportation program established by the 1964 act. While the committee feels that they are all important additions, the real focus of our attention must be on the vast increase in the Federal financial commitment which the new bill provides. It was clearly demonstrated in the extensive hearings held by the committee on a variety of different bills designed to accomplish this paramount objective that the active support for this nonpartisan legislation is not narrowly confined to representatives of our largest cities and the transit industry. As well as cities of all sizes, persons interested in the welfare of all segments of the population and commerce of this country have expressed an urgent concern for the provision of adequate funding for urban mass transportation. There is no question that the primary direct benefits of this act will go to the cities, but the improved health of our cities produced by better public transportation will generate benefits which will be felt by every resident of this Nation. This act should have the support of every enlightened American citizen.

Mr. Chairman, I urge full support in securing the passage of H.R. 18185, the Urban Mass Transportation Assistance Act of 1970.

The committee came up with this bill and voted it out 34 to 0.

Mr. Chairman, I do hope that in the best interest of everybody in this House that we can terminate the debate immediately and get to the reading of the bill.

Therefore, I ask unanimous consent to revise and extend my remarks and insert the remarks of the gentleman from Indiana (Mr. MADDEN), a member of the Committee on Rules at this point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MADDEN. Mr. Chairman, the House today should pass, without any important opposition, this legislation, H.R. 18185, which will greatly contribute to solving the terrific traffic congestion problem in all major urban centers in the United States. I realize it is difficult for Members from strictly rural areas to fully comprehend the almost indescribable tangle and congestion and that major metropolitan centers must get immediate traffic relief.

The Calumet region of Indiana is probably the most concentrated industrial center in the United States. It is located across the Illinois line from the city of Chicago. Ninety-five percent of the traffic coming from the east into and through Chicago and Western States

passes through the northwest corner of the State of Indiana. This same statement applies to traffic from west to east. Twelve major railroads also pass through the Calumet region. The Calumet region also has a major rail and interurban line known as the Chicago South Shore & South Bend Railroad. Fifteen or 20 years ago this line carried the major portion of the passenger traffic through this area. In recent years this railroad has completely disregarded passenger service and concentrated almost exclusively on freight traffic. Thousands of commuters from northern Indiana into Chicago are now compelled to use bus transportation which further congests our mass transportation problem.

The Federal Government should take immediate steps to investigate all railroad transportation media throughout the Nation that in recent years has completely disregarded the necessity for providing passenger transportation to the American public. The Federal Government must take a hand in compelling and assisting the railway arteries of this Nation to help relieve the passenger traffic situation by insisting that the railroads utilize their arteries to move passenger traffic congestion. Many thousands of commuters from northern Indiana and Chicago daily would gladly use railroad transportation instead of highway transportation if railway management and Government would cooperate in solving this unfortunate traffic tieup in metropolitan areas throughout the land.

This legislation would permit the Secretary of Transportation to enter into long-term contracts with local communities, totaling \$5 billion for a 5-year period to provide and grant assistance to local transit agencies. The traveling public periodically is faced with increased transportation cost and declining quality of equipment and passengers have for a long time been deserting rail traffic entirely. This method of transportation could easily be restored if proper equipment and service were offered the American public.

When this bill was before the Rules Committee yesterday, I called the Members' attention to this deplorable situation which calls for immediate relief. Congressman WIDNALL, the minority leader of the Banking and Currency Committee, in testifying before the Rules Committee yesterday, aptly stated that the transportation industry of America has for years been placing cattle above people in extending transportation service. I agreed with him but also stated that he could add automobiles, steel, and many other commodities which probably bring in more fabulous profits to the railroad companies over the Nation.

This bill passed the Banking and Currency Committee by a unanimous vote and also the rule was reported from our committee yesterday unanimously. I do hope the House enacts this legislation unanimously today.

Mr. HALL. Mr. Chairman, will the gentleman yield for a question.

Mr. BARRETT. I am glad to yield to the gentleman.

Mr. HALL. Mr. Chairman, I appreci-

ate the gentleman yielding and I appreciate his desire for haste. But, I think the way this is being funded or financed, as witness the colloquy up to now, it is unclear to the Members at large who are interested, and especially some of us outside of the committee.

My first question about the bill, H.R. 18185, would be whether in addition to the funding as explained, and set forth in the bill on page 8, there is a provision under section 4(c) authorizing the Secretary to incur obligations, which means in effect he will float bonds in order to fund these procedures?

Mr. BARRETT. Yes.

Mr. HALL. Will the taxpayers then foot the bill for the interest payments on those bonds?

Mr. BARRETT. I think in general the taxpayers always foot the bill for any grant or loan made to any project enacted by the Congress.

Mr. HALL. As usual my friend is forthright and candid in his answer, and I appreciate that.

What provision is there for paying off the principal? Is it presumed that these investments, for which we are borrowing money and voting the bonds to the existing corporate bodies or others, will make enough money that we can pay off the principal of these bonds?

Mr. BARRETT. I am of the opinion that only a local government would issue bonds.

Mr. HALL. This simply, as I understand, voting the bonds would, involve the full faith and credit of the U.S. Government for those that wanted to use this money for expansion, or all of the other benefits allegedly set forth in this bill.

Now in addition you have agreed the taxpayer, or the Federal Treasury, will have to pay interest on those bonds; and further they go for a good length of time.

My question is, How would the principal be paid off?

Mr. BARRETT. It is only the local communities that get the loans or grants for equipment and not to pay off their bonds.

Mr. HALL. There would be no Federal bonds floated by the Secretary of Transportation then in the interest of the local communities? This simply authorizes them to float up to \$5 million, I believe it is, on their own so that they can participate?

Mr. BARRETT. The cities, of course, could put up their one-third.

Mr. HALL. I must say that that is very unclear, as it is on the reading of the report or the bill. In the light of the two questions I have asked—one about who pays the interest payments and one as to how would the principal of these floated bonds be paid off, I would like to ask the gentleman, my friend from Pennsylvania—in view of these two questions—would that not be added to the total cost of the legislation?

Mr. BARRETT. The bill in general, from a Federal standpoint, does not authorize the Federal Government to float bonds.

The local government could float the bonds in order to pay off their share of the one-third for their local expenses.

Mr. HALL. This bill authorizes them to do that?

Mr. BARRETT. No; it does not. It is discretionary within the local authorities and if their tax revenues are adequate to do it without floating bonds, it could be done in that way.

Mr. HALL. Within the laws of that particular State?

Mr. BARRETT. Yes, sir.

Mr. HALL. Turning to another subject, if the gentleman will yield further, the gentleman will recall my interest in the basic law, section 13(c). May I ask the gentleman if the International Amalgamated Transit Union still possesses the delegated and *de facto* veto power over all grants under this section of the act as far as section 13 on labor standards is concerned, or does this bill, H.R. 18185, change that?

Mr. BARRETT. I do not think this bill would change that at all. They have never had a veto power.

Mr. HALL. Mr. Chairman, I submit to the distinguished gentleman that at one time other Members from across the Nation and I submitted an amendment to change 13(c) to remove the veto power which in effect they certainly have, *factually* and *effectively*; and one of the examples is the city of Springfield, Mo., which still has pending an application where the International Amalgamated Transit Union, in spite of the fact that the only intent was to increase air conditioning, to provide new buses or rehabilitation of the old buses, with a complete guarantee and a written statement by the public utilities and by the city council to the effect that it would do nothing to enhance the conditions under which the workers would work, still could not get this because there is a law in the State of Missouri that says that public utilities cannot enter into a contract with the union. Yet, because the union decided to use this legislation as a contract for a union agreement, it was because of this I tried to submit the amendment.

At that time the distinguished gentleman and others said they would help us, through compact or otherwise, to secure this aid to enhance the comfort of the riding public, to update the means of city transportation. This is in a city well over 100,000 now.

To date nothing has happened. There has been an administration change in the interim, and still nothing has happened because it is in fact delegated to the agent of the International Amalgamated Transit Workers Union to certify to the Secretary of Labor, who in turn must certify to the Secretary of Housing and Urban Development—Transportation now—before a loan can be granted, that there is no damage done to the working conditions of the laborer or the member of the union. If that is not, in fact, veto power, *de facto* veto, I just do not know what it is or do not read the English language or understand the effect of this peculiar situation in a very few of the States.

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

Mr. HALL. The gentleman has the time. I appreciate his yielding to me.

Mr. BARRETT. I just want to point out that nobody knows better than the gentleman from Pennsylvania the inexhaustible work the gentleman from Missouri put into this Springfield, Mo., problem with which we have been concerned for many, many years. I am of the opinion that you at that time felt that it was the Secretary of Labor who had the veto power and not the Secretary of Transportation.

Mr. HALL. It is true that since HUD took this over, the basic legislation has changed it over from HUD to Transportation. But section 13(c), as I understand—and I believe the gentleman will agree—still requires that the Secretary of Labor must certify that no damage is done to the working condition of the laborer, and in turn, the Secretary of Labor, regardless whose Secretary it is, has by *de facto* action passed it on to the International Amalgamated Transit Workers Union, and they hold the strings or they light the fuse, or they snuff it out as to who gets these grants.

Mr. BARRETT. There may be an avenue through which you could go under the pending bill. The Governor would have 30 days to request consideration or to protest anything that is being done in connection with mass transit projects. That provision might give you an opportunity at that time if Springfield is considered for a mass transit grant or a loan. At that time you may have an opportunity to explore the problems you have had heretofore. You might get some relief from that provision.

Mr. HALL. Mr. Chairman, is the gentleman saying that there may be something in this new legislation that will do that?

Mr. BARRETT. Only by filing or having the Governor request consideration to be heard on the objection when a request is filed by any municipality, city, or town in your area.

Mr. HALL. Mr. Chairman, I certainly would appreciate the counsel of the gentleman from Pennsylvania, because through three separate Congresses this problem has been before us, not only for the city of Springfield, Mo., but also for the cities of Memphis, Tenn., Amarillo, Tex.; Yakima, Wash.; as well as many others. I would appreciate the help and guidance, as previously promised, of this gentleman, toward making this legislation work, if it is ever going to work in these areas.

One final question: Does the Bureau of the Budget, in the absence of any departmental reports in the report, have any position on this legislation?

Mr. BARRETT. I am not too sure.

The administration requested originally—and so did the Secretary of Transportation—\$3.1 million.

Mr. HALL. But the members of the committee can presume that it is not budgeted, and there are no favorable departmental reports, nor is there the usual disclaimer by Bureau of Budget, or Office of Management, or whatever it is called.

Mr. BARRETT. The favorable report is from the Secretary of Transportation.

Mr. HALL. Can the gentleman show us where that is in the report?

Mr. BARRETT. That is in the hearings. If the gentleman will look on page 107, it is in the testimony.

Mr. HALL. But it is not in the committee report.

Mr. BARRETT. That has the backing of the Secretary of Transportation.

Mr. HALL. In the report?

Mr. BARRETT. It is in the hearings.

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

Mr. BARRETT. I yield to the gentleman from Ohio.

Mr. STANTON. Mr. Chairman, I am sure the gentleman from Pennsylvania does not want to mislead the gentleman from Missouri. His question was quite pointed in asking what the administration and the Department and the Bureau of the Budget had to say about the amount of money in this bill. I am sure the gentleman will agree with me that the money desired by the administration as the only amount of money that can be expended efficiently in this period of time was \$3.1 billion and not \$5.1 billion.

Mr. BARRETT. I thought the gentleman from Pennsylvania made it clear to the gentleman from Missouri.

Mr. HALL. No, the gentleman made it clear as to \$80 million.

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

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

Mr. HAWKINS. Mr. Chairman, I would like to ask a question in regard to the authority of the Department of Transportation with respect to operating grants. In some communities within the cities there are certain rather flexible demonstration transportation programs which have been established. One such program in the Watts area, in my district of Los Angeles, and there is a similar one in East Los Angeles, in the district of Congressman ROYBAL. Under the proposed bill—and also I assume it is the intent of the committee—can such demonstration grants be continued and funded out of the operational grants under the Department of Transportation, provided this bill is passed?

Mr. BARRETT. Yes; at the present time, that can be done.

Mr. HAWKINS. Well, specifically, let me rephrase it another way. Would the nonprofit community-based transit systems and agencies of the State or local bodies be eligible for loans provided the applicants, upon determination of the Secretary of Transportation, have or will have, first, the legal, financial, and technical capacity to carry out the proposed project, and, second, satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment?

Mr. BARRETT. That is correct.

Mr. WIDNALL. Mr. Chairman, I yield 10 minutes to the gentlewoman from New Jersey (Mrs. DWYER).

Mr. BARRETT. Mr. Chairman, will the gentlewoman yield?

Mrs. DWYER. I am happy to yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I just want to take a second or two to commend the gentlewoman from New Jersey, who is one of the most inexhaustible mem-

bers, male or female, to serve on the Committee on Banking and Currency and also the Housing Subcommittee. We are very fortunate to have the gentlewoman from New Jersey as a Member of this body.

Mrs. DWYER. Thank you very much, Mr. Chairman.

Mr. Chairman, I am happy to rise in support of continued and expanded Federal urban mass transportation financial assistance. This legislation, I believe, will become one of the major achievements of the 91st Congress.

Over more than a decade, and on countless occasions, I have spoken to the House on the vital importance of vastly improved mass transportation not only to New Jersey but to all States which have one of the more rapidly growing metropolitan areas within their boundaries.

If we are to meet this country's future transportation needs head on, then we shall in the next two decades have to double our total existing transportation capacity. To say it another way, we shall have to provide in these coming 20 years as much additional transportation capacity as was provided during the first 200 years of our Nation's history.

And we must do this in conformity with a changing America—an America that is rapidly turning to urban areas. Five years from now, 75 percent of our people will live in metropolitan areas—in other words on 2 percent of the land. Let us narrow it down even more. About half of America will be living in three highly concentrated and continuous urban zones—one extending the full length of the California coast, another along the Chicago-Detroit-Cleveland axis, and the third, of course, is the northeast megalopolis stretching from Richmond, Va., to Portland, Maine.

We have seen the public transportation posture of this Nation deteriorate in the past 20 years. In 1950, there were 1,400 urban transit companies carrying nearly 14 billion passengers. Seventeen years later, 300 of those companies had gone out of business and the number of vehicles in their fleets had dropped from 87,000 to about 56,000. Total passengers dropped to under 7 billion for a 50-percent decrease.

Our bill, Mr. Chairman, will help arrest this decline and put us on the road back to healthy growth for mass transportation service.

There are several reasons, I believe, why we should pass this bill:

First. The Urban Mass Transportation Act was unanimously approved by the Housing Subcommittee in March, and reported—again without dissent—by the full Banking and Currency Committee in June.

Second. A similar bill was approved by the Senate in February by a vote of 84 to 4.

Third. The legislation has the support of the administration.

Fourth. For the first time in the history of the urban mass transportation program, this bill will provide the long-term authority and the funds to enable us to make a visible and substantial im-

pact on the steady decline in public transportation service.

Fifth. Funding the program on a more realistic and long-term basis will help make possible some significant economies; by relieving pressure to build more expensive highways—expensive in term both of money and of scarce land; by enabling more people in more of our crowded urban-suburban areas to move more cheaply and efficiently; and by helping to reduce our dangerously high levels of automotive air pollution.

It is worth noting here, Mr. Chairman, that a recent study in Maryland showed that 80 percent of air pollution in suburban areas is caused by auto exhaust emissions.

There is unquestionably a lot of authority and a lot of money in this bill. But in the case of the mass transportation program, it is long overdue and it is essential.

It is overdue because, up to now, we have put almost all our transportation eggs in one highway basket. The Interstate Highway System alone will have cost us an estimated \$60 billion before it is completed. And the most recent national highway needs report estimated a requirement of \$320 billion for road construction in the next 15 years.

I suggest, Mr. Chairman, that we can get a great deal more transportation for our money with a genuine Federal commitment to the mass transportation program. This is especially true because mass transit is most needed and is most efficient in precisely those areas where highway construction is most expensive and most disruptive: our heavily populated urban-suburban areas.

The urban mass transportation program is essential because, without it, more and more smaller and middle-size communities are going to lose the last of their public transportation—120 transit companies have disappeared in the last 15 years—and public transportation in larger cities will decline to the point of immediate crisis for lack of capital.

I am very sure that our Nation's needs for Federal financial assistance for urban mass transit in all the 50 States far exceeds the seemingly large figure in our bill. We have received reliable testimony that \$17 billion will need to be invested in capital facilities alone during the next decade. Indeed, the needs of just one large metropolitan area—that of New York City environs—alone would consume the \$5 billion that the bill before us would make available over the coming 5 years.

Although the role of the Federal Government in support of urban mass transportation began in 1961 with amendments to existing housing legislation, annual Federal expenditures have not exceeded on the average \$100 million, where the need in yearly amounts since long before 1961 has been nearly treble that amount. The Urban Mass Transportation Act of 1970 is the most substantial measure undertaken so far to establish parity between needs and actual expenditures.

The commitment of this bill to sustained Federal participation over the

coming years of this decade is to a great many its most constructive element. That the projected availability of Federal funds over the next 10 years will serve to rejuvenate local initiative is an important realization of this administration's goal of a vigorous Federal-local partnership.

In its earlier years—and I remember them well—the mass transportation program was a controversial one. This is no longer true. For local officials throughout the country have seen the predictions of crisis come true. They are united now in recognizing the need for substantial Federal assistance and a long-term Federal commitment—not only to save what is left, but to begin to build effective transportation systems for their rapidly growing populations.

The time is late, Mr. Chairman, but the legislation before you can make a significant start in solving what is surely one of the country's most demanding problems.

Mr. PATMAN. Mr. Chairman, I yield such time as he may use to the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Chairman, I rise in support of the Urban Mass Transportation Assistance Act of 1970 which provides the Federal commitment to help cities and States build the modern transportation systems to meet tomorrow's needs.

The outcome of this legislation is critical to the survival of every city's urban transportation systems.

If residents of metropolitan areas are to be given a meaningful choice in their mode of transportation, more than \$10 billion will have to be spent over the next dozen years to construct new rapid transit systems, modernize existing systems, improve bus transportation, and develop new forms of public transportation.

Current mass transit funding levels are totally inadequate to meet this challenge.

Our obsession with the automobile and expressways has resulted in \$16 billion being allocated between 1964 and 1968 for Federal-aid highways, while only about 3 percent of this amount went for mass transit. We have also permitted a 90-10 ratio for Federal-aid highway projects, yet insisted on a two-thirds-one-third approach for mass transit. I have called this method of funding—where we spend about \$37 for highways to every \$1 for mass transit—highway robbery.

With growing populations and increased automobile use, the capacity of the expressways is reached all too quickly. It is a paradox that we can cross the continent by air in a matter of hours—yet it may take just as long to get from the suburbs to the city and back by our present mode of ground transportation.

Mass transportation is not just a convenience but a necessary utility designed to serve the full needs of the community—to carry peak-hour traffic to business and industrial jobs without congestion, serve other areas of less density

easily, and still permit satisfactory personal automobile driving for those who choose to use this mode of transportation.

Clearly, the need is for a balanced transportation system where the automobile, feeder buses, outlying parking provisions, and high speed rapid transit will combine to meet the urgent transportation needs of our cities—especially for the very young, old, poor, and handicapped who must rely upon exclusively public transportation.

While I would have favored the mass transportation trust fund approach financed by earmarking a portion of what is now a declining automobile excise tax specifically for mass transit—and I introduced legislation last year to this effect—nevertheless, I feel that the commitment to the communities inherent in this legislation is a Federal recognition of the gravity of the situation, and will provide the assurance and financing to assist our local communities to develop the transportation plans most suited to their own needs.

Specifically, in Pittsburgh, funding under this legislation will support the early action program of the Port Authority of Allegheny County which features a 10.5-mile elevated transit expressway—TERL—or skybus between Pittsburgh's Golden Triangle and the South Hills area. The area represented in Congress by my good friend from the other side of the aisle, the gentleman from Pennsylvania (Mr. FULTON).

The program also includes plans for two exclusive bus lanes, we call them "patways"—one covering an 8-mile stretch would go from downtown Pittsburgh to Shadyside, East Liberty, Homewood, and Wilkinsburg, ending in Edgewood; the other, would cover a 4½-mile stretch, originating in the Golden Triangle and running out to Overbrook.

We have an example of time saved in a counterpart to this idea in Washington, D.C., where two lanes of a 4-mile stretch on Shirley Highway, reserved exclusively for buses, have saved about 20 minutes for commuters coming from the suburbs to jobs in the District. I understand that this has resulted in a decrease of approximately 400 cars from the road thus far, and has increased bus riders one-third. The early action program is designed to provide efficient, safe, and comfortable rapid transit for more than 900,000 people living in 53 municipalities of Allegheny County, and is sorely needed.

While we do have a desperate need to relieve the congestion in our swollen cities, and the noise and pollution caused by our ever-increasing reliance on the automobile, this is only one side of the present urban highway problem.

Another side is reflected in the fact that highway construction has reached the point in many cities where there is now strong and understandable resistance on the part of our citizens to further wholesale taking of business and residential property. Nowhere is this more of a disaster than in Pittsburgh where residents and small business owners of the East Street Valley, on Pitts-

burgh's North Side, have been involved in a relocation mess for the last 10 years, as a result of the construction of Interstate Highway 79. Urban highways which require such a large amount of densely populated areas cannot be relied upon to facilitate the movement of vehicles and people from place to place involves too high a cost in the disruption of human lives.

We in Pittsburgh are beginning to realize that people are more important than pavement—homes more important than highways.

I am very proud that Pittsburgh, which has become a recognized symbol of progressive change in meeting urban problems and has been host city to four International Conferences on Urban Transportation, was chosen last year by the Department of Transportation, along with five other cities, to participate in a program for designing and implementing improved center city transportation systems, involving local organizations and groups, as well as transportation and research experts in the planning and development process.

The results of these studies in the core city areas are designed to provide the Department of Transportation with the practical information needed to put the right hardware on the streets and on exclusive rights-of-way in these cities, and ultimately across the country. The necessary money for this effort must be authorized here today.

As I see it we have eight metropolitan transportation challenges facing us today: We must achieve equality of access to urban educational, job, and cultural opportunities; improve the quality of transit services; relieve traffic congestion; enhance the efficiency of mass transit equipment and facilities; arrive at more efficient land use; provide cleaner, quieter, more attractive public transportation; provide alternative choices to metropolitan residents of mode and style of living; and find the solution to an orderly improvement of our urgent transportation problems without preempting long-range solutions for the future.

Mr. Chairman, if our cities are to continue to be the centers of banking, business, education, and culture, it is essential that we revitalize the vital arteries of rapid transit.

I am hopeful that the increased level of funding for mass transit in this legislation, the assurances provided by long-term contract authority, along with provisions for loans directly to public authorities, increased public hearings procedures, loans for advanced acquisition of rights-of-way, and an increase in the ceiling limitation for authorizations to states—so important to Pennsylvania—will permit our local communities, cities, and States to make a substantial start toward meeting the great transportation challenge of the 1970's.

Mr. RYAN. Mr. Chairman, the transportation morass which faces this Nation today is indeed a serious one.

Millions of cars clog our streets and highways every day, making rapid and efficient transportation a virtual impossibility.

Those who cannot drive or own cars find the transportation problem even more serious. They not only cannot get around quickly and efficiently, but they also have difficulty getting around at all.

This Nation has poured billions of dollars into a network of highways which have brought too many motor vehicles to the roads and which have crippled transportation as a result.

At the same time, the Nation has turned its back on ailing mass transportation. Mass transportation revenues have severely declined; service has deteriorated; and fares have been increased.

Expenditures for mass transit have been frugal to say the least. Severe funding limitations have made it difficult for present systems to expand and for new systems to be planned and implemented.

The bill before us today, H.R. 18185, the Urban Mass Transportation Assistance Act of 1970, authorizes up to \$5 billion to finance programs and activities for mass transportation as provided in the 1964 Urban Mass Transportation Act. The new authorization would be available until the \$5 billion is obligated.

This authorization, although far from what is needed, is greater than that provided for in the Senate bill, S. 3154, which limits actual expenditures to \$1.86 billion over the next 5 years with a contract authority of \$3.1 billion.

Although the House bill is an improvement over the Senate legislation, it still does not adequately deal with the problem. A more realistic expenditure over the next 5 years would be a minimum of \$10 billion.

In New York State, the State Metropolitan Transportation Authority has projected that it will need \$2.1 billion over the next 7 years.

This illustrated the magnitude of financing necessary to rejuvenate our transportation system through mass transit. It has been estimated that \$20 billion would be a conservative estimate of the amount needed to perform this rejuvenation.

It is time to come to grips with this problem. The Federal Government, and only the Federal Government can make the difference. Without the type of Federal support of mass transit that has been given to highway construction in the past, an adequate mass transportation network cannot be built. And if such a network is not built, the country will simply sink deeper into our present transportation morass.

The Federal Government must recognize the financial crisis facing our cities and provide operating subsidies for urban mass transit. I have introduced legislation to help underwrite operating expenses since 1966. My bill, H.R. 47, would amend the Urban Mass Transportation Act of 1964 by providing for grants on a two-thirds, one-third matching basis to go to the public transportation authority having broad responsibility for maintenance of commuter transportation.

I object strenuously to arbitrary limitations placed on the amount of funds available under various Federal programs to any one State. I have introduced H.R. 627 which would repeal the arbitrary ceil-

ing of 12½ percent that each State can receive in capital grants. Through a 1966 amendment, the Secretary has a discretionary fund of \$12.5 million to use in States which receive grants in excess of two-thirds of the maximum grants under the 12½-percent ceiling.

The House bill changes the discretionary fund from \$12.5 million to 15 percent of the amount of authorized contractual obligations. However, this is still putting an unrealistic restraint on States with greater transportation needs, and it should be repealed.

To deal with the severe imbalance between Federal funds for highway construction and funds for mass transit, I have introduced H.R. 48, which would allow a State to elect to use funds from the highway trust fund for the purpose of urban mass transportation. It is essential that there be a balanced transportation system.

The bill before us recognizes the transportation crisis to a greater extent than does the Senate bill, and its obligatory authority of \$5 billion must be retained. I urge my colleagues to resist any amendments which would reduce it. Congress has the power to begin to rescue our country from the transportation morass and to make the future one in which mobility—and not immobility—will be a way of life.

I am inserting in the RECORD my testimony before the House Banking and Currency Subcommittee on Housing on March 11, when it held hearings on mass transportation legislation:

STATEMENT OF CONGRESSMAN WILLIAM F. RYAN BEFORE THE HOUSE SUBCOMMITTEE ON HOUSING OF THE COMMITTEE ON BANKING AND CURRENCY, MARCH 11, 1970

Mr. Chairman, I am very pleased to have the opportunity to appear today before the Banking and Currency Subcommittee to discuss a matter of national importance—transportation.

I am sure that I do not have to point out to any Members of the Committee how difficult it is, in this day and age, to get from one place to another—especially within a congested city. All of us have experienced the problem of trying to get someplace and being delayed—either by traffic or poor transportation systems.

Many feel that the answer to our transportation problems is the building of new highways. I do not agree.

We presently have plenty of highways. They are virtually interstate parking lots. The number of automobiles on the road has doubled since 1950. At that time, there were about 40 million registered cars; today, that number is about 80 million.

Highways have been built too often through the inner city, displacing businesses and local residents. In the end, people have been uprooted to accommodate the construction of another road which will carry automobiles at a snail's pace.

In addition, highways do not help to solve the mobility problems of those who do not have cars, but who desperately need transportation.

This includes the poor—who cannot afford cars and the handicapped or elderly—who cannot drive or cannot afford vehicles.

Over fifty percent of the people who do not use the automobile to get to work have family incomes below \$4,000. To these people, the availability of mass transit is essential.

Transportation is traditionally worse in the ghetto areas. Those who need to get to another part of the city or to a local suburb

often find themselves making several transfers over a long period of time before they get to their destination. Others, who find commuting impossible, do not work.

The lack of transportation is a definite causal factor in the employment rate in these areas.

Recently, the Watts area of Los Angeles had a demonstration project set up to get workers to and from their jobs in other parts of Los Angeles. During a three month period, the number of people using this service increased dramatically—people were, for the first time, able to get to jobs.

An express route has been set up in Washington to facilitate persons in southeast Washington who have jobs in the northwest area, and this has met with similar success.

Thus mass transit, opens up a whole new world for those who cannot or do not own or drive a car.

Another detrimental effect of the highway and the automobile is air pollution. The auto is the primary polluter of the air.

Adequate transportation is important to every aspect of our life—employment, economic needs, and social and recreational needs.

Why then has adequate transportation been ignored?

Why has the demand for highways completely overshadowed the need for clean, efficient, and moderate transportation for all?

Although our nation has become increasingly urbanized, transit revenues have dwindled.

Twenty years ago, approximately 1400 companies were operating transit lines; today, this number is less than 1100.

Twenty years ago, there were 87,000 transit vehicles serving our citizens; today, there are only about 60,000.

The American Transit Association reports that during this 20-year period, both the number of passengers and therefore, passenger revenues were reduced. The number of passengers dwindled from 13.8 billion to 6.6 billion; revenues went from a profit of \$66 million annually to a deficit of \$160 million. Services were cut back and rates were increased.

The Congress must make a commitment to provide an adequate level of funding for mass transit. While the federal government has spent huge sums of money on the building of highways, it has spent very little on mass transit.

The following table shows the obligation of funds for the Urban Mass Transit Grant Fund as compared with the Highway Trust Fund:

Year	Highway trust fund	Urban mass transit fund
1967	\$3,734,448,000	\$156,925,000
1968	4,171,094,000	131,873,000
1969	4,599,283,000	134,871,000
1970 estimate	3,942,630,000	180,000,000
1971 estimate	4,810,420,000	214,000,000

The Senate bill, S. 3154, limits actual expenditures to \$1.86 billion over the next five years with a contract authority of \$3.1 billion. This is not enough.

Compare the \$1.86 billion over five years for mass transit with the \$4.5 billion annual expenditure for highways!

Although the Senate bill in its statement of findings states, ". . . that success will require a Federal commitment for the expenditure of at least \$10 billion over a 12-year period," this language is not binding in any way. The bill does not provide obligation authority for the additional \$6.9 billion.

Many cities are going to need funds to develop new, proposed transit systems as in Atlanta, Baltimore, Los Angeles, Miami, Minneapolis-St. Paul, Pittsburgh, and Washington—funds totalling \$17.708 million.

Boston, Chicago, Cleveland, New York, Philadelphia, and San Francisco will need funds to modernize existing facilities or work on already started systems.

The New York State Metropolitan Transportation Authority has estimated that it will require \$2.1 billion over the next 7 years.

If New York receives the same percentage of mass transit appropriations as in the past, Federal assistance would be between 20 percent to 25 percent of the cost—a sum beyond the ability of local government to pay.

In testimony before the Senate Committee, Under Secretary of Transportation James Beggs estimated that new and existent transit facilities will need about \$10 billion over the next ten years. Other committee witnesses felt the need was \$20 billion. With the problem of inflation and rising construction costs, the \$20 billion estimate is undoubtedly conservative.

I urge this Committee to provide obligation authority for at least \$10 billion over the next five years.

The nation faces a transportation crisis. If it is to be solved, federal assistance is needed not only for the acquisition of capital equipment, but also for subsidization of operating costs.

I have introduced legislation since 1966, which would permit the federal government to underwrite a major portion of the operating expenses of any transportation facility which provides commuter service in an urban area.

The purpose of this legislation, H.R. 47 in the 91st Congress, would be simply to keep our commuter systems working and to put them on a self-sustaining basis.

This bill would amend the Urban Mass Transportation Act of 1964 by providing for grants on a two-thirds, one-third matching basis to go to the public transportation authority having broad responsibilities for maintenance of commuter transportation.

Certainly, we must realize that the cost of transit systems is not limited to construction and other capital improvements. Operating expenses make up a very important part of the costs of a commuter system, and they must be acknowledged.

My bill would erase the artificial line drawn between capital costs and operating costs, making both of them eligible for federal assistance.

Opponents of this approach may say that once the federal government begins to subsidize operating costs, that it will begin to set fares, schedules, and eventually run the commuter line.

This is an extremely weak argument. The purpose of the legislation is to subsidize our transit systems so that they do not continue to die. In the past, subsidies have been attempted through fare increases. But fare increases have reached the limit in most of our cities and still do not cover operating expenses.

Under the Mass Transit Act of 1964, capital grants to any one state can not exceed 12½ percent of the funds authorized, except that under a 1966 amendment to the 1964 Act the Secretary has a discretionary fund of \$12.5 million to use in the states which have received grants in excess of two-thirds of the maximum grants under the 12½ percent ceiling.

I have constantly opposed such arbitrary ceilings which have no objective relationship to the actual needs of any single state, and I have introduced H.R. 627 to repeal the limitation.

The limitation ignores the hard fact that certain states with high urban populations need transit funds a great deal more than states which are predominantly rural.

This is an arbitrary limit which does not realistically look at the transportation needs of each state. For this reason alone, it should be repealed.

The original Senate bill would have provided to the Secretary of Transportation—a discretionary fund equal to 15 percent of the total authorization. Unfortunately, that was amended on the Senate floor to 7.5 percent with a limitation to any one state of 15.5 percent.

This limitation does not acknowledge that certain states have greater transportation needs than others. I still feel that a maximum percentage is an artificial barrier and should be repealed. I urge this subcommittee to at least adopt the original Senate language.

I have pointed out the disparity between federal funds for highways and for mass transit. Money in the Federal Highway Trust Fund should be available for other urban transportation. To accomplish this, I have introduced legislation in the past three Congresses.

Mr. bill, H.R. 48, would allow a state to elect to use funds from the Highway Trust Fund for the purposes of urban mass transportation.

This approach will not particularly appeal to those who advocate more highway construction. They argue that revenue from the Highway Trust Fund is collected from those who use the highways, and therefore, it is unfair to use it for mass transit.

Another way to attack the mass transit problem is to create a "trust fund" for mass transportation which would be similar to that which now provides money for highway construction.

I have cosponsored a bill with Congressman Koch, H.R. 10555, which would establish such an urban mass transportation fund.

Under present law the federal share of the net project cost is two-thirds. I believe this should be increased to 90 percent—the same ratio of federal funding as exists for highways. Local governments should not be tempted to select highways over mass transit because the federal government will finance the former to a greater extent.

As the time is growing shorter for us to solve the problems of pollution, so is it growing short for us in the field of transportation.

We have the 747 and in the near future, the SST. But what good will it do to be able to get from one part of the country, or even from abroad, to another part, swiftly by air—when after the plane has landed, it may take almost the same amount of time to get from the airport to the final destination.

We are a country of clogged highways. At rush hour, in large cities and small towns alike, we are immobile.

For those who own cars, transportation is often intolerable.

For those who do not own cars, transportation is often non-existent.

Our citizens should be rescued from this immobility. The right of transportation for all Americans must be secured.

Mr. REUSS. Mr. Chairman, as Members know, I have had my differences with the Department of Transportation, and in particular, with the decision to continue spending on the supersonic transport.

I am especially pleased, therefore, to rise in wholehearted support of H.R. 18185, which commits the Federal Government to a \$10 billion 12-year program to improve urban mass transportation in this Nation. I commend Secretary Volpe, Under Secretary Beggs, and Urban Mass Transportation Administrator Carlos Villarreal for coming forward with this bold and much needed program and for their tenacity in seeing it through the Congress.

Urban mass transit has too long been the neglected stepchild under Federal aid programs for transportation. While

we have spent more than \$36 billion on highways, we have spent a paltry \$795 million on urban transit. While we have steadily paved over our countryside and cities only to reap increased congestion and intolerable pollution, we have watched our urban transit systems decay and die. While we have done our utmost for automobile owners and truckers, we have left the poor, the aged, and handicapped stranded in our urban centers—stranded by transit systems that if operative at all can take them neither safely, nor speedily nor economically, to the jobs and assistance they need.

The Urban Mass Transportation Act of 1964, of which I was proud to be a cosponsor, made a start in meeting our transit crisis. But it failed to provide enough assistance to meet accumulated needs for capital improvements. And it failed to provide local governments with a long-term commitment of support from the Federal Government that would enable them to plan for large-scale transit investments.

H.R. 18185 will go far to provide the funds and the commitment that have been lacking. True, the contract authority it contains is a less iron-clad assurance of long-term funding than the trust fund that I and other Members have supported. But we have the Secretary's promise to come up with a study of a single transportation trust fund within a year—which may well be a better approach than proliferating single-purpose trust funds. In the meantime, cities can start making plans this year on the basis of the 5-year obligation authority provided in H.R. 18185.

True, \$10 billion probably will not be enough to get the massive improvement in mass transit that our cities large and small so badly need. But the program we are considering today provides for an infinitely more realistic level of funding than Congress has been willing to contemplate in the past. It is a good base on which to build.

I note also, Mr. Chairman, that this program will permit an expanded research, development, and demonstration effort in urban transportation. If we are to save the centers of our cities and free them of the automobile, if we are to put order in our urban sprawl, if we are to roll back the pollution caused by the internal combustion engine, we must move beyond the bus and rail systems we have at present. The some \$500 million that will be allocated to research and development under this program should help to get the new and imaginative solutions to our transit problems that we need.

Section 9 of H.R. 18185, which has been included at my request, is also intended to encourage innovation, and to get industry and Government working together on new transit technology. Specifically, this section directs the Secretary of Transportation in all ways—including the provision of technical assistance—to encourage industries suffering from cutbacks in spending on space, military, and other Federal projects to compete for the capital grants and research and development money provided in this bill.

As we reorder our priorities, as we be-

gin to tackle the domestic problems—including mass transit—that we have too long neglected, we will need to enlist the best our industries have to offer in talent and advanced technology. We can avoid much of the pain of reconversion and get a huge social dividend if we put our giant aerospace and other defense firms to work, starting now, on our housing crisis, our polluted environment, and our outdated and inadequate systems of mass transit.

Section 9 asks for a joint industry-Government effort on mass transit. Other sections of H.R. 18185 provide the necessary wherewithal. I urge Members to give mass transit the fighting chance it deserves for the good of us all, and to support H.R. 18185.

Mr. PHILBIN. Mr. Chairman, this bill is very necessary to many communities and people all over this great Nation.

It represents a real effort to service an urgent national need that this Congress must find some way to meet adequately.

Our American society, extremely complex and intricate as it is, cannot function as to many vital areas without adequate transportation in and between our many urban and urban-related communities.

This bill should relieve many shortcomings and fill many urgent needs and I am pleased to support it wholeheartedly. It is of great importance to the Nation.

Mr. GERALD R. FORD. Mr. Chairman, I endorse the Urban Mass Transportation Assistance Act of 1970 as recommended by President Nixon. The need for this legislation is beyond question. Without revitalized mass transit, the Nation's transportation problems will never be solved. Burgeoning numbers of automobiles and thousands of more miles of concrete are not alone the answer.

I urge the approval of this program in the amount of \$3.1 billion, Mr. Chairman. That is the level of investment in mass transit needed for the welfare and vitality of our urban areas and the development of efficient and coordinated mass transportation systems. This legislation has my wholehearted support.

Mr. REID of New York. Mr. Chairman, I rise in strong support of H.R. 18185, the Urban Mass Transportation Assistance Act of 1970.

For the past decade, our cities have been choking on a growing influx of private automobiles which belch air pollution, create traffic jams, and add the blare of honking horns to other urban noises. The public's reliance on the automobile can be attributed in large part to the priorities set by Government spending. For example, in fiscal 1970, the Federal Government provided \$2.2 billion for urban highways, while all programs for urban mass transit in the coming year total \$214 million—less than one-tenth as much.

The bill before us today would begin to provide the funds which are necessary if we are to have an efficient mass transit system in this country. Specifically, H.R. 18185 would provide for 5-year contract authority for \$5 billion for mass transit, compared to the Senate bill's \$3.1 billion. Federal grants would cover

up to two-thirds of the net cost of a mass transit project; and, while Federal grants would go only to States and local public bodies, nonpublic sources would be authorized to provide the local share of net project costs. This would make it possible for private transit companies to cover all the non-Federal share of net project costs, and relieve the financial burden on local governments.

This legislation would also authorize the Secretary of Transportation to provide 10-year loans for advance acquisition of real property which will be needed for urban mass transportation systems. Acquisition of such property in advance of construction has become increasingly important as urban land becomes a more scarce and valuable resource.

The environment would be protected by H.R. 18185's requirement that local public hearings, stressing a project's impact on the environment, precede obligation of Federal grants.

Commuters in my own district in Westchester County, N.Y., are painfully aware of the need for increased Federal assistance to improve our mass transit system. Regular passengers on the Penn Central's commuter divisions, they have been plagued by a series of fires and breakdowns through the summer, and can look forward only to more of the same when cold weather comes.

The Urban Mass Transportation Administration at DOT has already agreed to provide \$28 million for modernization of the railroad's New Haven division once it has been taken over by the States of New York and Connecticut. However, much more Federal money will be needed if the New Haven's riders are to have comfortable, safe, and efficient service—and additional grants will be impossible without this bill.

We must change our transportation priorities and end our reliance on cars if our urban areas are to survive and if our city residents are to get to work on time. Even the amount provided in this bill is pitifully small in relation to both the needs of our commuters and the threat to our urban environment. Therefore, for the sake of my own constituents and for commuters in urban areas all over the country, I urge that my colleagues approve the full funding in the bill reported out by the Banking and Currency Committee, and resist any efforts to reduce the contract level to that approved by the Senate. We cannot begin to develop a balanced transportation system in this country until we provide adequate funding for urban mass transit.

I urge the passage of this bill.

Mr. HALPERN. Mr. Chairman, I am deeply concerned about the condition and future prospects of our urban mass transportation systems generally. For this reason, I rise to express my support for H.R. 18185, the Urban Mass Transportation Assistance Act, which, although I am listed as a cosponsor, is but a first step toward the kind of involvement by the Federal Government that is really necessary if we are to ever solve the problems of transportation in this Nation.

This morning I read in the newspaper that the Census Bureau has released

data showing that one-sixth of this Nation's population lives in the populous megapolis which stretches from Boston through Washington. I and a number of my colleagues in this body represent the people of this megapolis, and we are all worried about the future of surface transportation for our constituents.

The U.S. Chamber of Commerce has polled local chambers throughout the country on the urban transportation situation in their respective communities. In all, 152 cities in 44 States responded. Of these, 41 percent indicated that their transportation problems were either critical or were growing progressively worse. Thus with these poll results, we are forewarned that nearly half of our urban mass transit systems are in trouble or heading directly for it.

These problems are serious for, even though our megapolis on the eastern seaboard is growing ever larger and the metropolitan boundaries of the cities across the land are reaching farther and farther outward, the number of people who are using the mass transit systems are dropping off each year. It is nothing less than incredible that, as population and need increases, actual usage of these systems decreases. And it is no wonder. In my own district in Metropolitan New York, many thousands of people have to go to and from work each day by taking a bus to the subway and the subway to work—or, perhaps, to another bus ride in the city, thereby paying double and even triple fares on just one leg of their commute. And when the fares jumped skyhigh last year, a large number of these commuters chose to take their cars to work rather than pay the exorbitant commuting rates. In turn, this means the highways and parking lots are more glutted and the air is more polluted by the additional exhaust fumes.

I stated earlier that I thought this bill represented only a first step toward what is ultimately needed by New York City and other metropolitan areas across the Nation. In committee, I urged for adoption of a provision that the Federal Government get into the business of providing operational subsidies in those cities where it is needed in order to reduce already astronomical fares or to maintain fares at their present level. The Secretary of Transportation, despite precedents in the airline industry and maritime industry, insisted such involvement would bring the Government into labor disputes. Virtually every spokesman, who appeared before the committee as a representative of a metropolis, agreed that operational subsidies are a necessity. As a result, this bill contains in section 8 a mandate from the Congress to the Secretary of Transportation, requiring that he come back to us within a year and that he give us a program which will permit the granting of operational subsidies. This does not go as far as I would like, but it is an important first step.

The bill also does not contain any provision for a highway trust fund, out of which our cities could draw the billions of dollars necessary to conduct the kind of program that is needed here. I believe that when we are ready to take this sec-

ond step, we should provide the funds from this trust fund to the cities on a block-grant basis so that each city can develop the kind of well-balanced system of transportation that is needed for its people. And keep in mind, the kind of money we're talking about runs into the billions—\$10 billion in the next decade is a bare-bones minimum, and we will need much, much more before it is over. New York City, alone, is committed to spending over \$1 billion in city funds in the next 10 years.

Finally, I still contend that this bill ought to have created incentives for the control of pollution in all modes of transportation. I was pleased that we came out of committee with the environmental protection, but I would have been happier with a bill that included jet plane pollution, auto exhaust pollution, and others.

However, as I stated at the outset, this is merely a first step in a program that, I am sure, will expand. This is going to be a shot in the arm for an industry that is quickly falling behind. In 1968, the industry reported hauling just over 8 billion passengers—a drop of more than 1.7 billion riders in just one decade.

A decline of transit patronage inevitably sets up a vicious cycle of events which contribute to the further deterioration of the transit system. The resulting loss of revenue from shrinking patronage leads to reduced services of poorer quality as well as fare hikes. Such actions, in turn, usually lead to further declines in patronage. If the situation continues, our mass transit systems will be white elephants reserved for the very, very rich.

Thus, our problem is to stop this trend toward less and less, poorer and poorer transit service. In the chamber of commerce poll that I mentioned earlier, 78 percent state that further improvement of their transit systems would depend on additional financing.

Additional financing is precisely what H.R. 18185 will provide. It establishes a Federal commitment of \$10 billion for such assistance over the next 12 years and authorizes a total of \$5 billion to finance urban transit programs and activities. The \$4 billion authorization is graduated into increasing annual increments to enable the program to accelerate over the next few years.

I believe this proposal contains a sufficiently firm commitment by the Federal Government to encourage local governments and transit organizations to enter with confidence into long-term programs needed by most expanding areas. Such complete confidence in the Federal policy and program is the key to the success of this revitalization effort.

Mr. Chairman, I represent Metropolitan New York, which must represent the epitome of transportation needs as it carries out its monumental task of carrying its residents around the city. Each day, New York's teeming subway system—now dirty and antiquated—carries over 4 million riders; its bus system carries over a million more. Over 700,000 cars enter the city's central section daily. These facts demonstrate to me—a layman in this area—that it is perfectly

obvious that New York simply must maintain a transit system adequate enough and attractive enough to preserve a broad ratio between the two, and above all to keep the transit system as New York's prime mover.

New York is moving ahead with a substantial program to improve and expand its transportation complex. But fares alone cannot pay for the program, which is expected to cost over \$2 billion. To maintain a decent level of services, there must be financial assistance from outside the industry. State bonds will help, but the undertaking is so huge as to be likely without precedent.

The answer to the problem of giving a fresh start to our urban transit systems is H.R. 18185. Without a vigorous shot in the arm from the Federal Government, these transit systems will continue to deteriorate. Now we have, at least, a beginning in our efforts to turn the tide.

Mr. Chairman, with urban transportation in the balance—and with it our cities—I support H.R. 18185. I urge that it be passed by the House.

Mr. ANDERSON of Illinois. Mr. Chairman, the bill which we are considering today is an extraordinary piece of legislation even though its parent act is now 6 years old. For one thing, this bill authorizes a \$10 billion Federal expenditure for urban mass transit over a 12-year period. But even more important, for the first time ever we are granting the Secretary of Transportation long-term contractual authority to obligate \$3.1 billion for mass transit projects over the first 5 years. The significance of this long-term obligational authority is obvious: it means that cities will now have the assurance that once a project has been approved, funds will be available to carry it to completion. There has been a justifiable reluctance in the past to undertake a project knowing that a funds cutoff could leave the city with nothing more than a hole in the ground.

Mr. Chairman, I want to commend the administration and the Banking and Currency Committee on this bold new departure and long overdue commitment to providing mass transportation systems in our urban areas. When one considers the fact that 70 percent of the 205 million people in this country now live in urban areas, and that, by the turn of the century, 90 percent of the projected 300 million people in the United States will live in urban areas, the need for such mass transit systems becomes readily apparent. Consider further that between 1945 and 1965, the number of automobiles in this country increased from 50 to 75 million, and that by the year 2000 there will be an additional 75 million autos in urban areas alone. Factor into all this the fact that the automobile is responsible for 80 percent of the air pollution in urban areas, not to mention its contribution to traffic congestion.

Mr. Chairman, I have no doubt that we will soon have a pollution-free automobile, but this does nothing to solve the problem of concrete and steel pollution which is strangling our urban areas. It is obvious that we must devote more of our resources to developing

alternate means of transportation which are quicker, safer, and more efficient. The bill which we are considering today will go a long way toward realizing that goal.

H.R. 18185 authorizes Federal aid to urban mass transit systems on a 2-to-1 matching basis; that is, with the Federal Government footing two-thirds of the assistance and the State and local authorities contributing at least one-third of the funds. As with the 1964 act, no more than 12 percent of the total amount available for obligation can go to any one State, but unlike the 1964 act, this bill increases the Secretary's discretionary fund authority from 7.5 to 15 percent. This flexible provision clearly recognizes that the needs of the more urbanized States are greater than those of the more rural States and helps to insure that no one will be left hanging on a limb, or, to use a more accurate metaphor, left stuck with a hole.

Finally, I want to commend the committee on section 6 of the bill which deals with environmental protection. The procedures outlined in this section are totally consistent with the objectives and provisions of the National Environmental Policy Act of 1969 and the Environmental Quality Improvement Act of 1970, and are designed to insure that new projects will not have an adverse impact on the environment.

Mr. Chairman, I enthusiastically urge the passage of this bill as amended by the gentleman from Massachusetts (Mr. BOLAND).

Mr. OTTINGER. Mr. Chairman, I rise in support of the Urban Mass Transportation Assistance Act of 1970, a bill which will go a long way toward revitalizing and upgrading urban transit throughout the United States.

As our central cities become unbearably congested, as the migration to the suburbs creates massive daily traffic jams of city-bound automobiles, our underfinanced rapid transit systems have been deteriorating and operating under the most marginal conditions. Evidence brought out before the Banking and Currency Committee revealed that some 120 transit companies have been liquidated or absorbed since 1954, with possibly another 90 near bankruptcy now. Without capital financing to improve facilities and equipment, the decline of urban transportation in America will continue until we will be totally dependent on the automobile.

Mr. Chairman, massive Federal assistance for rapid transit is obviously called for if we are to prevent the automobile from clogging our highways and making our air unfit to breathe. Yet, the Federal Government, under existing authority of the Urban Mass Transportation Act of 1964, will spend only \$214 million in fiscal 1971, compared to \$2.2 billion in urban highway expenditures for fiscal 1970. The imbalance is obvious and shows a dangerous neglect of one important element in our present and future transportation requirements.

The bill reported out of committee includes \$5 billion in new obligations for improvement of existing transit services and initiation of new projects. Though the capital requirements for an adequate

urban public transit system approaches \$15 billion for the next decade, we will have the opportunity to continue the programs authorized by H.R. 18185 when the \$5 billion is obligated, hopefully by 1975.

Under this legislation, local authorities will be able to plan and develop new transit projects with full confidence in the long-range commitment of the Federal Government. H.R. 18185 includes a new program of loans for the advance acquisition of real property, while continuing the capital grant and loan provisions presently in force to assist in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment used in mass transportation. It also includes important requirements that economic, social, and environmental effects of mass transportation projects must be taken into account, and guarantees adequate opportunities for public hearings when questions or local controversies arise.

Though I have sponsored legislation to establish a \$10 billion mass transit fund, with other significant differences from H.R. 18185, I believe the bill before us deserves our unanimous support for its potential impact on a vital facet of the urban crisis. We should resist any attempts to cut the funds authorized by H.R. 18185, and we should further urge retention of the \$5 billion level rather than the \$3.1 billion approved by the Senate earlier this year. Much of the equipment and technology of urban mass transit is 30 years behind the times, and with deteriorating service resulting in declining revenues, Congress must act decisively this year to shore up and modernize urban transportation systems and thereby implement our long-range goal of a balanced national transportation system.

Mr. PRICE of Illinois. Mr. Chairman, first came the wheel. Then came another wheel, and another, and another; until today wheels are the heart of this Nation. Without them everything comes to a halt. They carry our food, our mail, and most importantly, our workers. Yet, while these wheels are, and will remain, the heart of the Nation, they are also one of its sorest frustrations. For in the wake of the wheel has come pollution, derelict cars, urban sprawl, and clogged airways, railways, and highways. And like Topsy, the problem just grew.

In a like manner have our cities just grown. Ever increasing proportions of our population now live in the cities and their suburban environs. These people depend on cities that have just grown for their livelihood and on a system of wheels that has just grown to transport them there. I think that it is past time to introduce a modicum of planning into this process.

The need is greatest and most obvious in the area of urban mass transit. Since World War II, as the committee report shows, public transportation has been the victim of a vicious cycle of increasing costs, declining profits and quality, and decreasing traffic. Urban mass transportation today relies to an overwhelming extent on the equipment and techniques of 30 years ago. Why? To a large degree

this situation is our responsibility because of our tendency to make most Federal funds available for highway construction and maintenance rather than public transportation.

The urban population continues to grow and more and more people must daily get to and from our cities. If public transportation is inadequate, inconvenient, or of poor quality they will resort to automobiles. And more and more wheels will bring increasing frustration and delay to our citizens. They will bring frustration both to those who must endure traffic tieups 5 miles in length and also to the poor of our cities who cannot afford cars and who must, therefore, pay higher fares for lower quality service because passenger traffic is down.

This problem is so acute that it has spread from the larger urban areas to smaller communities with populations of less than 25,000. The problem exists and cannot be ignored or evaded. I feel that H.R. 18185 represents a realistic and far-reaching attempt to deal with it.

In the first place, it places an emphasis on the coordination of mass transit services with the highway system. Coordination is a long overlooked necessity if we are to be able to cope with the enlarging size and complexity of the cities and if we are going to be able to help them define their relationship with their outlying suburbs. Second, it is the express purpose of this bill to create a partnership which permits the local community to exercise the initiative necessary to satisfy its urban mass transportation requirements. The burden is definitely on local participation and solution development. The Federal Government is only a helper. Third, there are safeguards against abuse present in this bill. For example, any party with a significant economic, social, or cultural interest in a transportation project may request a hearing. And any proposed project must make a paramount consideration the social effects of the plan and its impact on the environment. Another provision set up to prevent possible abuses is the section designed to provide program continuity. All projects must be consistent with the comprehensive development of the urban area.

All these factors, I believe, have made for a well balanced piece of legislation. Surely it is not the complete answer. There is no one ultimate, fail-safe answer that will suddenly transform our home-to-office journeys from the Frankenstein's monster we have allowed them to become to the high point of our day. However, H.R. 18185 is a beginning step along a road we have long neglected and I urge my colleagues to support its passage.

Mr. MINISH. Mr. Chairman, in 1945 there were 25 million privately registered automobiles in the United States. By 1965, this figure had grown to 75 million. It has been estimated that, if urban population projections materialize and current rates of auto acquisition continue, there will be 150 million automobiles on our roads by the year 2000.

As the demand for more and better transportation facilities has accelerated, it has been met almost entirely in the

form of increased auto ownership and of new highway construction. In contrast, the urban mass transportation industry has experienced declining patronage and net revenues over the last quarter century. Since World War II, public transportation fares have tripled, while revenue passengers have decreased by two-thirds. As a result, an operating income increase of \$149 million in 1945 became a \$130 million deficit by 1968 for the public transportation industry.

A further increase in highway investment alone will not cure the congestion problems of our urban areas. Clearly a massive new effort is needed in the area of urban public transportation.

My own State of New Jersey faces one of the Nation's most severe traffic congestion problems, largely due to the fact that it is so overwhelmingly urban and densely populated. A major obstacle to implementation of New Jersey's master plan for transportation is the lack of sufficient funds. In 1968, the State's voters approved a \$200 million bond issue to revamp an obsolete commuter rail system, but this amount must be supplemented by Federal participation if the project is to be fully successful.

Mr. Chairman, the Urban Mass Transit Assistance Act of 1970 provides a framework within which to begin to restore a balance to Federal transportation policy. This legislation establishes a program of long-term financing for expanded mass transit assistance, with total spending authority of \$5 billion over the next 5 years. The basic 1964 act would be amended to permit the local share of project costs to be met in whole or in part from other public sources. Public hearings would be conducted in order to afford citizens an opportunity to be heard on mass transportation projects affecting their community and applicants would be required to consider the social and environmental impacts of the project. Programs financed under the act must preserve natural beauty and historical assets, and an evaluation of the environmental impact of each project is required.

Mr. Chairman, I urge approval of the Urban Mass Transit Assistance Act of 1970.

Mr. HANNA. Mr. Chairman, it is obvious to me that one of the most pressing problems facing this Nation is the disastrous plight of urban mass transportation. Of special significance is the pressing need for long term financing for the expansion and improvement of urban mass transportation systems. H.R. 18185, the Urban Mass Transportation Assistance Act of 1970, is addressed very appropriately and effectively to this crucial area of concern. I, as one of the bill's sponsors, unhesitatingly support the enactment of this important and very timely legislation.

Today seven out of every 10 people live in urban areas and by the year 2000, 90 percent of the population will live in urban areas. The demand for urban transportation has grown with the expansion of the population and will continue to grow accordingly. Yet, the urban transportation industry has experienced declining patronage and net revenues.

Since 1945 public transportation has

been caught in a cycle of increasing costs, declining profits, decreasing quality, and decreasing traffic. From 1965 to the present, public transportation has suffered larger and increasingly serious operating deficits. Many transit companies since 1954 have experienced rate increases of 300 percent with declines in the number of passengers by two-thirds.

Without the essential urban mass transportation program, more and more smaller and middle size communities are going to lose the last of their public transportation. One hundred and twenty transit companies have disappeared in the last 15 years and 90 other companies are in financial difficulty. Public transportation in larger cities is declining to the point of immediate crises for lack of needed funds.

The large amounts of Federal funds which have been made available to support highway expenditures in urban areas, \$2.2 billion in fiscal year 1970, compares unfavorably to the very small amount, \$214 million for fiscal year 1971, only recently made available for public urban mass transportation. The small amount has affected seriously the decisions made by local governments, local planners, and local voters in the choice between highways and public urban mass transportation as solutions to the urban transportation problem. Public transportation costs must be paid by the user every time he rides a public transportation vehicle. On the other hand, the automobile user does not feel his costs directly when he uses his car. He pays only indirectly by gas tax, highway construction taxes, and the maintenance of his automobile.

Technology and management techniques in urban mass transportation have made limited advances in the last 30 years. In fact, most of urban mass transportation today largely relies on the equipment and techniques developed before World War II. This unfortunate situation has handicapped public transportation's attempts to provide better services, more rapid transit services, and cleaner, more comfortable rides.

A number of factors have contributed in recent years to a climate favorable to new and increased Federal assistance to urban transportation. The difficulties experienced by a great number of the population who cannot afford automobiles or use them readily, the adverse environmental impact of the continued expanded use of the automobile relative to air pollution, and the extreme amount of highway congestion, all have combined to exert pressure on the Federal Government to provide alternative transportation means.

It is clear that if better transportation is provided, the American people will leave their cars to benefit from it and decrease pollution as a main side effect. In Cleveland, for example, a 4-mile rail extension to the Hopkins International Airport is being used by 4,000 passengers a day, twice the number estimated at the time of its opening. Presently, the Cleveland Transit Authority is requesting additional funds to obtain more cars in an effort to expand the program.

During the first months of operation of

the new Metroliner, a congressionally approved and supported mass transit experiment, rail passengers between Washington and New York have increased by 72 percent. The high-speed trains were filled to 76-percent capacity during the first 6 months of the experiment.

Given the critical situation that I have outlined above, I must take exception to the amendment that my colleague from Massachusetts has introduced to reduce the amount of funds available in the next 5 years from \$5 to \$3.1 billion. The proponents of this amendment state that the administration, if given \$5 billion for contract authority, will not be able to commit these amounts to a significant number of projects. I disagree with this assumption for the following reasons.

The current level of requests before the Urban Mass Transportation Administration is over \$1 billion. This amount far exceeds the \$130 million that the Banking and Currency Committee authorizes for appropriation as well as the \$214 million appropriated in advance funding for fiscal year 1971. Further, the Administrator of the Urban Mass Transportation Administration estimated that he would be ready to obligate approximately \$850 million during fiscal year 1971. Thus, the \$1 billion figure does not begin to represent the total needs of the country during fiscal year 1971 and certainly not for the next 5 years.

I would point out, Mr. Speaker, that the past activities of this Congress in this area have not encouraged local commitment to these efforts. With so little funding available, most areas recognized that the chances were slim that they would receive grants. There was, therefore, little if any money and energy expended in the costly process of proposal formulation. The lack of a long-term guarantee has further discouraged the type of commitment that the mass transit field requires to develop viable solutions. Many communities do have plans available for execution. There are hundreds more that are not now in a position to make the plans and submit applications of the size required to meet their transit needs, but who will be if we do provide a significant level of Federal funding. We must bring the level of Federal funding to a point where meaningful transit modernization and construction can be contemplated.

Furthermore, we must consider the provision in the act that limits the amount of money available to each State to 12½ percent of the funds authorized plus a percentage of the remaining funds at the discretion of the Secretary of the Department of Transportation. If the amendment being offered succeeds then programs, such as Bay Area Rapid Transit system, already being built, and the Southern California Rapid Transit District's system, will be seriously inhibited to the detriment of millions of people. It is particularly vital that the original authorization for contract authority not be reduced. The most important requirement is that the money be there for commitment so that communities will know of its availability and be provided with the necessary incentives to formulate plans and make applications.

An additional consideration is the fact that acquisition of real property in advance of construction has become increasingly important as urban land becomes a more and more scarce and valuable resource. Where there is public knowledge of planned mass transportation improvements requiring land acquisition, speculators can and often do, acquire quick possession of key tracts and greatly increase public costs. This is especially true where planned developments involve vacant tracts in urban areas which offer the greatest economy and least displacement if they can be acquired quickly and reserved for later mass transportation development. The funding commitment of this act will enable local public bodies and the Federal Government to achieve great savings in land acquisition costs.

To point out more clearly the direction we in this body must take to alleviate this deplorable situation, I would draw my colleagues' attention to the results of our past efforts, or lack thereof. Over the years, our mass transportation systems have declined significantly in patronage and quality of service, both of which can be attributed to the use of outmoded management techniques and technology. The Federal Government must bear a portion of the responsibility for this unnecessary deterioration.

A recent estimate prepared in an analysis for the UMTA by the Institute of Public Administration sets the 10-year capital requirements for construction at between \$28 and \$34 billion. These estimates far exceed the \$5 billion recommended by the Banking and Currency Committee even though they are based only on what will be required to keep transit ridership constant. More money will be needed if additional riders are to be attracted to public transportation. We must strive to make mass rapid transit more attractive and reduce the use of the private automobile for central city and commuter travel.

We must make the necessary commitment to the Nation's mass transportation systems now for the direct benefit of the urban dweller and workingman in this country. We cannot make this commitment by drastically reducing this authorization.

Mr. PATMAN. Mr. Chairman, we have no further requests for time.

Mr. WIDNALL. We have no further requests for time, Mr. Chairman.

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

H.R. 18185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the rapid urbanization and the continued dispersal of population and activities within urban areas has made the ability of all citizens to move quickly and at a reasonable cost an urgent national problem; that it is imperative, if efficient, safe, and convenient transportation compatible with soundly planned urban areas is to be achieved, to continue and expand the Urban Mass Transportation Act of 1964; and that success will require a Federal commitment for the expenditure of at least \$10,000,000,000 over a twelve-year period to permit confident and continuing local planning, and greater flexibility in program ad-

ministration. It is the purpose of this Act to create a partnership which permits the local community, through Federal financial assistance, to exercise the initiative necessary to satisfy its urban mass transportation requirements.

Sec. 2. Section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602), is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by striking out subsections (a) and (b) and inserting in lieu thereof subsections (a), (b), (c), and (d), as follows:

"(a) The Secretary is authorized, in accordance with the provisions of this Act and on such terms and conditions as he may prescribe, to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas and in coordinating such service with highway and other transportation in such areas. Eligible facilities and equipment may include land (but not public highways), buses and other rolling stock, and other real and personal property needed for an efficient and coordinated mass transportation system. No grant or loan shall be provided under this section unless the Secretary determines that the applicant has or will have—

"(1) the legal, financial, and technical capacity to carry out the proposed project; and

"(2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment.

The Secretary may make loans for real property acquisition pursuant to subsection (b) upon a determination, which shall be in lieu of the preceding determinations, that the real property is reasonably expected to be required in connection with a mass transportation system and that it will be used for that purpose within a reasonable period. No grant or loan funds shall be used for payment of ordinary governmental or non-project operating expenses. An applicant for assistance under this section for a project located wholly or partly in a State in which there is statewide comprehensive transportation planning shall furnish a copy of its application to the Governor of each State affected concurrently with submission to the Secretary. If, within thirty days thereafter, the Governor submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(b) The Secretary is authorized to make loans under this section to States or local public bodies and agencies thereof to finance the acquisition of real property and interests in real property for use as rights-of-way, station sites, and related purposes, on urban mass transportation systems, including the net cost of property management and relocation payments made pursuant to section 7. Each loan agreement under this subsection shall provide for actual construction of urban mass transportation facilities on acquired real property within a period not exceeding ten years following the fiscal year in which the agreement is made. Each agreement shall provide that in the event acquired real property or interests in real property are not to be used for the purposes for which acquired, an appraisal of current value will be made at the time of that determination, which shall not be later than ten years following the fiscal year in which the agreement is made. Two-thirds of the increase in value, if any, over the original cost of the real property shall be paid to the Secretary for credit to miscellaneous receipts

of the Treasury. Repayment of amounts loaned shall be credited to miscellaneous receipts of the Treasury. A loan made under this subsection shall be repayable within ten years from the date of the loan agreement or on the date a grant agreement for actual construction of facilities on the acquired real property is made, whichever date is earlier. A grant agreement for construction of facilities under this Act may provide for forgiveness of the repayment of the principal and accrued interest on the loan then outstanding in lieu of a cash grant in the amount thus forgiven, which for all purposes shall be considered a part of the grant and of the Federal portion of the cost of the project. An applicant for assistance under this subsection shall furnish a copy of its application to the comprehensive planning agency of the community affected concurrently with submission to the Secretary. If within a period of thirty days thereafter (or, in a case where the comprehensive planning agency of the community (during such thirty-day period) requests more time, within such longer period as the Secretary may determine) the comprehensive planning agency of the community affected submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(c) No loan shall be made under this section for any project for which a grant is made under this section, except—

"(1) loans may be made for projects as to which grants are made for relocation payments; and

"(2) project grants may be made even though the real property involved in the project has been or will be acquired as a result of a loan under subsection (b).

Interest on loans made under this section shall be at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Transportation to cover administrative costs and probable losses under the program. No loans shall be made, including renewals or extensions thereof, and no securities or obligations shall be purchased, which have maturity dates in excess of forty years.

"(d) Any application for a grant or loan under this Act to finance the acquisition, construction, reconstruction, or improvement of facilities or equipment which will substantially affect a community or its mass transportation service shall include a certification that the applicant—

"(1) has afforded an adequate opportunity for public hearings pursuant to adequate prior notice, and has held such hearings unless no one with a significant economic, social, or environmental interest in the matter requests a hearing;

"(2) has considered the economic and social effects of the project and its impact on the environment; and

"(3) has found that the project is consistent with official plans for the comprehensive development of the urban area. Notice of any hearings under this subsection shall include a concise statement of the proposed project, and shall be published in a newspaper of general circulation in the geographic area to be served. If hearings have been held, a copy of the transcript of the hearings shall be submitted with the application."

Sec. 3. (a) Section 4(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603(a)), is amended—

(1) by striking out "section 3" in the first sentence and inserting in lieu thereof "subsection (a) of section 3"; and

(2) by striking out the next to the last

sentence and inserting in lieu thereof the following: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

(b) Section 4 of such Act, as amended (49 U.S.C. 1603), is amended by adding at the end thereof the following new subsections:

"(c) To finance the programs and activities, including administrative costs, under this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed \$5,000,000,000. This amount (which shall be in addition to any amounts available to finance such programs and activities under other provisions of this Act) shall become available for obligation upon the date of the enactment of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed \$130,000,000 prior to July 1, 1971, which amount may be increased to not to exceed an aggregate of \$500,000,000 prior to July 1, 1972, not to exceed an aggregate of \$1,150,000,000 prior to July 1, 1973, not to exceed an aggregate of \$2,000,000,000 prior to July 1, 1974, not to exceed an aggregate of \$3,000,000,000, prior to July 1, 1975, and not to exceed an aggregate of \$5,000,000,000 thereafter. Sums so appropriated shall remain available until expended.

"(d) The Secretary shall report annually to the Congress, after consultation with State and local public agencies, with respect to outstanding grants or other contractual agreements executed pursuant to subsection (c) of this section. To assure program continuity and orderly planning and project development, the Secretary shall submit to the Congress (1) authorization requests for fiscal years 1976 and 1977 not later than February 1, 1972, (2) authorization requests for fiscal years 1978 and 1979 not later than February 1, 1974, (3) authorization requests for fiscal years 1980 and 1981 not later than February 1, 1976, and (4) an authorization request for fiscal year 1982 not later than February 1, 1978. Such authorization requests shall be designed to meet the Federal commitment specified in the first section of the Urban Mass Transportation Assistance Act of 1970. Concurrently with these authorization requests, the Secretary shall also submit his recommendations for any necessary adjustments in the schedule for liquidation of obligations."

Sec. 4. Section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604), is amended by striking out the next to the last sentence and inserting in lieu thereof the following: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

Sec. 5. Section 6(c) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605), is amended by striking out "authorization provided in section 4(b)" each place it appears and inserting in lieu thereof "authorizations provided in section 4".

Sec. 6. Section 14 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1610), is amended to read as follows:

"ENVIRONMENTAL PROTECTION

"Sec. 14. (a) It is hereby declared to be the national policy that special effort shall be made to preserve the natural beauty of the countryside, public park and recreation lands, wildlife and waterfowl refuges, and important historical and cultural assets, in the plan-

ning, designing, and construction of urban mass transportation projects for which Federal assistance is provided pursuant to section 3 of this Act. In implementing this policy the Secretary shall cooperate and consult with the Secretaries of Agriculture, Health, Education, and Welfare, Housing and Urban Development, and Interior, and with the Council on Environmental Quality with regard to each project that may have a substantial impact on the environment.

"(b) The Secretary shall review each transcript of hearing submitted pursuant to section 3(d) to assure that an adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest, and that the project application includes a detailed statement on—

"(1) the environmental impact of the proposed project;

"(2) any adverse environmental effects which cannot be avoided should the proposal be implemented;

"(3) alternatives to the proposed project, and

"(4) any irreversible and irretrievable impact on the environmental which may be involved in the proposed project should it be implemented.

"(c) The Secretary shall not approve any application for assistance under section 3 unless he finds in writing, after a full and complete review of the application and of any hearings held before the State or local public agency pursuant to section 3(d), that (1) adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest, and fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the project is located, and (2) either no adverse environmental effect is likely to result from such project or there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect. In any case in which a hearing has not been held before the State or local agency pursuant to section 3(d), or in which the Secretary determines that the record of hearings before the State or local public agency is inadequate to permit him to make the findings required under the preceding sentence, he shall conduct hearings, after giving adequate notice to interested persons, on any environmental issues raised by such application. Findings of the Secretary under this subsection shall be made a matter of public record."

Sec. 7. Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611), is amended to read as follows:

"STATE LIMITATION

"Sec. 15. Grants made under section 3 (other than for relocation payments in accordance with section 7(b)) before July 1, 1970 for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be appropriated pursuant to section 4(b); except that the Secretary may, without regard to such limitation, enter into contracts for grants under section 3 aggregating not to exceed \$12,500,000 (subject to the total authorization provided in section 4(b)) with local public bodies and agencies in States where more than two-thirds of the maximum grants permitted in the respective State under this section has been obligated. Grants made under section 3 on or after July 1, 1970, for projects in any one State may not exceed in the aggregate 12½ per centum of the aggregate amount of funds authorized to be obligated under section 4(c), except that 15 per centum of the aggregate amount of grant funds authorized to be obligated under section 4(c) may be used

by the Secretary, without regard to this limitation, for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated. In computing State limitations under this section, grants for relocation payments shall be excluded. Any grant made under section 3 to a local public body or agency in a major metropolitan area which is used in whole or in part to provide or improve urban mass transportation service, pursuant to an interstate compact approved by the Congress, in a neighboring State having within its boundaries population centers within normal commuting distance from such major metropolitan area, shall, for purposes of computing State limitations under this section, be allocated on an equitable basis, in accordance with regulations prescribed by the Secretary, between the State in which such public body or agency is situated and such neighboring State."

Sec. 8. The Secretary of Transportation shall conduct a study of the feasibility of providing Federal assistance to help defray the operating costs of mass transportation companies in urban areas and of any changes in the Urban Mass Transportation Act of 1964 which would be necessary in order to provide such assistance, and shall report his findings and recommendations to the Congress within one year after the date of the enactment of this Act.

Sec. 9. Nothing in this Act shall affect the authority of the Secretary of Housing and Urban Development to make grants, under the authority of sections 6(a), 9, and 11 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605(a), 1607a, and 1607c), and Reorganization Plan Numbered 2 of 1968, for projects or activities primarily concerned with the relationship of urban transportation systems to the comprehensively planned development of urban areas, or the role of transportation planning in overall urban planning, out of funds appropriated to him for that purpose.

Sec. 10. This Act may be cited as the "Urban Mass Transportation Assistance Act of 1970".

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

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 8, line 21, strike out "after consultation with States and local public agencies".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 8, line 25, after "Secretary," insert ", after consultation with States and local public agencies".

The committee amendment was agreed to.

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

The CHAIRMAN. The Chair will count.

Mr. KOCH. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The clerk will report the remaining committee amendments.

The Clerk read as follows:

Committee amendments: Page 9, strike out lines 13 and 14 and insert in lieu thereof the following:

"Sec. 4. (a) Section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604), is amended by striking out '1971' and inserting in lieu thereof '1972'.

"(b) Section 5 of such Act, as amended (49 U.S.C. 1604), is further amended by".

Page 13, after line 25, insert the following new section:

"SEC. 9. The Secretary of Transportation shall in all ways (including the provision of technical assistance) encourage industries adversely affected by reductions in Federal Government spending on space, military, and other Federal projects to compete for the contracts provided for under sections 3 and 6 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1602 and 1605), as amended by this Act."

Page 14, line 1, strike out "SEC. 9." and insert in lieu thereof "SEC. 10".

Page 14, line 12, strike out "SEC. 10." and insert in lieu thereof "SEC. 11".

The committee amendments were agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. BIAGGI

Mr. BIAGGI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BIAGGI: Page 13, after line 23, insert the following new section:

"SEC. 8. The Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new section:

"PLANNING AND DESIGN OF MASS TRANSPORTATION FACILITIES TO MEET SPECIAL NEEDS OF THE ELDERLY AND THE HANDICAPPED

"SEC. 16. (a) It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the programs under this Act) should contain provisions implementing this policy.

"(b) In addition to the grants and loans otherwise provided for under this Act, the Secretary is authorized to make grants or loans for the specific purpose of assisting States and local public bodies and agencies thereof in providing mass transportation services which are planned, designed, and carried out so as to meet the special needs of elderly and handicapped persons. Grants and loans made under the preceding sentence shall be subject to all of the terms, conditions, requirements, and provisions applicable to grants and loans made under section 3(a), and may be considered for the purposes of all other laws to have been made under such section. Of the total amount of the obligations which the Secretary is authorized to incur on behalf of the United States under the first sentence of section 4(c), 1½ per centum may be set aside and used exclusively to finance the programs and activities authorized by this subsection (including administrative costs).

"(c) Of any amounts made available to finance research, development, and demonstration projects under section 6 after the date of the enactment of this section, 1½ per centum may be set aside and used exclusively to increase the information and

technology which is available to provide improved transportation facilities and services planned and designed to meet the special needs of elderly and handicapped persons.

"(d) For purposes of this Act, the term "handicapped person" means any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected."

And renumber the succeeding sections accordingly.

Mr. PATMAN (during the reading). Mr. Chairman, the amendment has been well distributed and understood by the minority as well as the majority. Therefore, I ask unanimous consent that the amendment 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 Texas?

There was no objection.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. BIAGGI. Mr. Chairman, I rise to offer a very important amendment which is entitled "Planning and Design of Mass Transportation Facilities To Meet the Special Needs of the Elderly and the Handicapped."

This amendment would require all federally assisted mass transit facilities to meet the need of the elderly and the handicapped. The amendment will also permit a portion of the total authorization to be used for loans and grants to existing systems to make modifications in their facilities. Also in order to expand our knowledge in the field of providing transportation services to the elderly and the handicapped, a third provision would set aside a portion of the research funds for this purpose.

The present designs of mass transit systems are such that some 44 million Americans will be excluded from using them. These Americans are elderly citizens, handicapped persons, cardiac patients, accident victims, and many others who are hindered in their movements by age or physical impairment.

Among these 44 million Americans are many veterans of World War II, the Korean conflict, and the Vietnam war who were permanently injured while aiding in the defense of this country. Yet, they return to this land and find public transportation systems impossible or nearly impossible to use.

Also included in these 44 million Americans are persons who are temporarily handicapped due to illness or other impairments. These may be persons with broken legs, arthritic sufferers, pregnant women or recent hospital patients.

I cannot overemphasize the importance of establishing a national policy to aid these elderly and handicapped persons so that they might have the same equal right of access to public transportation facilities that other Americans have.

The United States is one of the few nations of the Western World which does not have such a policy. I sincerely hope my colleagues will share my views that

these 44 million Americans can no longer be excluded from public transportation facilities.

On September 8, the President expressed a similar view with regard to our handicapped citizens and urged action along the lines of this amendment. He said:

Isolated from regular contact with society, many of our handicapped citizens lead lives of lonely frustration. Working together, on both public and private levels, we can—and must—insure full lives for them. Together we can topple the environmental barriers which prevent the handicapped from entering buildings or using public transportation; we can welcome back the returning disabled veterans to a life of hope; and we can bring all of our handicapped fellow citizens into the mainstream of American life.

Similarly, Commissioner John B. Martin of HEW's Administration on Aging, talked of the problems faced by the elderly in testimony before the House Subcommittee on Housing which just considered this measure. He said:

Where inadequate income is not an obstacle to the use of mass transit, the older person may nevertheless find it extremely difficult to avail himself of this means of transportation, both because of his declining physical vigor and ability and the accessibility of the service . . . In addition, the design of transportation facilities can constitute almost insuperable barriers to some older persons.

And significantly, he talked about the cost to society of barring these Americans from public facilities:

The lack of access to transportation, for whatever reason, can also result in difficulties in shopping and carrying out other day-to-day activities necessary to assist the older person in maintaining his independence and his ability to remain outside a home for the aged, nursing home or similar institution.

Congress has authorized expenditures to remove barriers for the elderly and the handicapped in other areas. Particularly, my colleague from Florida (Mr. BENNETT) was instrumental in passing legislation that would require the removal of travel barriers from all federally funded buildings. I thank him for earlier indicating his support of my amendment.

The demonstration cities program offers opportunities to obtain Federal funds for the construction of barrier free features in their projects.

The Department of Housing and Urban Development has funds that can be used to pay for barrier-free housing if local people choose.

The Hill-Burton program for the construction of hospitals and health facilities is another source of Federal aid that supports barrier-free construction.

And under the 1968 amendments to the Vocational Rehabilitation Act, States can use their regular formula grants for the removal of architectural barriers.

Thus my amendment would extend this existing policy to mass transportation systems that are federally supported so that such barriers to travel can be removed at the program's inception with very little if any additional costs.

Mr. Chairman, colleagues, we are not talking about appropriating additional funds here. We are not talking about

specialized programs or adding to the Federal bureaucracy. We are simply talking about granting equal rights to a large segment of our population to use public facilities with the same ease as everyone else.

Other proposals have been offered that would set up special transportation facilities for the elderly and the handicapped. Others would provide subsidies so that these people could use more expensive services such as taxi cabs or limousines.

However, besides the factor of costs for these programs, they would further serve to segregate the elderly and the handicapped from our society.

This Nation has been insensitive to the needs of these Americans for too long. I think it is time this Congress saw to it that equal rights to transportation facilities are extended to these 44 million citizens. My amendment does that and I hope a majority of my colleagues will support this effort.

Mr. PATMAN. Mr. Chairman, I think the gentleman's amendment is a very worthy one and should be a part of this bill. I have conferred with my colleagues on the majority side and we are willing to accept the amendment.

Mr. BIAGGI. I thank the gentleman from Texas very much.

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

Mr. BIAGGI. I am privileged to yield to the distinguished gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, I would like to suggest in this connection that insofar as we are concerned on this side if the word "shall" on page 2 is changed to "may." In other words, "may be set aside." This appears in the (b) section and in section (c) where there appears 1½ per centum "may be set aside." With that change it would be agreeable to this side to accept the amendment.

Mr. BIAGGI. Mr. Chairman, in response to the statement of the gentleman from New Jersey the changes which the gentleman has suggested have been made in the amendment if it had been reported in full. Those changes have already been made. I am sorry that I did not get it changed in the copy.

Mr. MATSUNAGA. Mr. Chairman, the amendment offered by my distinguished colleague from New York (Mr. BIAGGI) represents a potentially significant benefit to over 40 million Americans.

At any given time, for one reason or another, about 44 million Americans are unable to use, at least use adequately, the public transportation in their respective communities. Most of these citizens are either elderly, or physically handicapped, or both.

We pride ourselves in our provision for access to most new buildings for the handicapped. It is time we take similar steps on behalf of the handicapped and the elderly who are denied access to mass transit facilities.

As I understand the amendment offered by the gentleman from New York, appropriations of about \$75 million would be authorized over a period of years, for grants and loans to improve facilities to meet the mass transit needs of the elderly

and the handicapped. Also, at least 1½ percent of the research funds provided by the bill would be channeled into this area.

Even if we measure strictly in balance sheet figures, Mr. Chairman, this amendment is an eminently practical one. The elderly and the handicapped participate in the labor force in significantly lower proportions than the nonhandicapped. A most central reason for this is the unavailability of adequate public transportation to potential jobs. The Department of Transportation has estimated that the minimum economic benefit resulting from eliminating the barriers to mass transit traveling would be over \$800 million each year.

This estimate excludes the increased tax revenues that would be generated, lowered welfare payments, and the value of time savings by the handicapped. More importantly, however, we cannot assign a dollar value to the social and psychological benefits that accompany a feeling of self-sufficiency.

Passage of H.R. 18185 will mark the beginning of a significant new chapter of mass transit. Expanded systems, even totally new systems, are in various stages of contemplation and design around the country. The earlier that structural and design changes to effect maximum use by the handicapped are incorporated, the less expenditures and disruption they will cause. Thus, the urgency and timeliness of the pending amendment.

Mr. Chairman, it is time for the Congress to take steps to eliminate the travel barriers in mass transit that further handicap the handicapped.

I urge the adoption of the amendment offered by the gentleman from New York (Mr. BIAGGI).

Mr. PATMAN. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BIAGGI).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WIDNALL

Mr. WIDNALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIDNALL: At the proper place in the bill add the following new section:

TECHNICAL AMENDMENTS

"SEC. 11. (a) Section 4(b) of the Urban Mass Transportation Act of 1964 is amended by inserting the words "or contract" after the word "grant" in the last sentence thereof.

"(b) Section 6(a) of the Urban Mass Transportation Act of 1964 is amended by inserting the words "grantor" between the word "by" and the word "contract" in the second sentence thereof."

And renumber the present section 11 as section 12.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. What is the page number of this amendment? It is not given.

Mr. WIDNALL. It is on the next to the last page of the bill.

Mr. PATMAN. Mr. Chairman, will the gentleman yield to me?

Mr. WIDNALL. Yes; I yield to the gentleman from Texas.

Mr. PATMAN. We have had the privilege of examining this amendment and we are willing to accept the amendment on our side.

Mr. GROSS. Well, Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we ought to at least know where the amendment goes in the bill. No page number was given. I have not the faintest idea where the amendment goes in this bill.

I am perfectly willing to suspend the reading of amendments to expedite matters, but I must know what is proposed and to what it applies.

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

Mr. GROSS. I will yield to the gentleman from New Jersey if the gentleman will tell me the import of the amendment.

Mr. WIDNALL. Mr. Chairman, I would like to propose two technical amendments to this act, designed to correct what I feel were inadvertent omissions in the 1964 act, and which are now causing some administrative difficulty and concern.

First, I propose an amendment to section 6(a) of the 1964 act, which authorizes the Secretary to undertake research, development, and demonstration projects in all phases of urban mass transportation. That section now provides that such projects be undertaken "independently or by contract" and does not specifically authorize such projects to be undertaken by grant.

Some of the older members will recall that the urban mass transit research, development, and demonstration program provided for under section 6(a) is an outgrowth and continuation of a pilot demonstration grant program authorized by the Housing Amendments of 1961. Under that pilot program, all projects were carried out by grant, with cost sharing between the local applicant and the Federal Government, and all applicants had to be local units of government. Under the 1964 act the requirements of a local governmental applicant and of cost sharing were deleted, research and development were added as eligible activities, but the word "grant" was omitted in specifying the means of carrying out research, development, and demonstration projects, the act saying merely that the Secretary may undertake such projects "independently or by contract."

I remember, and the legislative history makes it clear, that there was no intent to remove the power of the Secretary to carry out projects under section 6(a) by grant as well as independently or by contract. Indeed, more than three-fourths of the research, development, and demonstration projects carried on under section 6(a) of the 1964 act have been by grant to local public bodies, with cost sharing between the applicant and the Government. So, in order to remove this ambiguity, my amendment would insert the words "grant or" between the word "by" and the word "contract" in the second sentence of section 6(a).

A similar situation arises under the last

sentence of section 4(b) of the 1964 act, which authorizes the Secretary, without regard for the provisions of section 3648 of the Revised Statutes, to make advance or progress payments on account of any grant made pursuant to the act. No provision is made for such advance or progress payments on projects undertaken by contract. The last sentence of section 4(b) was taken almost verbatim from section 303 of the 1961 act—which did not authorize projects to be undertaken by contract—and the words “or contract” were inadvertently omitted. Advance or progress payments on Federal R.D. & D. contracts are authorized under many statutes, such as DOT’s High Speed Ground Transportation Act and HEW’s Water Pollution Control Act, and are really a necessity under modern Government procurement practice.

Accordingly, my amendment would amend section 4(b) of the 1964 act by inserting the words “or contract” after the word “grant” in the last sentence.

True, these amendments are minor and of a technical nature, but I think they will contribute to the successful operation of the urban mass transportation program without in any way changing the nature or scope of the program as Congress intended that it be.

I have discussed these amendments with the distinguished chairman of the Banking and Currency Committee, and he advises me that he has no objection to them.

Mr. GROSS. Mr. Chairman, I appreciate the explanation, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. WIDNALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOLAND: Beginning with line 25, page 7, strike out everything through line 19, page 8, and insert in lieu thereof the following:

“(c) To finance grants and loans under sections 3, 7(b), and 9 of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed \$3,100,000,000, less amounts appropriated pursuant to section 12(d) of this Act and the amount appropriated to the Urban Mass Transportation Fund by Public Law 91-168. This amount (which shall be in addition to any amounts available to finance such activities under subsection (b) of this section) shall become available for obligation upon the date of enactment of this subsection and shall remain available until obligated. There are authorized to be appropriated the liquidation of the obligations incurred under this subsection not to exceed \$80,000,000 prior to July 1, 1971, which amount may be increased to not to exceed an aggregate of \$310,000,000 prior to July 1, 1972; not to exceed an aggregate of \$710,000,000 prior to July 1, 1973, not to exceed an aggregate of \$1,260,000,000 prior to July 1, 1974, not to exceed an aggregate of \$1,860,000,000 prior to July 1, 1975, and not to exceed an aggregate of \$3,100,000 thereafter. The total amounts appropriated under this subsection and section 12(d) of this Act shall not exceed the limita-

tions in the foregoing schedule. Sums so appropriated shall remain available until expended.”

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. PATMAN. Mr. Chairman, will the gentleman yield for a clarification?

Mr. BOLAND. I yield to the gentleman.

Mr. PATMAN. How much will this aggregate in all? I heard the different figures, but what would be the aggregate amount?

Mr. BOLAND. The aggregate amount would be \$3.1 billion.

This does not change the general overall policy announced by the committee of providing \$10 billion over the next 12 years for mass transit.

My amendment does provide an aggregate amount of \$3.1 billion starting in fiscal year 1971 and running through fiscal year 1975.

I want to compliment the Committee on Banking and Currency, Mr. Chairman, for bringing this bill to the floor. The action that the committee chaired by the distinguished gentleman from Texas has taken and of the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. BARRETT), and the gentleman from New Jersey (Mr. WIDNALL) deserve to be supported by the Members of Congress.

I have a series of amendments, but I will dwell on just this one amendment now.

It is obvious that this committee wrestled with the total amount of money that ought to be appropriated over the next 5 years for urban mass transportation.

A number of bills have been filed in the Congress both on the House side and the Senate side with respect to the amount of money that ought to be expended for mass transportation.

The testimony that was developed by the distinguished gentleman from Pennsylvania (Mr. BARRETT), by his subcommittee and by the Senate and the Committee on Banking and Currency clearly indicates there is a crisis in mass transportation. There is no question about it. I could not agree with this subcommittee more in that this Congress has to provide greater funds at a greater accelerating pace in order to meet the very difficult problems this nation faces in mass transportation.

The distinguished gentleman from Texas, the chairman of this subcommittee, filed the bill, H.R. 6663. That would have provided \$1.8 billion over the next 4 years; \$300 million for fiscal year 1971, \$400 million for fiscal year 1972, \$500 million for fiscal year 1973 and \$600 million for fiscal year 1974.

The distinguished gentleman from New Jersey (Mr. WIDNALL) who has worked long and hard on mass transportation problems filed the bill, H.R. 13463, which provided for \$3.1 billion—\$300 million in fiscal year 1971, \$462 million in fiscal year 1972, \$600 million in fiscal year 1973, \$800 million in fiscal year 1974 and \$1 billion in fiscal year 1975.

He also filed the bill, H.R. 16261, which provided for \$3.1 billion. That bill, I

understand, is the administration bill. That bill is identical with Senate bill, S. 3154, which passed the Senate on February 2 of this year by a vote of 82 to 4.

The funding under that bill provides \$80 million for fiscal year 1971, \$310 million for fiscal year 1972, \$710 million for fiscal year 1973 and \$1,260 million for fiscal year 1974, and \$1,800 million for fiscal year 1975 and not to exceed \$3.1 billion thereafter.

The basic intent of my amendment is to provide precisely the financing that is provided in the Widnall bill, H.R. 16261. It provides the same financing in the bill S. 3154 that was passed by the Senate sponsored by Senator WILLIAMS of New Jersey. Efforts were made in the Senate to increase this to \$10 billion and the effort failed.

My amendment would decrease from \$5 billion to \$3.1 billion the total amount of obligational authority in the bill and it makes a corresponding reduction in the schedule of appropriations to liquidate those obligations.

Although my amendment makes a reduction of \$1.9 billion, the urban mass transportation administration would still be provided with a substantially increasing program.

Mr. BOLAND. I yield to the gentleman.

Mr. BARRETT. I do think the gentleman should be accurate. The Senate did not offer any amendments to increase it to \$5 billion. They offered amendments over there to increase it to \$10 billion over 12 years, if asked by the President.

Mr. BOLAND. In response to the gentleman from Pennsylvania, let me say that Senator CRANSTON of California offered an amendment which would have provided a \$10 billion obligational authority for the next 12 years instead of \$3.1 billion in authority which is funded under the Williams bill.

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

(By unanimous consent, Mr. BOLAND was allowed to proceed for 5 additional minutes.)

Mr. BOLAND. An amendment was offered on the Senate floor by the distinguished Senator from New York, Senator GOODELL, which provided, in addition to the \$3.1 billion obligational authority for 1975, \$6.9 billion in obligational authority for the 7 years beginning in the fiscal year 1976. That amendment was defeated 67 to 16. The Cranston amendment was defeated 62 to 24. There is no question about that. The RECORD clearly shows it.

Mr. Chairman, I have been one of those who have served on the Committee on Appropriations opposed to backdoor financing. That is precisely what you are doing here. We have to meet the tab. There is obligational authority granted for a rate of expenditure of \$80 million for the fiscal year 1971, \$310 million for fiscal 1972, and so on to \$3.1 billion when we have reached the sixth year. But, Mr. Chairman, as the chairman of the Subcommittee on the Department of Transportation, who has listened over the past few years to the justi-

fications for this program, I say there is no question about the fact that we have not been providing the amounts of money necessary to run a good mass transit program. My quarrel is with the amount provided in the committee bill. It is too large at this time. The Department of Transportation indicates that the amount of money provided in the House bill is too much at this time. It prefers the financing carried in S. 3154. There are 125 employees in the Urban Mass Transportation Administration. Clearly the evidence shows that this Department is now not in a position to supervise this huge expenditure over the next 6 years.

We are going to spend the \$10 billion in the next 12 years. There is no question about that. The evidence that was adduced by Mr. BARRETT's subcommittee indicated that perhaps we need \$17 billion. Various estimates on what we need with respect to mass transit have run up to \$50 billion. But I think the Congress ought to have a lever on the expenditures that are going to be made in this huge area. This is an area that deserves the priority that your committee has given to it, but it is also an area that deserves the oversight of this Congress because we will be spending large amounts of money on mass transit. We are entitled to know what they are getting for it.

The large cities will get, of course, the major share of the money that will be appropriated here, and a great number of smaller cities, those of less than 100,000, and less than 25,000. My objection to the \$5 billion is that it is too large at this time, and I sincerely trust, Mr. Chairman, that the \$3.1 billion amendment that I have offered will prevail.

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

Mr. BOLAND. I yield to the Chairman.

Mr. BARRETT. The gentleman, I am sure, knows that the city of Springfield, Mass., is getting \$425,329 in grant assistance. Does the gentleman consider that accurate and adequate for mass transit improvement in his own city?

Mr. BOLAND. I do not know that they are getting that.

Mr. BARRETT. I am telling you.

Mr. BOLAND. I do not know what we are getting. All I know is Springfield has a private transportation company in the area that is in serious financial difficulty, but this bill does not correct that difficulty.

Mr. BARRETT. I may not get an opportunity again to tell the gentleman. I do want to tell him that every Governor and every mayor in the country wants this bill.

Mr. BOLAND. I do not think there is any question about the fact that every Governor and every mayor in this country wants this bill. I am sure of that. I agree with them. And I want the bill. But I think there comes a point where the amount of money involved ought to be considered by this Congress; \$3.1 billion is about what the Department says it can spend over the next 6 years. This program is a huge program. This bill provides a \$10 billion commitment over the next 12 years.

I see the gentleman from New York smiling. He would like to have the whole \$3.1 billion for New York, and I am sure New York could use it. There are other localities in the United States besides the city of New York, and the taxpayers who are picking up the tab for this bill are located all over the United States.

My only quarrel is with the \$5 billion authority provided in the bill, that it is too large at this time. I think we ought to walk before we start to run. This is a program which is not too old. The basic legislation for mass transit passed in 1964. It is now only 6 years later. We have learned some things. The expenditures provided have not been enough. I could not agree more with that, but I submit that \$3.1 billion is a substantial amount of money.

Mr. PATMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment offered by the gentleman is very simple. It will reduce the amount that it will be possible to expend in the next 5 years to \$3.1 billion. In other words, the amendment will reduce the bill nearly \$2 billion.

Mr. Chairman, I think the \$5 billion is really insufficient. We need certainly every dime of that \$5 billion. If we were to adopt the amendment as suggested, this bill would go straight to the White House, and there would be no chance to increase it. Our committee worked on this for months. We worked on it much more, I believe, than the other body did. I have a feeling that the judgment of the members of our committee should also be respected. It is our conscientious belief there should be a minimum of \$5 billion, and we should not think about reducing it.

The amendment here would reduce the bill nearly \$2 billion.

I do not think that should be done at all. I think it would be detrimental. Certainly it would be a reflection on the 34 members of our committee who voted for this \$5 billion. There were no votes against it. So on that vote it was unanimous. The members had good reasons for their actions.

The question is, should we agree to reduce the amount voluntarily and cut it down? On the other side, we can let the matter go to conference, which is where it will go and which is where all laws really are made—in the conference—except where Members impetuously adopt an amendment here which forecloses any attempt to increase the amount. Why should we do that and thereby tie our own hands? Let the normal parliamentary procedure prevail here. Let this go to conference, and if the House Members can convince the Senate conferees that the \$5 billion should not be reduced and that it can be justified and that it can be paid and that we need the amount, and they agree to it, we will have \$5 billion. But if we adopt this amendment, we just absolutely stop it and make it impossible to have any more than that. I think the Members of this Congress should consider the \$5 billion. It is a very small amount for this big job over a 5-year period.

The gentleman from Massachusetts suggested that there were several amend-

ments offered to change this amount. I read the RECORD and I found only one amendment that was offered, and that was a \$10 billion amendment. That was unrealistic at the time it was offered.

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

Mr. PATMAN. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I do not want to make a point of it, but the fact of the matter is that on February 3, 1970, one was offered.

Mr. PATMAN. Mr. Chairman, I do not yield for that.

Mr. BOLAND. The gentleman made a statement and said only one amendment was offered. The RECORD does not show that. The RECORD clearly shows other amendments were offered.

Mr. PATMAN. That is a small matter.

Mr. BOLAND. Financially it is a large matter.

Mr. PATMAN. I am not willing to spend my time on it. That is my belief. If the gentleman objects, he can just go ahead and change it. But I will say now I only found one amendment. The gentleman referred to several, but that is not such a big thing that we should make decisions on it.

If we go ahead in favor of this amendment, we are inducing a great many Members to say we will get something for sure right now, \$3 billion, so let us adopt this. That will be pretty good bait for a person who wants to take that bait, but I do not think many Members of this House want to take that bait, because they would rather have the \$5 billion. If we send the matter to conference, I think we will have an absolute cinch—as near a cinch as we can get with the other legislative body—of getting the \$5 billion.

So let us not foreclose the opportunity when it is in sight. It is the regular way to legislate. That is the way all laws are made.

Why should we cut ourselves out and deny ourselves the opportunity? Why should we in a few minutes time reduce this wonderful program that needs the money by \$1.9 billion, nearly \$2 billion. Just because the other body has certain discussion, that is no reason why we should change our minds, when we worked on it.

Our committee was unanimous in insisting on \$5 billion. Please do not slap our committee in the face by saying we are going to reduce it arbitrarily.

Mr. STANTON. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, once again the gentleman from Massachusetts has proved he is one of the most valuable Members of this Congress.

I believe it worthwhile, in backing this amendment, that I repeat just a couple of points which made an impression upon me, as stated by the gentleman from Massachusetts.

First, there is no one in this committee arguing over the difference between \$3 and \$5 billion, as to the amount of money we are going to spend on mass transportation in this country in the next 5 or 8 or 10 years. No one in this committee, and especially on our Bank-

ing and Currency Committee, fails to realize that with this legislation we are committing ourselves to a program of mass transportation in this country the type of which we have never seen before in the entire history of our country.

What the gentleman from Massachusetts was making clear was that under all the practicalities of the moment the largest amount of money we can come anywhere near to efficiently spending in the immediate future is \$3.1 billion.

Second, the gentleman from Massachusetts made the point that under the legislation before us today the Secretary of Transportation will have to come back within 2 years with a written report on the status of this particular program, and we can certainly take a look at it at that time.

Third, another point the gentleman made—and he had figures to support it—was that the Urban Mass Transportation Authority this year, I believe, has only 125 employees, and last year, to administer this program which we are talking about, of \$5 billion, they had 60 employees with a total budget of \$175 million. I agree wholeheartedly with the gentleman from Massachusetts that from the practical point of view the most expedient amount of money we can utilize in this regard in the next 2 or 3 years is the amount of \$3.1 billion. The authority itself is just not geared to handle more.

Certainly we must have learned in this country by now that we can spend millions of dollars on schools and not educate the children of this country, and we can spend billions of dollars on programs and not cure juvenile delinquency. Let us, for once, be very practical. I certainly support the gentleman from Massachusetts.

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

Mr. STANTON. I am happy to yield to the gentleman from Massachusetts.

Mr. BOLAND. I thank the gentleman for yielding. I think, perhaps more importantly, the fact of the matter is that today by this legislation—and no one knows it better than the gentleman from Texas, the distinguished chairman of the committee, or the distinguished chairman of the subcommittee Mr. BARRETT—this Congress and this committee are taking a long step forward in mass transit. Here we are providing for obligation authority that absolutely and completely obligates the Department of Transportation to spend the \$3.1 billion over the next 6 years. All they have to do is obligate it. They will come back to the Congress next year, and next year they will ask for \$180 million to liquidate the contract authority, and then \$310 million in 1972 to liquidate the contract authority.

Mr. STANTON. Absolutely.

Mr. BOLAND. All they will have to do is to come before the Appropriations Committee and say, "This is our contract. This is what we have obligated, and we have to pay the bill."

So in this sense alone we are taking a major step, a giant step forward. I am willing to take it.

I must say that over the years I have

looked askance at back-door spending and obligating Federal funds in this manner, whereby Congress does not have an opportunity every year to oversee these programs.

This is a fantastic program. There is no question about it, when you think of the billions that will be spent over the next 12 years—billions that ought to be controlled in some manner by the Congress. You will never have a handle on this program unless you can be sure that the department comes up to justify the contract authority they have entered into.

Mr. BARRETT. Will the gentleman yield to me?

Mr. STANTON. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. I am glad to hear the gentleman from Massachusetts (Mr. BOLAND) say that this is a giant step. We have taken a giant step. We have taken a giant step after we had practically 4 weeks of hearings on many bills. We had numerous mayors in the country and many Governors tell us to take this giant step because we are in a crisis situation in these communities because of the mass transportation system situation. Automobiles are backing up in the small towns and they are depleting the money and equipment necessary for those small transit companies to operate. We are trying to rehabilitate every small town and community and every large city in order to give them adequate transportation. I think the gentleman, if he does not adhere to our committee's judgment, ought to listen to the voices of the mayors and the Governors.

Mr. STANTON. I thank the gentleman for his contribution.

Mr. Chairman, I want to make a final statement, that really, from a practical administrative point of view the amount of money involved, \$3.5 billion, is all that we can spend.

Mr. WILLIAMS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the amendment offered by the gentleman from Massachusetts (Mr. BOLAND) is a very simple amendment and a very practical one.

I would not want to think that any Member of this House thought that the only source of funds for building and improving mass transit facilities would be grants from the Federal Government. The fact is that if this money is handled properly, this \$3.1 billion, when reflected in additional revenues raised from revenue bonds and State as well as Federal grants, will be much closer to \$20 billion.

Do not forget this: When mass transit facilities are constructed they yield revenues. When mass transit systems, existing ones, are updated, revenues increase. So what you can do actually is finance the construction of a mass transit system through the floating of revenue bonds. As one example, in the Philadelphia area, the Southeastern Pennsylvania Transportation Authority purchased the Philadelphia Transportation Co. for \$54 million. They raised this money through floating revenue bonds, and those bonds were backed up by the full faith and credit of the city of Philadelphia. Then they bought the Suburban Philadelphia

Transportation Co. for another \$13.5 million. These bonds were backed by the full faith and credit of Delaware County.

Mr. BARRETT. Will the gentleman yield to me?

Mr. WILLIAMS. I will in just 1 minute, when I am finished.

Now, if SEPTA can get just 20 percent of their investment in the PTC, the Philadelphia Suburban Transportation Co., and the railroad commuter lines in Federal grants, they will be getting \$20 million where today they have invested approximately \$100 million. With this Federal-State grant money of 20 percent, all of these systems can be upgraded to a point where riders increase and revenues increase, and these revenue bonds will be paid off from the increased revenue.

Every metropolitan area can use exactly the same system. This is a method that should be used. It is a method that will produce the most practical results, and it is a method that will produce the results at the lowest cost to the taxpayers.

Mr. BARRETT. Mr. Chairman, will the gentleman yield to me?

Mr. WILLIAMS. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. I certainly do not want to debate any issues with my colleague, the gentleman from my own State, but I do want to tell you the revenue is not increasing in the fare box but, rather, is decreasing in every city and small town throughout the United States. That is the reason for giving them help.

Let me make this one point clear. You spoke of SEPTA. They got \$736,000 in 1970.

Mr. WILLIAMS. It was \$736,000. I tell you that is only a pittance in comparison to what SEPTA put out itself.

And let me tell you still further—

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

Mr. WILLIAMS. Wait until I answer your first point and then I shall yield further to the gentleman.

SEPTA ridership has increased rapidly in the commuter rail service. Also, they have not had the other two properties long enough to effect the necessary improvements in order to increase the revenue. The improvements are being made now. In addition to the drastic increase in ridership on the Philadelphia commuter rail service, you will experience precisely the same thing on the other mass transit properties owned by SEPTA.

Mr. BARRETT. They are decreasing in ridership and therefore their revenue is decreasing.

Mr. WILLIAMS. Is the gentleman saying that the ridership has decreased, that under SEPTA the ridership on commuter rail service has decreased?

Mr. BARRETT. Yes.

Mr. WILLIAMS. Well, the gentleman is wrong. The ridership has increased by 40 percent.

Mr. BARRETT. The testimony we had was that there was a decrease in ridership and that is the reason they need the money. The gentleman is proposing to cut this down to a pittance.

Mr. WILLIAMS. In my remarks I made the statement that SEPTA has invested

\$100 million and I said that 20 percent of that sum would be an additional \$20 million in Federal and State grants and by using this money for improvements they can increase ridership and increase revenue to retire the revenue bonds.

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

(By unanimous consent, Mr. WILLIAMS was allowed to proceed for 2 additional minutes.)

Mr. WILLIAMS. So, I simply want to reiterate this: We do not have to have any comments about mass transit for low- and moderate-income families. The properties I have been speaking of, the transportation properties of the Philadelphia area, are serving some of the wealthiest municipalities in the country.

What is being done in the Philadelphia area can be done all over this Commonwealth through municipal authorities and county authorities facing up to their responsibilities by floating bonds and proceeding with improvements, assisted by Federal and State grants, they can raise the money to retire these revenue bonds.

This will be giving better, faster, and more improved mass transit service to the riding public and getting passengers out of their automobiles.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to direct a question to the author of the amendment.

Mr. Chairman, as the gentleman from Massachusetts (Mr. BOLAND) indicates, when the Department of Transportation appropriation bill was reported earlier this year, the Committee on Appropriations provided that not more than \$214 million in appropriations could be approved for this fiscal year for urban mass transportation grants under the existing program.

Under the provisions of this bill, whether or not the gentleman's amendment is adopted, we, of course, have a new program with a greater or expanded financial commitment on the part of the Government to assist urban mass transportation systems around the country.

Could the gentleman tell me what steps as the chairman of the Subcommittee on Transportation, he plans to take to provide the additional sums that this bill authorizes for the new urban mass transportation programs?

Mr. BOLAND. Speaking for myself—and I do not intend to speak for the Subcommittee on Appropriations at the present moment—but as the gentleman has indicated, there was no money provided for fiscal 1971 for the Urban Mass Transportation Administration. But the subcommittee that I chaired did put the \$214 million in that the gentleman mentioned. The bill now is in the Senate. It has not been reported out by the Subcommittee on Transportation or adopted by the Senate. So the Senate has taken no action.

I am sure that if the Senate provides for additional funding that there will be an agreement by the conferees to take care of the additional funding. If this bill gets by, whether it is for the \$80

million which is provided for in 1971 under the amendment that I have offered, or the \$130 million that is in the bill offered by the committee, then I am sure that the conferees will agree on an amount which will be acceptable.

I have no objection to spending money for mass transportation. From my own viewpoint I can respond to the gentleman by saying that insofar as I am concerned I would make sure that the amounts of money which will be provided for under either the amendment or the bill from the committee will be adequate.

Mr. MOORHEAD. I thank the gentleman very much.

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

Mr. MOORHEAD. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I am quite sure the gentleman from Massachusetts knows that if this bill were cut down to the \$3.1 billion it may not be necessary to send it to conference to work out anything; there will not be any differences between the Senate bill or this bill, therefore it may not be necessary to go to conference, it may just go to the Senate side and it may be necessary to correct some minor amendments and then be off to the President.

We are asking the gentleman to consider this, and let us work out the bill that will benefit all these cities and small towns.

Mr. BOLAND. Mr. Chairman, if the gentleman will yield further, we are talking about the funding in 1971, I would remind the chairman of the subcommittee.

Mr. BARRETT. We are also talking about this bill.

Mr. BOLAND. If the gentleman will please let me finish my statement, then we can comment on it.

The fact of the matter is, under your own bill it provides only \$130 million for fiscal 1971. That is all you provide for. The amendment I have offered provides for \$80 million for fiscal year 1971. In the Department of Defense appropriation bill that we passed in the House it provides \$214 million for fiscal year 1971, and it was put in at the direction of both the Members on this side and the minority side. So we actually provide more in 1971 than you provide in 1971 under your own bill.

Mr. BARRETT. If the gentleman will yield further to me, the gentleman from Massachusetts is talking about working the differences out in the conference. I am talking to you about working out this bill which may not necessarily go to conference, it may just go on to the Senate side and require perhaps a few minor amendments, and then go to the President.

Mr. YATES. If the gentleman will yield, will the gentleman tell the House what we would be working out in the conference?

Mr. BARRETT. The urban mass transit bill.

Mr. YATES. As I understood what the gentleman said, he opposed the amendment offered by the gentleman from Massachusetts (Mr. BOLAND) on the

ground that it might prevent a conference, or to give him the possibility of working out some minor differences. I was asking the gentleman to tell us what those differences were.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARRETT. Mr. Chairman, I rise in opposition to the amendment, and I do so just briefly to say that the amendment offered by the gentleman from Massachusetts (Mr. BOLAND) literally tells the people in our cities that they will not be able to receive the amount of funds that they all stated they needed in order to improve their mass transportation systems.

We are, as I pointed out before, in a crisis where this is just as important as the housing bill. We have to give aid to these people. Automobiles are choking off the mass transportation systems in all these cities, and we cannot get adequate transportation to poor people to go across the cities for their employment.

For example, in the Naval Hospital and the Veterans Hospital in Philadelphia, the turnover of employment there is tremendous because there is lack of an adequate transportation system.

We need more mass transportation in my city badly. New York needs it badly. The mayor of New York says that what he would get out of this \$3.1 billion on the basis we have outlined here today would be about \$732,000 and he would not be able to buy enough corn to feed the pigeons in New York City under those conditions.

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

Mr. BARRETT. I yield to the gentleman.

Mr. PATMAN. Is it not a fact that if we were to adopt the Boland amendment and make it \$3.1 billion—that would be the same as in the Senate bill and if you were to hold a conference on some other matters, that would not be in the conference? The conferees would have their hands tied. They could not do a thing even though the House conferees were able to convince the Senate conferees that \$5 billion should be provided and they would say they were glad to do it. But then they would turn around and under the rules say: "No, we cannot change it one penny." That would successfully tie the hands of the conferees from here on during this Congress, and it would be impossible to get more than \$3.1 billion.

So, this is a hand-tying amendment.

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

Mr. BARRETT. I yield to the gentleman.

Mr. STANTON. I would like to remind the chairman of the committee that this morning in the full Committee on Banking and Currency we did exactly what you said today you do not want to do and that is agree to go to conference on the bill, including that bill on mass transportation, and passed by the Senate for \$3.1 billion.

Mr. BARRETT. Those are different matters that the gentleman is talking about, we were talking only about mass transit matters here.

PARLIAMENTARY INQUIRY

Mr. HANNA. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this 5 minutes to propound first a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. HANNA. Mr. Chairman, as I understand the situation, the present circumstances are that the Senate has amended into another piece of legislation a mass transportation bill passed by the Senate that provides \$3.1 billion in money for mass transportation.

If that is so and that is in a bill that will go to conference and has this subject matter along with other subject matters in it, I propound this question. Does it make any difference what the decision of this House is relative to this bill as to whether the conferees can bargain above \$3.1 billion; or is the situation that the only bargaining the conferees will have regardless of what disposition we make here between \$3.1 billion and zero?

The CHAIRMAN. The Chair would inform the gentleman that if he is discussing another bill, which is in conference, then action of the conferees thereon would not affect this bill.

However, if the gentleman is discussing this bill—or a Senate bill amended by the language of this bill—then, of course, it would be a matter of conference.

Mr. HANNA. If the subject matter, however, that is in conference is another bill, then what we decide in this bill would not in any way affect the figures that are in that other bill in the Senate?

The CHAIRMAN. The Chair would repeat that the subject matter of another bill which is in conference would not affect the subject matter in this bill.

Mr. PATMAN. Mr. Chairman, will the gentleman yield so that we may try to get an agreement on the time?

Mr. HANNA. I yield to the gentleman.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent since this has been rather fully discussed that debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HANNA. Mr. Chairman, what I would like to say to the House, as to the situation right now, here is the position that the House is in.

If we are going to be bound to go to conference with the Senate with the bill they have passed out having to do with the foreign banks in which they have amended in a nongermane amendment that covers the mass transit bill, then any conference we go to there is going to be a bargaining between \$3.1 billion and zero.

If we assume that that is the case, then what should we decide here? My own belief is that we ought to take a stand in the House and say that we are much more concerned about the problems of transportation than the Senate is, and that we are trying to reach a more realistic answer to the problems of the cities and the States than the Senate has done.

In the other event, should we be able to go to conference with the Senate on a singular bill on mass transit, we will be in a position that the House characteristically is in where we have a House bill and they have their Senate bill, and we will bargain between the House and the Senate positions. Therefore, I am not constrained to go along with the amendment because it takes away from the House any bargaining it would otherwise have, and it leaves the House without taking a posture by saying, "We are more concerned about this problem." I am persuaded that in the testimony we had, particularly from San Francisco, that if we pass the bill with only the \$3.1 billion in it and with the 12½-percent limitation for any State, with only 15 percent of the total at the discretion of the Secretary of Transportation, the most that California could get as a total would be around \$450 million, and that does not leave enough to make the BART program go ahead, and they have already spent \$1.2 billion, and the United States has helped them with only 7 percent of that amount.

San Francisco has been 19 years working on an urban and suburban system. Los Angeles has been over 10 years working on its program. What the cities want and what we seek is some realistic contract position over a 3-year period. This gives some sense and real incentive for local matching funds which in this program so far has been predominantly local funds.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

(By unanimous consent, Mr. YATES and Mr. ECKHARDT yielded their time to Mr. KOCH.)

Mr. KOCH. Mr. Chairman, as many of my colleagues know, I am supporting this bill because it is the best kind of bill we can get at this particular time. I am for a trust fund. I do not want to discuss that because the issue today is the level of funding to be authorized. To think in terms of \$5 billion to be committed, not this year, not next year, but over a 5-year period by way of contract authority, with not more than \$3.1 billion to be actually appropriated in the first 5 years, and to talk about this as an expenditure that we cannot support as our colleague from Massachusetts (Mr. BOLAND) proposes, just make no sense. You know that every year, this year and next year, we are going to be spending \$4.5 billion on highways. I do not want to discuss the merits of that. But to think in terms of what this country needs for mass transit and to talk about reducing it from \$5 to \$3.1 billion simply is not justifiable at this point in time.

Let me tell you why. Some of the cities have already indicated their needs over the next 10 years and they are huge. And let me tell you that this is not a bill for New York City. I know that the gentleman from Massachusetts has alluded to the fact that I kind of smiled when he talked about \$3.1 billion as maybe being not adequate. Yes, we would like more

money for New York City. But it is not simply for New York City that I make this plea.

Let me tell you what the major cities in this country are asking for: Chicago, \$2.2 billion; Baltimore, \$1.7 billion; Southern California Rapid Transit District, \$2.5 billion; Boston, \$784 million; BART, \$1.8 billion; New York, \$2.1 billion.

That is not all Federal moneys. The fact is that a large proportion of those moneys are going to be paid by the localities.

I include in the RECORD a telegram from Dr. William J. Ronan, who is chairman of the Metropolitan Transportation Authority in New York City. In this telegram Dr. Ronan says he is counting on this bill, and he says that the city and the State of New York have already allocated the moneys for matching funds.

The telegram is as follows:

Hon. EDWARD I. KOCH,
U.S. House of Representatives,
Washington, D.C.

The New York Metropolitan Transportation Authority has committed and has underway a rapid transit and commuter rail modernization and expansion program costing over \$2 billion 100 million. This Authority will shortly be requesting federal aid for this fully authorized mass transportation program for the New York State sector of the metropolitan area. It has not filed a formal application previously as there was no federal funding for a program of this size.

The local matching funds for this MTA program have already been appropriated or committed by the Governor and Legislature of the State of New York, the Mayor, and the Board of Estimate of the City of New York. The State of New York has already appropriated \$600 million in state funds to aid in the subway expansion phase of this program. The City of New York has already committed \$800 million in capital funds for this subway program.

The State of New York has also committed \$300 million for commuter rail improvements and expansions.

Again, may I emphasize that this Authority's over \$2 billion program is fully authorized. This \$2 billion 100 million program is also just phase one of a total program of more than \$3 billion. More than adequate local matching funds have been appropriated or committed and construction and design of many of the elements of the program are already underway.

WILLIAM J. RONAN,
Chairman, Metropolitan Transit Authority.

What will New York State get? Once again, it is not a bill drawn for New York State. The maximum any State could get is 15 percent when you compute the 12½-percent limitation on the States plus additional moneys the Secretary might allocate through his discretionary fund. That is the maximum.

I say to you that if we turn our backs on the needs of mass transit in this Congress on the grounds that we cannot afford it, then we are turning our backs on the critical needs of our fellow citizens all across this country.

Furthermore the Appropriations Committee does not lose control. This is not a trust fund where the Appropriations Committee's role is removed. Every single year, there is going to be oversight on the part of our distinguished colleague, the gentleman from Massachusetts (Mr.

BOLAND). Every single year the appropriations for this program will go before this gentleman's committee and he will have the opportunity to do something, I hope in the direction of strengthening the mass transit program and increasing its budget; it is not a case of there being no oversight. When we consider the need, and the cost of mass transit facilities, it would be incredible at this point in time to reduce the amount from \$5 billion to a lesser sum.

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

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

Mr. YATES. Mr. Chairman, the gentleman listed some of the major cities in the country, but is it not true there are cities much smaller which are, nevertheless, seeking funds from the Government to deal with their local transportation problems?

Mr. KOCH. There is no question about it. Every single community in this country that has a mass transit need is covered under this bill. This is not a bill for only the large cities. This is a bill for every urban dweller.

At this point, Mr. Chairman, I would like to give further details justifying my opposition to the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The proponents of the amendment being offered today say that the administration, if given an authorization of \$5 billion for contract authority and \$3 billion for appropriations, will not be able to commit these amounts. I would like to substantiate my disagreement with this premise by discussing the following matters: first, the dollar amount of the applications pending with the Urban Mass Transportation Administration—UMTA; second, the magnitude of the capital requirements of the transit industry; third, the 12½ percent limitation on funds going to any one State; and fourth, today's backlog of transit needs.

PENDING UMTA APPLICATIONS

First, it should be known that Carlos C. Villarreal, Administrator of the Urban Mass Transportation program, appeared before the House Appropriations Committee last April and submitted a list of applications pending before his administration, as of April 1970, which totaled more than \$1 billion. This \$1 billion far exceeds the \$130 million that the Banking and Currency Committee authorizes for appropriation—in addition to the \$214 million already appropriated last year in advanced funding—for fiscal year 1971. Furthermore, this \$1 billion figure demonstrates that the administration has sufficient applications for commitment under the contract authority provision for the first year; in fact Administrator Villarreal has estimated that he would be ready to obligate approximately \$850 million during fiscal year 1971.

POTENTIAL APPLICATIONS AND THE MAGNITUDE OF TRANSIT CAPITAL REQUIREMENTS

Second, and perhaps most important is that this \$1 billion figure submitted by UMTA does not begin to represent the total needs of the country during fiscal year 1971 and certainly not for the next

5 years. The UMTA list is necessarily small because so little Federal funding has been available that cities have not been encouraged to prepare applications and submit them. This planning and application is expensive; in the past Federal funds have been so meager and with so little long-term guarantee, that it has not been feasible for many communities to even consider mass transit solutions to local traffic problems and transportation requirements.

Mr. Chairman, those who propose cutting today's bill say that the applications should be pending before an authorization is given. The problem here is that we are faced with the axiomatic question of "What comes first, the chicken or the egg?" If the Congress refuses to make authorizations before applications are submitted, while municipalities wait for an assurance that Federal funds will be available in the future before undertaking to submit an application—we will be stalled forever. While many communities do have plans available for execution even though they have not been submitted to UMTA, there are hundreds more that will not be in the position to make the plans and submit applications of the size required to meet their transit needs if we do not provide a meaningful level of Federal assistance.

I would submit, therefore, that it is incumbent upon us to bring the Federal level of funding to a point which perhaps is most suitably called "a threshold for action"—a point in the funding level which must be reached before transit modernization and construction can be contemplated and a point below which funds are simply insufficient in magnitude for a construction program to be undertaken.

This morning I received a telegram from Dr. William J. Ronan, chairman of the metropolitan transportation authority, setting forth the MAT's immediate capital program. Briefly, Dr. Ronan indicated that the New York City metropolitan area has an authorized \$2.1 billion rapid transit and commuter rail modernization program. In 1968 and 1969 the city and State authorized a total of \$1.4 billion for this program. Dr. Ronan also said that the MTA will be submitting shortly an application for Federal assistance in excess of \$500 million in this program, but has not done so to date "as there was no Federal funding for a program of this size."

Clearly, Mr. Chairman, even though formal applications may not have been submitted to the Department of Transportation, plans are available in many cities for funding and execution.

A few preliminary studies of the transit needs have been made. Last year the Institute of Rapid Transit submitted to Congress a chart entitled "1970-79 Capital Requirements of the Rapid Transit Industry—Preliminary Study." This study included figures for transit needs during the coming decade for just 19 metropolitan systems and came out with a grand total of \$17.708 billion. Almost \$18 billion, and this does not begin to cover the middle size cities and the many communities that need assistance; it also does not include the annual 10 per-

cent increase that plagues all transportation construction projects.

More recent estimates have been prepared for UMTA by the Institute of Public Administration and place the 10-year requirements at between \$28 and \$34 billion.

It is important to note that these estimates far exceed the \$5 billion recommended by the committee even while they are based only on what will be required to keep transit ridership constant. Even more money will be needed if additional riders are to be attracted to public transportation. And, I would submit, Mr. Chairman, that if the cities are to survive, we must make mass transit more attractive and reduce the use of the private automobile for central city and commuter travel.

STATE LIMITATION

The third important factor that must be considered is the little discussed provision in the mass transportation program that limits the amount of money any one State can receive to no more than approximately 12½ to 15 percent of the funds authorized. This means that even with an authorization of \$5 billion for contract authority, the very maximum—using the 15-percent figure—that would be available for commitment by any one State would be \$750 million for the entire 5-year period, with actual appropriations during this same period amounting to \$450 million—based on the \$3 billion appropriation.

This gives some perspective to what the committee's proposed \$5 billion program will actually mean to the States.

Should the amendment being offered today succeed, these figures would drop to \$465 million for contract authority and \$279 million in appropriations—again, for the entire 5-year period.

Again, the metropolitan transit authority will be submitting shortly an application for immediate funding of more than \$500 million; and this application will be added to the \$139 million application already pending from the city—this is just for New York City without accounting for the needs of the whole State.

Similarly, the State limitation squeezes States like California. Mayor Joseph L. Alioto of San Francisco testified before the Banking and Currency Committee that his city is prepared to execute a contract with UMTA for a \$550 million program, almost entirely within the city's limits, supporting a Federal grant of \$366 million; and, as he pointed out, this does not begin to mention the needs of the rest of the San Francisco Bay area or the southern California requirements.

Mr. Chairman, these statistics demonstrate that it is particularly important that the authorization for contract authority not be reduced. The total \$5 billion sum does not need to be committed during the first year of the program—certainly UMTA's estimate that it can commit \$850 million in the first year is a good start on a \$5 billion, 5-year program. The most important requirement is that the money be there for commitment so that communities will know of its availability and be provided with the nec-

essary incentives to formulate plans and make applications for the plans they already have.

TODAY'S BACKLOG OF TRANSIT NEEDS

The fourth consideration that we must address ourselves to is that for too long the Federal Government has ignored the needs of public transportation, and as a result most all mass transit systems have been undermined by a vicious cycle of declining transit patronage, followed by a decline in profits, then a decline in the quality of service, and then an even greater fall-off in passengers. During the past two decades this has resulted in a two-third reduction in transit patronage, and it has meant that most transit systems today are relying on equipment that is 30 years old.

While the Federal Government has subsidized the construction of roads and the construction of airports and the development of the jet aircraft, it has contributed so little to mass transit: barely \$1 billion since the urban mass transportation program's founding in 1964.

With demographic projections placing 90 percent of our population in urban areas in the year 2000, it is urgent that we get underway in providing the kind of transportation that is required if our cities and suburbs function efficiently.

Mr. Chairman, in the 1960's we accomplished extraordinary feats in outer space travel while back here on earth we poured a network of roads across the country linking our cities and towns with direct and fast auto travel and providing an economic boom for our rural areas.

Today, I urge that we dedicate the 1970's as the decade of the urban dweller and the working man's transportation—that we make the same commitment that resulted in delivering the astronauts to the moon to providing rapid, convenient, and clean transportation for our commuters. We must advance mass transit technology so that it can fulfill its role in the Nation's transportation scheme and effectively complement the automobile and airplane.

The CHAIRMAN. The Chair recognizes the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Chairman, I urge the rejection of this amendment. We have been spending money for every other mode of transportation. I feel it is long past due that we should consider the urban and suburban dwellers. This Congress has shown it is willing to shell out about \$290 million as a beginning for the SST, which will provide for the jet-setters to get from New York to a cocktail party in London in less time than my commuters can get from Asbury Park to New York City to work.

Mr. Chairman, I think we should support the committee, and go to conference with the other body, let each body work its will, rather than have the House now cave in and say we will let the other body work its will on us.

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

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

Mr. YATES. Mr. Chairman, would the gentleman not agree that even the SST

jetsetters will have to wait in line like all other commuters when they get on the ground? Is that not true?

Mr. HOWARD. That is true.

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

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

Mr. BINGHAM. Mr. Chairman, I strongly oppose the amendment, offered by the gentleman from Massachusetts and I commend the gentleman from New Jersey for his eloquent statement.

This bill represents a major step forward in the long battle many of us have been conducting to enact something like an adequate program for Federal support of mass transit.

The level of funding is substantially higher than it has been in the past, and the procedure for obligating funds is simplified and streamlined.

It would be a tragedy if the excellent work done by the committee were to be upset in the House by the adoption of the Boland amendment reducing the amount of the 5-year program by almost \$2 billion.

Even the committee bill calls for an average annual figure for mass transit of only \$1 billion a year. This compares most unfavorably with the sums being spent annually on our highway program—running in the neighborhood of \$4.5 to \$5 billion a year.

While the committee has done a fine job on this bill and deserves to be supported by the House, I hope the day will come when the House will have a chance to consider a program that would provide a balanced transportation system for this country. Such an approach, I am sure, would result in a great increase in the funding for mass transit and a decrease in the funding for superhighways.

However, pending that bright day we must do the best we can under the present framework. In this case, that course calls for the defeat of the Boland amendment.

Mr. HOWARD. Mr. Chairman, it has been said that we are taking a bold large step for mass transit today. Let us not turn it into a modest tiptoe toward doing something for the urban and suburban commuters in this country.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. HALPERN).

Mr. HALPERN. Mr. Chairman, I rise in strong opposition to this amendment. I do not think the \$5 billion provided in this bill is sufficient. I do not think the bill goes far enough toward meeting the ever-growing plight of mass transit systems of the metropolitan areas of this country.

I agree with everything that every mayor who appeared before our committee said, that \$10 billion is needed in the next 5 years to meet the minimum needs of mass urban transit. But, Mr. Chairman, the \$5 billion provided in the bill is a long step forward. Let us accept the bill as it is, with the \$5 billion in it, let it go to conference. Let us consider this as a step in the right direction. But let us not take a step backward, which I think this amendment would do. I trust it will not prevail.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. BARRETT).

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

Mr. McFALL. Mr. Chairman, I rise to express my support for H.R. 18185, the Urban Mass Transportation Assistance Act of 1970, and to give another example of how the Federal urban mass transit program can be used, and has been used in my home State of California to preserve and improve a small privately owned bus system which would otherwise surely have perished, as so many other private mass transit companies have, in all parts of the country.

In October of 1967, the Department of Housing and Urban Development, which at that time managed the program, approved a grant in the amount of \$54,733 to the city of Modesto to assist in financing a project consisting of the purchase of four new, modern, air-conditioned transit buses.

Bus service in this city of approximately 55,000 is provided by a private carrier, the Modesto Motor Bus Service. The new buses are owned by the city and leased to the private firm at a nominal rental. The firm serves over 200,000 riders annually.

If this new bus fleet had not been provided, transit service in this city would in all probability have been discontinued. The old fleet was obsolete, worn out, unreliable, and unsafe, and the private operator had no funds to replace them. As is usual in small cities, the bulk of the riders are in the lower income group and include to a large extent the very young, very old, and the handicapped.

For the private operator, the new fleet spelled lower operating costs and also presented the opportunity to attract new riders. This was out of the question with the old buses, whose unattractiveness actually repelled potential riders, and which were patronized only by those who had no alternative.

With the new fleet, transit service in the city presented riders with a "new look" and helped stabilize transit in the community. If this bill is passed, many other communities similarly situated can enjoy the same benefits.

Mr. Chairman, not only does California need this bill, America needs this bill, and I strongly urge its passage.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, one would think we are not providing any money for mass transit. The amendment which I offered provides \$3.1 billion for mass transit. If we listen to the gentleman from New Jersey, the \$3.1 billion is not a great deal of money. It is a great deal of money in my area of Massachusetts. I do not know about the area in New Jersey which the gentleman represents, but that is a great deal of money in my area.

When the gentleman says we are tip-toeing, I would say as a matter of fact we are taking a giant step. We are providing \$3.1 billion. The amendment pro-

vides a reduction of \$1.9 billion. That is precisely what the Senate bill does.

Mr. Chairman, no one has worked harder in the field of mass transit than the distinguished Senator from New Jersey (Mr. WILLIAMS), and the gentleman from New Jersey knows it. Let me read from his testimony before the subcommittee chaired by the gentleman from Pennsylvania (Mr. BARRETT). The Senator says, and I direct the attention of the gentleman from New York (Mr. KOCH) to these remarks:

I personally would have preferred the trust fund. However, without full support, without strong support in the Senate, without administration support, passage of such legislation would have been at best highly doubtful. But this bill which was passed by the Senate is an important step forward.

Mr. Chairman, \$3.1 billion over the next 5 years is a substantial sum of money.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, if the gentleman had presented the figure at \$5 billion, then there would be a difference between the House and Senate figures, and an agreement could be reached on any figure in between, but the gentleman has seen fit to make the figure identical with that of the Senate. Therefore, there would be no way to change it. If the bill goes to conference and some Member suggests, "Let us make it \$4 billion" the answer would be, "Oh, no, that is against the rules." And it would be. It would be out of order.

Amendments exactly alike, as between the two Houses, mean there is nothing for the conferees to consider. This would in effect tie the hands of the conferees. If we wanted to have \$4 billion we could not do it, because the rules would be against it.

The amendment happens to be exactly the same as the Senate amendment, and therefore there would be no difference in the conference to consider.

I suggest, Mr. Chairman, that we have a vote on this amendment.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The question was taken; and on a division (demanded by Mr. PATMAN) there were—ayes 64, noes 51.

Mr. PATMAN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. BOLAND and Mr. PATMAN.

The committee again divided, and the tellers reported that there were—ayes 76, noes 52.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOLAND: Page 10, strike out lines 3-7 and insert in lieu thereof the following:

"SEC. 5. Section 12(d) of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1608(d)) is amended to read as follows: '(d) There are hereby authorized to be appropriated, without fiscal year limitation out of any money in the Treasury not otherwise appropriated, the funds necessary to carry out the functions under this Act.'

Mr. BOLAND. Mr. Chairman, the purpose of this amendment is to fund by direct annual appropriations salaries and expenses, research and development, and demonstration grants. This is what this amendment does. I know of no other Federal program where administrative expenses and research are financed under obligatory authority.

Mr. PATMAN. Mr. Chairman, will the gentleman yield to me for a question?

Mr. BOLAND. I yield to the gentleman.

Mr. PATMAN. What are the other amendments the gentleman has, if he does not mind telling me? We are willing on this side to accept this one.

Mr. BOLAND. I appreciate the action of the gentleman from Texas, the chairman of the committee, in accepting this amendment.

It does provide for additional direct appropriations for salaries and expenses and research and demonstration grants, which procedure is followed in every other program of the Government.

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

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

Mr. PATMAN. Will the gentleman tell us about the other amendments which he plans to offer?

Mr. BOLAND. This is the only amendment now pending. I have two other amendments which I will offer after we have voted on this amendment.

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

Mr. BOLAND. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. We have had an opportunity to go over your amendments and we see no disagreement on our side.

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

Mr. BOLAND. Yes, I yield further to the gentleman from Texas.

Mr. PATMAN. If the gentleman will tell us what the other amendments are then perhaps we can expedite the consideration of them.

Mr. BOLAND. I would be delighted to tell the gentleman what they are after we vote on this amendment. I do appreciate the gentleman from Texas accepting this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOLAND: Page 14, after line 23, insert the following new section:

"SEC. 11. Section 5316 of Title 5, United States Code, is amended by inserting the following after paragraph (129): '(130) Deputy Administrator, Urban Mass Transportation Administration, Department of Transportation.'

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

Mr. BOLAND. I yield to the gentleman.

Mr. BARRETT. The gentleman does have another amendment to offer, does he not?

Mr. BOLAND. Yes. The other amendment is designed to renumber the section.

Mr. PATMAN. Mr. Chairman, if the gentleman will yield further, I wonder if the gentleman would ask unanimous consent to consider them en bloc?

Mr. BOLAND. Mr. Chairman, I ask unanimous consent that this amendment and the other amendment which I have pending at the desk be considered en bloc.

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

There was no objection.

The CHAIRMAN. The Clerk will report the second amendment to be considered en bloc.

The Clerk read as follows:

Page 14, line 24, strike out "Sec. 11." and insert in lieu thereof "Sec. 12."

Mr. BOLAND. Mr. Chairman, amendment No. 3 provides for a Deputy Administrator for the Urban Mass Transportation Administration.

The Urban Mass Transportation Administration is currently engaged in administering projects that total over \$600 million. There are over 100 communities participating in the conduct of these projects. If this bill, increasing the budgetary authorities, becomes law the program will escalate to a level of \$850 million in new approvals during fiscal year 1971. This, then, will result in a total responsibility of approximately \$1.4 billion in the current fiscal year. Virtually all organizations administering programs of this magnitude have a Deputy Administrator.

The Administrator of the Urban Mass Transportation Administration does have a problem in discharging tremendous responsibilities accruing to an individual who is accountable for administering a Federal program close to \$1 billion. Managerial deficiencies within UMTA have been a concern of the current Administrator and in order to provide for a position that can assume some of the responsibilities for the day-to-day operations of this financial program, a Deputy is essential. Demands made on the Administrator require attention to forward planning, creation of program goals and targets, and generally plotting the future of the substantial program of financial assistance. At the present time, this single individual also is required to pay an inordinate amount of attention to the day-to-day operations of the program. The Administrator should be relieved of some of his day-to-day operating responsibilities to enable him to map a logical plan with respect to the overall direction of the program.

Amendment No. 4—This is a technical amendment renumbering section 11.

The last amendment which was read, amendment No. 4, is a technical amendment which just renumbers section 11.

Mr. Chairman, let me review the amendments that I have offered to the pending legislation.

The first of my amendments represents the results of careful review of the UMTA program since its inception from my position as chairman of the Transportation Subcommittee on Appropriations. It would have two effects.

The first and most obvious would be to lower the obligational authority set at \$5 billion by the committee to the \$3.1 billion established in the other body. While I realize that the need for mass transit facilities in our cities is very large indeed and sympathize with the desire of those who wish to get on with the job as soon as possible, I must point out that our investigation of the program in the Transportation Subcommittee makes it clear that the \$3.1 billion requested by the Administration is a completely adequate figure, given the present state of readiness to proceed. This applies not only to UMTA itself which is even now a small agency of less than 125 people, but also to the cities. Their needs are obvious, but their capacity to meet them will have to be built carefully in the years ahead. It would simply not be realistic to ask UMTA to grow rapidly enough to manage prudently such a huge fund. We on the committee are doing our best to see that the agency is given sufficient personnel as quickly as it can absorb them, and I can assure the House that if it becomes apparent that the program is being starved for lack of funds there will be ample opportunity to make whatever adjustments will be necessary. We should keep in mind that we are talking here about a 5-year period with the Administration coming before the Congress for a review of the funding level every 2 years starting in January 1971.

The second amendment is largely technical but represents a sound budgetary concept with which Members of the House are all familiar. The bill as it now stands would establish contract authority for all aspects of the UMTA program, including the salaries of the employees and the money earmarked for research and demonstrations. The justification for the contract authority has always been the needs of the cities to make long-term plans and commitments on the assurance that the Federal funds will be there. Such needs obviously do not include salaries and expenses money, and research programs by their very nature should not require long-range funding. For this reason, I am proposing to amend the bill to limit the use of contract authority to capital grant and loan, relocation grant, and technical studies grant activities. All other aspects of the UMTA program would be subjected to the annual appropriations process and would give not only the Appropriations Committee but the Congress as a whole an opportunity to monitor the progress of this program consistent with our constitutional obligations. The language of the amendment accomplishes this by listing the relevant sections of the bill as exceptions from the contract authority provision. It makes clear that amounts appropriated for these activities so excepted

will be charged against the total figure of \$3.1 billion so that the obligational level established by the bill will not be changed.

My third amendment authorizes the administration to establish the position of Deputy Administrator for UMTA at the executive level V. I am informed that the Civil Service Commission and the Office of Management and Budget desire this additional authorization because there are no such positions now available in the executive pool. I think it is obvious that if we proceed to pass this bill and establish a funding level of the magnitude called for we must attract the finest management talent possible. When one considers that there were less than 60 people in the organization only 18 months ago, it is easy to understand why the management demands are changing enough to justify this additional position.

Mr. Chairman, let me emphasize that my support of this bill is not a general endorsement of long-term contractual authority as a financing mechanism. The report on the fiscal year 1971 Department of Transportation appropriation bill—House report No. 91-1115—states:

The committee does not favor the granting of long term contractual authority by substantive legislation.

Urban mass transportation is a program which the committee should continue to review to assess its relative priority with other programs in the budget.

Mr. PATMAN. Mr. Chairman, our side will accept those amendments. We are acquainted with them. We are willing to accept them.

Mr. WIDNALL. Mr. Chairman, we will accept the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Massachusetts.

The amendments were agreed to.

AMENDMENT OFFERED BY MR. KOCH

Mr. KOCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Koch: Page 14, insert after line 23 the following:

"Sec. 11. (a) The Secretary of Transportation is authorized and directed to make a comprehensive study of the needs of intercity and intracity mass transportation for the next fifteen years. Such study shall be made in cooperation with State and local public bodies and agencies thereof providing mass transportation service and shall include but not be limited to type and estimated cost of mass transportation development and other considerations as the Secretary may deem advisable.

"(b) In formulating the needs study, the Secretary shall take into consideration alternative modes of transportation and provide relative cost estimates of mass transit projects and alternative modes of transportation.

"(c) The Secretary shall submit a report of his findings to the Congress not later than January 1, 1972."

Redesignate section 11 as section 12.

Mr. KOCH. Mr. Chairman, what I would like to do with this amendment is to bring some parity to our programs involving mass transit, and to do something for mass transit which is already being done for the highways and for the airports.

What do I mean by that? It is this:

that there ought to be a comprehensive study of the country's mass transit needs. There is no such study mandated in our bill today. We already have had a study of our highway needs for the next 15 years, and a second report is due in 1972 under the Federal Aid to Highways Act of 1968. In addition, under the Airport and Airways Development Act of 1970, which we recently passed, there is a mandate to the Secretary of Transportation to submit an airport development plan and the estimated cost of airport development for the next 10-year period.

What this amendment would do would be to mandate a similar long-range, comprehensive study for mass transit. It does not appropriate funds for mass transit. It simply says:

Let us have the facts relative to the needs of mass transit, as we already have said we must have with regard to highways and airports.

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

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

Mr. BINGHAM. Mr. Chairman, I thank the gentleman for yielding, and I want to commend the gentleman for offering his amendment. I think it is a most constructive move. It seems to me that any step that will indicate the magnitude of the problem we face in mass transit, and will move us toward the day when we balance the transportation needs in this country and have some rationale for deciding whether we are going to spend our transportation dollars on highways or on mass transit, is a constructive move.

Mr. Chairman, I hope that the amendment will be adopted.

Mr. KOCH. Mr. Chairman, I thank the gentleman.

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

Mr. KOCH. I yield to the gentleman from Pennsylvania.

Mr. BARRETT. Mr. Chairman, I just want to really commend the gentleman on his oratory. I have observed the gentleman each time he has appeared before our committee, and he does work exhaustively, and I would hope the Committee would give his amendment every consideration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WIDNALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have watched very carefully the record of the gentleman from New York (Mr. Koch) ever since he became a Member of the House, and I wish to say that he is a very earnest Member, and is very sincere about what he is trying to do. I feel, however, that what the gentleman is attempting to do now is already being done, and this would only compound the action which is presently being taken.

The President has directed the Secretary of Transportation to conduct a study and report on the long-term needs of all phases of transportation, including urban mass transit needs. Putting this language into the law would just add, as I said before, a compounding study to that that is already being conducted. The

study will be completed in 1972. Therefore I believe that the amendment should be defeated.

Mr. PATMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wonder if it is time to decide if we can have an agreement on a final vote?

Mr. Chairman, I ask unanimous consent that all debate on this amendment and on the bill, and all amendments thereto, close in 10 minutes.

Mr. WEICKER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. PATMAN. Mr. Chairman, I move that all debate on the bill and all amendments thereto close in 10 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Texas.

The motion was rejected.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto close in 15 minutes.

PARLIAMENTARY INQUIRY

Mr. STANTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. STANTON. Mr. Chairman, how many amendments are pending at the desk?

The CHAIRMAN. There are two amendments at the desk at the present time.

Is there objection to the request of the gentleman from Texas (Mr. PATMAN)?

Mr. HUNT. Mr. Chairman, I object.

Mr. PATMAN. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto close in 20 minutes.

Mr. WIDNALL. I think it could be settled before 20 minutes, if the pending amendments could be taken up. I do not think they are particularly controversial.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. PATMAN)?

There was no objection.

The CHAIRMAN. The Chair has noted the names of the Members standing at the time the unanimous-consent request was granted limiting the time to 20 minutes.

Does any Member whose name has been noted by the Chair desire to speak on the amendment offered by the gentleman from New York (Mr. KOCH)? If not, the Chair will put the question on that amendment.

The question on the amendment offered by the gentleman from New York (Mr. KOCH).

The question was taken; and on a division (demanded by Mr. KOCH) there were—aye 30, noes 47.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WEICKER

Mr. WEICKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEICKER: At the beginning of page 14 insert a new section 9 and renumber the subsequent sections:

"SEC. 9. The Secretary of Transportation shall conduct a complete study of the costs,

benefits, and methods of acquisition, operation, and maintenance by the Federal Government of all railroad tracks, rights-of-way, signal and train control systems, and other fixed facilities. Such study to be submitted to the Congress within one year after the date of the enactment of this Act, shall include but not be limited to the following:

"(1) appropriate methods of Government acquisition, whether by eminent domain or by voluntary sale, and the type of property interest (fee simple, easement, or otherwise) to be acquired;

"(2) the capital cost of Government acquisition, including consideration of compensation to the railroad companies by Government assumption of bonded indebtedness related to the initial financing of facilities, and of State and local property taxes now assessed against rail carriers by virtue of their ownership of facilities;

"(3) the relationship of the Government interest in rights-of-way to the continued ownership and development by present owners of property not needed for railroad transportation, including air rights;

"(4) modes of operation by the Government of signal and train control systems, including the authority to determine rights of trains as between passenger and freight trains and as between trains of different carriers using the same line of track;

"(5) the need for and feasibility of Government acquisition of such fixed facilities as yards, terminals, and stations in addition to tracks and signal systems, and the mode of operation by the Government of those facilities;

"(6) establishment of regular maintenance and capital improvement programs to assure uniform, high standard track and to facilitate faster, more dependable service for both passengers and freight;

"(7) establishment of standards governing the size, weight, and design of locomotives and cars which may be safely and expeditiously operated over given lines of track;

"(8) funding of maintenance and capital improvement programs by means of a railroad trust fund, to be financed by user charges to rail carriers;

"(9) assessment of such user charges against rail passenger carriers on an incremental basis on the assumption that well-maintained track, signal and train control systems, and other fixed facilities would be required for freight service even if no passenger service were provided;

"(10) the need for supplements to the trust fund by appropriations from the general fund of the Treasury, in view of the urgent need for modernization of rail facilities and the continuing substantial outlays from the general fund for other kinds of transportation facilities;

"(11) extension of franchises to existing and new carriers, both passenger and freight, over given lines of track not now operated by them, to provide better service and more competition and to allow for the fullest possible utilization of the most favorable and efficient routes;

"(12) a rationalization of the existing rail plant to promote more efficient utilization, reduce the overall need for maintenance and capital improvement funds, and facilitate urban and metropolitan redevelopment."

Mr. PATMAN (during the reading). Mr. Chairman, I think the amendment has been read sufficiently to indicate that the amendment is not germane to the bill. I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Chairman, I make the point of order that the amendment is not germane to the bill.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PATMAN. The amendment relates to a type of transportation that is not under the Secretary of Transportation. The railroads are not under the Secretary of Transportation. They are not included in the bill. Therefore the amendment is not germane.

The CHAIRMAN. Does the gentleman from Connecticut desire to be heard on the point of order?

Mr. WEICKER. Mr. Chairman, I rise in opposition to the point of order, and I point out that it is relevant to section 8 of the bill, which states as follows:

Sec. 8. The Secretary of Transportation shall conduct a study of the feasibility of providing Federal assistance to help defray the operating costs of mass transportation companies in urban areas and of any changes in the Urban Mass Transportation Act of 1964 which would be necessary in order to provide such assistance, and shall report his findings and recommendations to the Congress within one year after the date of the enactment of this Act.

I think the subject matter of the amendment is very definitely part of this bill. What we are talking about is maintenance of rights-of-way as a system to study. There is no point in duplicating effort. If the Secretary can study one phase, he can study them both at the same time.

The CHAIRMAN (Mr. McFALL). The Chair is prepared to rule. The amendment authorizes and directs the Secretary of Transportation to make a study of costs, benefits, and methods of acquisition, operation, and maintenance by the Federal Government of all railroad tracks, rights-of-way, et cetera, matter within the jurisdiction of the Committee on Interstate and Foreign Commerce. The bill reported by the Committee on Banking and Currency, H.R. 18185, relates to the financing of urban mass transportation. The amendment does go beyond the scope of the pending bill and is not germane. Therefore, the Chair sustains the point of order.

Are there further amendments to be offered? Are there further requests for time? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. McFALL, 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. 18185), to provide long-term financing for expanded urban mass transportation programs, and for other purposes, pursuant to House Resolution 1224, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment?

Mr. PATMAN. Mr. Speaker, I demand a separate vote on the so-called Boland amendment to subsection (c), commenc-

ing at the bottom of page 7, and extending through line 19 on page 8.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Beginning with line 25, page 7, strike out everything through line 19, page 8, and insert in lieu thereof the following: "(c) To finance grants and loans under sections 3, 7(b), and 9 of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed \$3,100,000,000, less amounts appropriated pursuant to section 12(d) of this Act and the amount appropriated to the Urban Mass Transportation Fund by Public Law 91-168. This amount (which shall be in addition to any amounts available to finance such activities under subsection (b) of this section) shall become available for obligation upon the date of enactment of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed \$80,000,000 prior to July 1, 1971, which amount may be increased to not to exceed an aggregate of \$310,000,000 prior to July 1, 1972, not to exceed an aggregate of \$710,000,000 prior to July 1, 1973, not to exceed an aggregate of \$1,260,000,000 prior to July 1, 1974, not to exceed an aggregate of \$1,860,000,000 prior to July 1, 1975, and not to exceed an aggregate of \$3,100,000,000 thereafter. The total amounts appropriated under this subsection and section 12(d) of this Act shall not exceed the limitations in the foregoing schedule. Sums so appropriated shall remain available until expended."

Mr. PATMAN (during the reading): Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

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

There was no objection.

The SPEAKER. The question is on the amendment.

The question was taken; and the Speaker being in doubt, the House divided, and there were—ayes 55, noes 40.

Mr. PATMAN. 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 199, nays 146, not voting 84, as follows:

[Roll No. 321]

YEAS—199

Abernethy	Bow	Casey
Anderson, Ill.	Brinkley	Chamberlain
Andrews, Ala.	Brown, Mich.	Chappell
Arends	Brown, Ohio	Clancy
Aspinwall	Broyhill, N.C.	Clatzen,
Ayres	Broyhill, Va.	Don H.
Baring	Buchanan	Clawson, Del
Belcher	Burke, Fla.	Cleveland
Bell, Calif.	Burleson, Tex.	Collins
Bennett	Burlison, Mo.	Colmer
Berry	Byrnes, Wis.	Conte
Bevill	Caffery	Corbett
Blackburn	Camp	Culver
Boland	Carter	Daniel, Va.

Davis, Ga.	Jones, N.C.	Riegler
Davis, Wis.	Kazan	Roberts
Delaney	Kes	Rogers, Fla.
Dellenback	Kuykendall	Roth
Denney	Kyl	Rousselot
Dennis	Landgrebe	Rutte
Devine	Langen	Sander
Dickinson	Latta	Satterfield
Dorn	Lennon	Long, Md.
Downing	Long, Md.	Saylor
Duncan	Lukens	Schadeberg
Edmondson	McClure	Scherle
Edwards, Ala.	McCulloch	Schmitz
Erlenborn	McDade	Schneebeli
Esch	McEwen	Schwengel
Eshleman	Mahon	Scott
Findley	Mann	Sebelius
Flowers	Marsh	Shriver
Flynt	May	Sikes
Foley	Mayne	Skubitz
Ford, Gerald R.	Michel	Slack
Fountain	Miller, Ohio	Smith, Calif.
Gettys	Mills	Smith, Iowa
Fuqua	Mize	Smith, N.Y.
Galiianakis	Montgomery	Snyder
Goldwater	Morton	Springer
Goodling	Mosher	Stafford
Gray	Myers	Staggers
Griffin	Natcher	Stanton
Gross	Nelsen	Steed
Hagan	Nichols	Steiger, Ariz.
Haley	Obey	Steiger, Wis.
Hall	O'Konski	Stratton
Hamilton	O'Neal, Ga.	Stubblefield
Hammer-	Passman	Talcott
schmidt	Pelly	Taylor
Hanley	Pettis	Teague, Calif.
Hansen, Idaho	Pickle	Thompson, Ga.
Hansen, Wash.	Pike	Thomson, Wis.
Harvey	Poage	Ullman
Hastings	Pollock	Waggoner
Henderson	Preyer, N.C.	Wampler
Hicks	Price, Tex.	Whaley
Hogan	Pryor, Ark.	Whitehurst
Hosmer	Purcell	Widnall
Hull	Quie	Wiggins
Hunt	Quillen	Williams
Hutchinson	Railsback	Winn
Ichord	Randall	Wyatt
Jarman	Rarick	Wylie
Johnson, Pa.	Reid, Ill.	Wyman
Jones, Ala.	Rhodes	Zion

NAYS—146

Adams	Fulton, Pa.	Murphy, Ill.
Addabbo	Gallagher	Nix
Alexander	Garnatz	O'Hara
Anderson, Calif.	Gaydos	O'Neill, Mass.
Anderson, Tenn.	Gialmo	Patman
Ashley	Gibbons	Fatten
Barrett	Gonzalez	Pepper
Beall, Md.	Green, Oreg.	Perkins
Biaggi	Griffiths	Philbin
Blester	Grover	Podell
Bingham	Gubser	Price, Ill.
Blanton	Gude	Fucinski
Blatnik	Halpern	Rees
Boggs	Hanna	Reid, N.Y.
Bolling	Harrington	Reuss
Brademas	Hathaway	Rivers
Brasco	Hawkins	Rodino
Broomfield	Hechler, W. Va.	Roe
Brotzman	Heckler, Mass.	Rogers, Colo.
Brown, Calif.	Heilstoski	Rooney, N.Y.
Burke, Mass.	Hollifield	Rooney, Pa.
Burton, Calif.	Horton	Rosenthal
Byrne, Pa.	Howard	Rostenkowski
Carey	Hungate	Royal
Clark	Jacobs	Ryan
Clay	Johnson, Calif.	St. Germain
Cohelan	Jones, Tenn.	Sisk
Collier	Karth	Stephens
Corman	Kastenmeier	Stokes
Coughlin	Keith	Sullivan
Cowger	Kluczynski	Symington
Daniels, N.J.	Koch	Thompson, N.J.
Dent	Lowenstein	Tierman
Diggs	McCloskey	Udall
Dingell	McDonald, Mich.	Van Deerlin
Donohue	McFall	Vanik
Dulski	Mailliard	Vigorito
Dwyer	Matsuaga	Walde
Eckhardt	Meeds	Weicker
Edwards, Calif.	Mikva	Whalen
Ellberg	Minish	Wilson, Bob
Evans, Colo.	Mink	Wilson, Charles H.
Evens, Tenn.	Minshall	Wolf
Fascell	Mollohan	Wright
Flood	Monagan	Wyder
Ford,	Moorhead	Yates
William D.	Morgan	Yatron
Fraser	Morse	Young
Frelinghuysen	Moss	

NOT VOTING—84

Fallon	Martin
Farbstein	Mathias
Feighan	Melcher
Fish	Meskill
Fisher	Mizell, Calif.
Aspinwall	Murphy, N.Y.
Friedel	Nedzi
Fulton, Tenn.	Olsen
Bray	Ottinger
Brooks	Pirnie
Brooks	Powell
Burton, Utah	Reiffel
Bush	Robison
Button	Roudebush
Cabell	Scheuer
Cederberg	Shipley
Celler	Stuckey
Chisholm	Taft
Conable	Teague, Tex.
Conyers	Tunney
Cramer	Vander Jagt
Crane	Watson
Cunningham	Watson
Daddario	Watts
Dawson	Whitten
de la Garza	Wold
Derwinski	Zablocki
Dowdy	Zwach
Edwards, La.	Madden

So the amendment was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Adair.
Mr. Brooks with Mr. Jonas.
Mr. Annunzio with Mr. MacGregor.
Mr. Cabell with Mr. Bush.
Mr. Fulton of Tennessee with Mr. Cramer.
Mr. Friedel with Mr. Taft.
Mr. Ottinger with Mrs. Chisholm.
Mr. McCarthy with Mr. Conyers.
Mr. Miller of California with Mr. McNeally.
Mr. Shipley with Mr. Andrews of North Dakota.
Mr. Murphy of New York with Mr. Robison.
Mr. Edwards of Louisiana with Mr. Crane.
Mr. Zablocki with Mr. Zwach.
Mr. Teague of Texas with Mr. Lloyd.
Mr. Landrum with Mr. Meskill.
Mr. Aspinwall with Mr. Wold.
Mr. Leggett with Mr. Conable.
Mr. Celler with Mr. Button.
Mr. Long of Louisiana with Mr. Kleppe.
Mr. Daddario with Mr. Pirnie.
Mr. Albert with Mr. Cederberg.
Mr. Dowdy with Mr. Burton of Utah.
Mr. Fisher with Mr. Brock.
Mr. Nedzi with Mr. Fish.
Mr. de la Garza with Mr. Watson.
Mr. Melcher with Mr. Roudebush.
Mr. Watts with Mr. Derwinski.
Mr. Olsen with Mr. Vander Jagt.
Mr. Farbstein with Mr. Reiffel.
Mr. Green of Pennsylvania with Mr. Mathias.
Mr. Feighan with Mr. Cunningham.
Mr. Tunney with Mr. Powell.
Mr. Stuckey with Mr. Martin.
Mr. Hays with Mr. Foreman.
Mr. Gilbert with Mr. Betts.
Mr. Madden with Mr. Bray.
Mr. McMillan with Mr. Harsha.
Mr. Whitten with Mr. Mizell.
Mr. Macdonald of Massachusetts with Mr. McCloskey.
Mr. Abbott with Mr. Lujan.
Mr. Fallon with Mr. King.
Mr. Scheuer with Mr. Dawson.

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

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

The result of the vote was announced as above recorded.

The doors were opened.

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

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

third time.

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

Mr. HALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 328, nays 16, not voting 86, as follows:

[Roll No. 322]

YEAS—328

Abernethy	Edwards, Ala.	McCloskey	Scott	Stubblefield	Whalley
Adams	Edwards, Calif.	McClure	Sebellus	Stuckey	White
Addabbo	Elberg	McCulloch	Shriver	Sullivan	Whitehurst
Alexander	Erlenborn	McDade	Sikes	Symington	Widnall
Anderson, Calif.	Esch	McDonald	Sisk	Talcott	Wiggins
Anderson, Ill.	Eshleman	Mich.	Skubitz	Taylor	Williams
Anderson, Tenn.	Evans, Colo.	McEwen	Smith, Calif.	Teague, Calif.	Wilson, Bob
Anderson, Tenn.	Fascell	McFall	Smith, Iowa	Thompson, Ga.	Wilson, Charles H.
Arends	Findley	Mahon	Snyder	Thompson, N.J.	Winn
Ashbrook	Flood	Mailhard	Springer	Tiernan	Wolff
Ashley	Flowers	Mann	Stafford	Udall	Wright
Ayres	Foley	Marsh	Staggers	Ullman	Wyatt
Barrett	Ford, Gerald R.	Matsunaga	Stanton	Vanek	Wyder
Beall, Md.	Ford,	May	Steed	Vigorito	Wyman
Belcher	William D.	Mayne	Andrews, Ala.	Waggoner	Yates
Bell, Calif.	Fraser	Meeds	Hall	Vanek	Yatron
Bennett	Frelinghuysen	Michel	Baring	Wampler	Young
Berry	Frey	Milka	Daniel, Va.	Wicker	Zion
Bevill	Fulton, Pa.	Miller, Ohio	Andrews	Stratton	
Biaggi	Fuqua	Mills	Hutchinson		
Blester	Gallianakis	Minish	Landgrebe		
Bingham	Gallagher	Mink	Montgomery		
Blackburn	Garmatz	Minshall	O'Neal, Ga.		
Blanton	Gaydos	Mize	Gross		
Blatnik	Gettys	Mollohan	NOT VOTING—86		
Boggs	Gaimo	Monagan	Abbitt	Edwards, La.	Martin
Boiland	Gibbons	Moorhead	Adair	Fallon	Mathias
Bolling	Gilbert	Morgan	Albert	Farbstein	Melcher
Brademas	Goldwater	Morse	Andrews	Feighan	Meskill
Brasco	Gonzalez	Morton	N. Dak.	Fish	Miller, Calif.
Brinkley	Goodling	Mosher	Annunzio	Fisher	Mizell
Broomfield	Gray	Moss	Aspinwall	Foreman	Murphy, N.Y.
Brotzman	Green, Oreg.	Murphy, Ill.	Betts	Friedel	Nedzi
Brown, Calif.	Griffin	Myers	Bow	Fulton, Tenn.	Neisen
Brown, Mich.	Griffiths	Natcher	Bray	Green, Pa.	Olsen
Brown, Ohio	Grover	Nichols	Brock	Harsha	Ottinger
Broyhill, N.C.	Gubser	Nix	Brooks	Hays	Pepper
Broyhill, Va.	Gude	Obey	Burton, Utah	Hebert	Pirnie
Buchanan	Hagan	O'Hara	Bush	Jonas	Powell
Burke, Fla.	Haley	O'Konski	Button	King	Reifel
Burke, Mass.	Halpern	O'Neill, Mass.	Cabell	Kleppe	Robison
Burleson, Tex.	Hamilton	Passman	Cederberg	Landrum	Roudebush
Burlison, Mo.	Hammer-	Patman	Celler	Leggett	Scheuer
Burton, Calif.	schmidt	Patten	Chisholm	Lloyd	Shipley
Byrne, Pa.	Hanley	Pelly	Conable	Long, La.	Taft
Byrnes, Wis.	Hanna	Perkins	Conyers	Lujan	Teague, Tex.
Caffery	Hansen, Idaho	Pettis	Cramer	McCarthy	Tunney
Camp	Hansen, Wash.	Philbin	Crane	McClory	Vander Jagt
Carey	Harrington	Pickle	Cunningham	McKneally	Watson
Carter	Harvey	Pike	Daddario	McMillan	Watts
Casey	Hastings	Poage	Dawson	MacDonald	Whitten
Chamberlain	Hathaway	Podell	de la Garza	Mass.	Wold
Chappell	Hawkins	Poff	Derwinski	MacGregor	Zablocki
Clancy	Hechler, W. Va.	Pollock	Dowdy	Madden	Zwach
Clark	Heckler, Mass.	Preyer, N.C.			
Clausen, Don H.	Heistostki	Price, Ill.			
Clawson, Del	Henderson	Pryor, Ark.			
Clay	Hicks	Pucinski			
Cleveland	Hogan	Purcell			
Cohelan	Hollifield	Quie			
Collier	Horton	Railsback			
Collins	Hosmer	Randall			
Colmer	Howard	Rees			
Conte	Hull	Reid, Ill.			
Corbett	Hungate	Reid, N.Y.			
Corman	Hunt	Reuss			
Coughlin	Ichord	Rhodes			
Cowger	Jacobs	Riegle			
Culver	Jarman	Rivers			
Daniels, N.J.	Johnson, Calif.	Roberts			
Davis, Ga.	Johnson, Pa.	Rodino			
Davis, Wis.	Jones, Ala.	Roe			
Delaney	Jones, N.C.	Rogers, Colo.			
Dellenback	Jones, Tenn.	Rogers, Fla.			
Denney	Karth	Rooney, N.Y.			
Dennis	Kastenmeier	Rooney, Pa.			
Dent	Kazan	Rosenthal			
Devine	Kee	Rostenkowski			
Dickinson	Keith	Roth			
Diggs	Kluczynski	Royal			
Dingell	Koch	Ruppe			
Donohue	Kuykendall	Ruth			
Dorn	Kyl	Ryan			
Downing	Kyros	St Germain			
Dulski	Langen	Sandman			
Duncan	Latta	Satterfield			
Dwyer	Lennon	Saylor			
Eckhardt	Long, Md.	Schadeberg			
Edmondson	Lowenstein	Schneebell			
	Lukens	Schwengel			

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Adair.
Mr. Brooks with Mr. Jonas.
Mr. Annunzio with Mr. MacGregor.
Mr. Cabell with Mr. Bush.
Mr. Fulton of Tennessee with Mr. Cramer.
Mr. Friedel with Mr. Taft.
Mr. Ottinger with Mrs. Chisholm.
Mr. McCarthy with Mr. Conyers.
Mr. Miller of California with Mr. McNealy.
Mr. Shipley with Mr. Andrews of North Dakota.
Mr. Murphy of New York with Mr. Robison.
Mr. Edwards of Louisiana with Mr. Crane.
Mr. Zablocki with Mr. Zwach.
Mr. Teague of Texas with Mr. Lloyd.
Mr. Landrum with Mr. Meskill.
Mr. Aspinwall with Mr. Betts.
Mr. Leggett with Mr. Bow.
Mr. Celler with Mr. Button.
Mr. Long of Louisiana with Mr. Kleppe.
Mr. Daddario with Mr. Pirnie.
Mr. Albert with Mr. Cederberg.
Mr. Dowdy with Mr. Burton of Utah.
Mr. Fisher with Mr. Brock.
Mr. Nedzi with Mr. Fish.
Mr. de la Garza with Mr. Watson.
Mr. Melcher with Mr. Roudebush.
Mr. Watts with Mr. Derwinski.
Mr. Olsen with Mr. Vander Jagt.
Mr. Farbstein with Mr. Reifel.
Mr. Green of Pennsylvania with Mr. Mathias.
Mr. Feighan with Mr. Cunningham.
Mr. Tunney with Mr. Powell.

Mr. Hays with Mr. Martin.
Mr. Madden with Mr. Foreman.
Mr. Fallon with Mr. Bray.
Mr. Pepper with Mr. Conable.
Mr. Abbott with Mr. Lujan.
Mr. King with Mr. McClory.
Mr. Scheuer with Mr. Harsha.
Mr. Macdonald of Massachusetts with Mr. Wold.
Mr. McMillan with Mr. Nelsen.
Mr. Whitten with Mr. Mizell.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill S. 3154, to provide long-term financing for expanded urban mass transportation programs, and for other purposes.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3154

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the rapid urbanization and the continued dispersal of population and activities within urban areas has made the ability of all citizens to move quickly and at a reasonable cost an urgent national problem; that new directions in the Federal assistance programs for urban mass transportation are imperative if efficient, safe, and convenient transportation compatible with soundly planned urban areas is to be achieved; and that success will require a Federal commitment for the expenditure of at least \$10,000,000,000 over a twelve-year period to permit confident and continuing local planning, and greater flexibility in program administration. It is the purpose of this Act to create a partnership which permits the local community, through Federal financial assistance, to exercise the initiative necessary to satisfy its urban mass transportation requirements.

Sec. 2. Section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602), is amended by—

(1) redesignating subsection (e) as subsection (e); and

(2) striking out subsections (a) and (b) and inserting in lieu thereof subsections (a), (b), (c), and (d), as follows:

(a) The Secretary is authorized, in accordance with the provisions of this Act and on such terms and conditions as he may prescribe, to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas and in coordinating such service with highway and other transportation in such areas. Eligible facilities and equipment may include land (but not public highways), buses and other rolling stock, and other real and personal property needed for an efficient and coordinated mass transportation system. No grant or loan shall be provided under this section unless the Secretary determines that the applicant has or will have—

(1) the legal, financial, and technical capacity to carry out the proposed project; and

"(2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment.

The Secretary may make loans for real property acquisition pursuant to subsection (b) upon a determination, which shall be in lieu of the preceding determinations, that the real property is reasonably expected to be required in connection with a mass transportation system and that it will be used for that purpose within a reasonable period. No grant or loan funds shall be used for payment of ordinary governmental or nonproject operating expenses. An applicant for assistance under this section shall furnish a copy of its application to the Governor of each State affected concurrently, with submission to the Secretary. If, within 30 days thereafter, the Governor submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(b) The Secretary is authorized to make loans under this section to States or local public bodies and agencies thereof to finance the acquisition of real property and interests in real property for use as rights-of-way, station sites, and related purposes, on urban mass transportation systems, including the net cost of property management and relocation payments made pursuant to section 7. Each loan agreement under this subsection shall provide for actual construction of urban mass transportation facilities on acquired real property within a period not exceeding ten years following the fiscal year in which the agreement is made. Each agreement shall provide that in the event acquired real property or interests in real property are not to be used for the purposes for which acquired, an appraisal of current value will be made at the time of that determination, which shall not be later than ten years following the fiscal year in which the agreement is made. Two-thirds of the increase in value, if any, over the original cost of the real property shall be paid to the Secretary for credit to miscellaneous receipts of the Treasury. Repayment of amounts loaned shall be credited to miscellaneous receipts of the Treasury. A loan made under this subsection shall be repayable within ten years from the date of the loan agreement or on the date a grant agreement for actual construction of facilities on the acquired real property is made, whichever date is earlier. An applicant for assistance under this subsection shall furnish a copy of its application to the comprehensive planning agency of the community affected concurrently with submission to the Secretary. If within thirty days thereafter the comprehensive planning agency of the community affected submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(c) No loan shall be made under this section for any project for which a grant is made under this section, except—

"(1) loans may be made for projects as to which grants are made for relocation payments; and

"(2) project grants may be made even though the real property involved in the project has been or will be acquired as a result of a loan under subsection (b).

Interest on loans made under this section shall be at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of 1 per centum plus (ii) an allowance adequate in the judgment of the Secretary of Transportation to cover administrative costs and probable

losses under the program. No loans shall be made, including renewals or extensions thereof, and no securities or obligations shall be purchased which have maturity dates in excess of forty years.

"(d) Any State or local public body or agency thereof which makes applications for a grant or loan under this Act to finance the acquisition, construction, reconstruction, or improvement of facilities or equipment which will substantially affect a community or its mass transportation service shall certify to the Secretary that it has held public hearings, has afforded adequate notice of such hearings, has considered the economic and social effects of the project for which applications for financial assistance is made and its impact on the environment, and has found that the project is consistent with any plans for the comprehensive development of the urban area. The notice required by this subsection shall include a concise statement of the proposal for which the application is made and may be published in a newspaper of general circulation in the State or locality to be served, and shall be published in the Federal Register, and for the purpose of this sentence the Administrator of the General Services Administration shall accept and publish any such notice. Hearings need not be held if opportunity for such hearings is provided through adequate notice, and no one with a significant economic, social or environmental interest in the matter requests a hearing. If hearings have been held, a copy of the transcript of the hearings shall be submitted with the certification."

SEC. 3. (a) Subsection 4(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603(a)), is amended by—

(1) striking out "section 3" in the first sentence and inserting in lieu thereof "subsection (a) of section 3"; and

(2) striking out the next to the last sentence and inserting in lieu thereof the following: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

(b) Section 4 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603), is amended by adding at the end thereof the following new subsections:

"(c) To finance the programs and activities, including administrative costs, under this Act, the Secretary is authorized to incur obligations in the form of grant agreements or otherwise in amounts aggregating not to exceed \$3,100,000,000. This amount shall become available for obligation upon the effective date of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed \$80,000,000 prior to July 1, 1971, which amount may be increased to not to exceed an aggregate of \$310,000,000 prior to July 1, 1972, not to exceed an aggregate of \$710,000,000 prior to July 1, 1973, not to exceed an aggregate of \$1,260,000,000 prior to July 1, 1974, not to exceed an aggregate of \$1,860,000,000 prior to July 1, 1975, and not to exceed an aggregate of \$3,100,000,000 thereafter. Sums so appropriated shall remain available until expended.

"(d) The Secretary shall report annually to the Congress, after consultation with State and local public agencies, with respect to outstanding grants or other contractual agreements executed pursuant to subsection (c) of this section. To assure program continuity and orderly planning and project development, the Secretary shall submit to the Congress (1) authorization requests for fiscal years 1976 and 1977 not later than February

1, 1972, (2) authorization requests for fiscal years 1978 and 1979 not later than February 1, 1974, (3) authorization requests for fiscal years 1980 and 1981 not later than February 1, 1976, and (4) an authorization request for fiscal year 1982 not later than February 1, 1978. Such authorization requests shall be designed to meet the Federal commitment specified in the first section of the Urban Mass Transportation Assistance Act of 1969. Concurrently with these authorization requests, the Secretary shall also submit his recommendations for any necessary adjustments in the schedule for liquidation of obligations."

SEC. 4. Section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604), is amended by striking out the next to the last sentence and inserting in lieu thereof the following sentence: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

SEC. 5. Section 14 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1610), is amended to read as follows:

"ENVIRONMENTAL PROTECTION

"SEC. 14. (a) It is hereby declared to be the national policy that urban mass transportation projects for which Federal financial assistance is provided pursuant to section 3 shall provide for the protection and enhancement of the natural resources and the quality of environment of the Nation. In implementing this policy the Secretary shall consult with the Secretaries of Health, Education, and Welfare, Housing and Urban Development, and Interior and with the National Environmental Quality Council with regard to each such project that may have a substantial impact on natural resources including, but not limited to water and air quality, peace and tranquility, and fish and wildlife, natural, scenic and recreational assets, and other factors affecting the environment.

"(b) The Secretary shall review each transcript of hearing submitted pursuant to section 3(d) to assure that an adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social or environmental interest and that the environmental considerations identified at the hearing have been adequately dealt with in the project application. The Secretary shall not grant financial assistance under section 3 for any project unless he is satisfied that fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the project is located.

"(c) If opposition to any application for assistance under section 3 is raised in the hearing before the State or local public agency, or in any communication to the Secretary, on the grounds that the environment would be adversely affected by the project to which the application relates, the Secretary shall not approve the application, unless he finds in writing after a full and complete review of the record of such hearing and of the application, that (1) no adverse environmental effect is likely to result from such project, or (2) there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect. In any case in which the Secretary determines that the record of the hearing before the State or local public agency is inadequate to permit him to make the findings required under the preceding sentence, he shall conduct a hearing, including adequate notice to interested persons, on the environmental issue raised by such application. Findings of the

Secretary under this subsection shall be made a matter of public record."

SEC. 6. Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611), is amended to read as follows:

"STATE LIMITATION

"SEC. 15. Grants made under section 3 (other than for relocation payments in accordance with section 7(b)) before July 1, 1970, for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be appropriated pursuant to section 4(b); except that the Secretary may, without regard to such limitation, enter into contracts for grants under section 3 aggregating not to exceed \$12,500,000 (subject to the total authorization provided in section 4(b)) with local public bodies and agencies in States where more than two-thirds of the maximum grants permitted in the respective State under this section has been obligated. Grants made on or after July 1, 1970, under section 3 for projects in any one State may not exceed in the aggregate 12½ per centum of the aggregate amount of funds authorized to be obligated under subsection 4(c), except that 1½ per centum of the aggregate amount of grant funds authorized to be obligated under subsection 4(c) may be used by the Secretary, without regard to this limitation, for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated and except that an additional 6 per centum of the aggregate amount of grant funds authorized to be obligated under subsection 4(c) may be used by the Secretary for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated, where the Secretary shall determine that the utilization of these funds in this manner shall better accomplish the purposes of this Act and shall not prejudice or delay pending projects of other States, but in no case shall any State receive more than 25 per centum of the additional grant funds made available under this exception. In computing State limitations under this section, grants for relocation payments shall be excluded. Any grant made under section 3 to a local public body or agency in a major metropolitan area which is used in whole or part to provide or improve urban mass transportation service, pursuant to an interstate compact approved by the Congress, in a neighboring State having within its boundaries population centers within normal commuting distance from such major metropolitan area, shall, for purposes of computing State limitations under this section, be allocated on an equitable basis, in accordance with regulations prescribed by the Secretary, between the State in which such public body or agency is situated and such neighboring State."

Sec. 7. Nothing in this Act shall affect the authority of the Secretary of Housing and Urban Development to make grants, under the authority of section 6(a), 9, and 11 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605(a), 1607a, and 1607(c)), and Reorganization Plan Numbered 2 of 1968, for projects or activities primarily concerned with the relationship of urban transportation systems to the comprehensively planned development of urban areas, or the role of transportation planning in overall urban planning, out of funds appropriated to him for that purpose.

Sec. 8. This Act may be cited as the "Urban Mass Transportation Assistance Act of 1969".

MOTION OFFERED BY MR. PATMAN

Mr. PATMAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PATMAN moves to strike out all after the enacting clause of S. 3154 and substitute in lieu thereof the provisions of H.R. 18185, as passed, as follows:

That the Congress finds that the rapid urbanization and the continued dispersal of population and activities within urban areas has made the ability of all citizens to move quickly and at a reasonable cost an urgent national problem; that it is imperative, if efficient, safe, and convenient transportation compatible with soundly planned urban areas is to be achieved, to continue and expand the Urban Mass Transportation Act of 1964; and that success will require a Federal commitment for the expenditure of at least \$10,000,000,000 over a twelve-year period to permit confident and continuing local planning, and greater flexibility in program administration. It is the purpose of this Act to create a partnership which permits the local community, through Federal financial assistance, to exercise the initiative necessary to satisfy its urban mass transportation requirements.

Sec. 2. Section 3 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602), is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by striking out subsections (a) and (b) and inserting in lieu thereof subsections (a), (b), (c), and (d), as follows:

"(a) The Secretary is authorized, in accordance with the provisions of this Act and on such terms and conditions as he may prescribe, to make grants or loans (directly, through the purchase of securities or equipment trust certificates, or otherwise) to assist States and local public bodies and agencies thereof in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment for use, by operation or lease or otherwise, in mass transportation service in urban areas and in coordinating such service with highway and other transportation in such areas. Eligible facilities and equipment may include land (but not public highways), buses and other rolling stock, and other real and personal property needed for an efficient and coordinated mass transportation system. No grant or loan shall be provided under this section unless the Secretary determines that the applicant has or will have—

"(1) the legal, financial, and technical capacity to carry out the proposed project; and

"(2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment. The Secretary may make loans for real property acquisition pursuant to subsection (b) upon determination, which shall be in lieu of the preceding determinations, that the real property is reasonably expected to be required in connection with a mass transportation system and that it will be used for that purpose within a reasonable period. No grant or loan funds shall be used for payment of ordinary governmental or nonproject operating expenses. An applicant for assistance under this section for a project located wholly or partly in a State in which there is a statewide comprehensive transportation planning shall furnish a copy of its application to the Governor of each State affected concurrently with submission to the Secretary. If, within thirty days thereafter, the Governor submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(b) The Secretary is authorized to make loans under this section to States or local public bodies and agencies thereof to finance the acquisition of real property and interests in real property for use as rights-of-way,

station sites, and related purposes, on urban mass transportation systems, including the net cost of property management and relocation payments made pursuant to section 7. Each loan agreement under this subsection shall provide for actual construction of urban mass transportation facilities on acquired real property within a period not exceeding ten years following the fiscal year in which the agreement is made. Each agreement shall provide that in the event acquired real property or interests in real property are not to be used for the purposes for which acquired, an appraisal of current value will be made at the time of that determination, which shall not be later than ten years following the fiscal year in which the agreement is made. Two-thirds of the increase in value, if any, over the original cost of the real property shall be paid to the Secretary for credit to miscellaneous receipts of the Treasury. Repayment of amounts loaned shall be credited to miscellaneous receipts of the Treasury. A loan made under this subsection shall be repayable within ten years from the date of the loan agreement or on the date a grant agreement for actual construction of facilities on the acquired real property is made, whichever date is earlier. A grant agreement for construction of facilities under this Act may provide for forgiveness of the repayment of the principal and accrued interest on the loan then outstanding in lieu of a cash grant in the amount thus forgiven, which for all purposes shall be considered a part of the grant and of the Federal portion of the cost of the project. An applicant for assistance under this subsection shall furnish a copy of its application to the comprehensive planning agency of the community affected concurrently with submission to the Secretary. If within a period of thirty days thereafter (or, in a case where the comprehensive planning agency of the community (during such thirty-day period) requests more time, within such longer period as the Secretary may determine) the comprehensive planning agency of the community affected submits comments to the Secretary, the Secretary must consider the comments before taking final action on the application.

"(c) No loan shall be made under this section for any project for which a grant is made under this section, except—

"(1) loans may be made for projects as to which grants are made for relocation payments; and

"(2) project grants may be made even though the real property involved in the project has been or will be acquired as a result of a loan under subsection (b). Interest on loans made under this section shall be at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Transportation to cover administrative costs and probable losses under the program. No loans shall be made, including renewals or extensions thereof, and no securities or obligations shall be purchased, which have maturity dates in excess of forty years.

"(d) Any application for a grant or loan under this Act to finance the acquisition, construction, reconstruction, or improvement of facilities or equipment which will substantially affect a community or its mass transportation service shall include a certification that the applicant—

"(1) has afforded an adequate opportunity for public hearings pursuant to adequate prior notice, and has held such hearings

unless no one with a significant economic, social, or environmental interest in the matter requests a hearing;

"(2) has considered the economic and social effects of the project and its impact on the environment; and

"(3) has found that the project is consistent with official plans for the comprehensive development of the urban area.

Notice of any hearings under this subsection shall include a concise statement of the proposed project, and shall be published in a newspaper of general circulation in the geographic area to be served. If hearings have been held, a copy of the transcript of the hearings shall be submitted with the application."

SEC. 3. (a) Section 4(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603(a)), is amended—

(1) by striking out "section 3" in the first sentence and inserting in lieu thereof "subsection (a) of section 3"; and

(2) by striking out the next to the last sentence and inserting in lieu thereof the following: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

(b) Section 4 of such Act, as amended (49 U.S.C. 1603), is amended by adding at the end thereof the following new subsections:

"(c) To finance grants and loans under sections 3, 7(b), and 9 of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed \$3,100,000,000, less amounts appropriated pursuant to section 12(d) of this Act and the amount appropriated to the Urban Mass Transportation Fund by Public Law 91-168. This amount (which shall be in addition to any amounts available to finance such activities under subsection (b) of this section) shall become available for obligation upon the date of enactment of this subsection and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this subsection not to exceed \$80,000,000 prior to July 1, 1971, which amount may be increased to not to exceed an aggregate of \$310,000,000 prior to July 1, 1972, not to exceed an aggregate of \$710,000,000 prior to July 1, 1973, not to exceed an aggregate of \$1,260,000,000 prior to July 1, 1974, not to exceed an aggregate of \$1,860,000,000 prior to July 1, 1975, and not to exceed an aggregate of \$3,100,000,000 thereafter. The total amounts appropriated under this subsection and section 12(d) of this Act shall not exceed the limitations in the foregoing schedule. Sums so appropriated shall remain available until expended.

"(d) The Secretary shall report annually to the Congress with respect to outstanding grants or other contractual agreements executed pursuant to subsection (c) of this section. To assure program continuity and orderly planning and project development, the Secretary, after consultation with State and local public agencies, shall submit to the Congress (1) authorization requests for fiscal years 1976 and 1977 not later than February 1, 1972, (2) authorization requests for fiscal years 1978 and 1979 not later than February 1, 1974, (3) authorization requests for fiscal years 1980 and 1981 not later than February 1, 1976, and (4) an authorization request for fiscal year 1982 not later than February 1, 1978. Such authorization requests shall be designed to meet the Federal commitment specified in the first section of the Urban Mass Transportation Assistance Act of 1970. Concurrently with these authorization requests, the Secretary shall also submit his recommendations for any necessary adjust-

ments in the schedule for liquidation of obligations."

SEC. 4. (a) Section 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1604), is amended by striking out "1971" and inserting in lieu thereof "1972".

(b) Section 5 of such Act, as amended (49 U.S.C. 1604), is further amended by striking out the next to the last sentence and inserting in lieu thereof the following: "Such remainder may be provided in whole or in part from other than public sources and any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital."

SEC. 5. Section 12(d) of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1608(d)) is amended to read as follows: "(d) There are hereby authorized to be appropriated, without fiscal year limitation out of any money in the Treasury not otherwise appropriated, the funds necessary to carry out the functions under this Act."

SEC. 6. Section 14 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1610), is amended to read as follows:

"ENVIRONMENTAL PROTECTION"

"SEC. 14. (a) It is hereby declared to be the national policy that special effort shall be made to preserve the natural beauty of the countryside, public park and recreation lands, wildlife and waterfowl refuges, and important historical and cultural assets, in the planning, designing, and construction of urban mass transportation projects for which Federal assistance is provided pursuant to section 3 of this Act. In implementing this policy the Secretary shall cooperate and consult with the Secretaries of Agriculture, Health, Education, and Welfare, Housing and Urban Development, and Interior, and with the Council on Environmental Quality with regard to each project that may have a substantial impact on the environment.

"(b) The Secretary shall review each transcript of hearing submitted pursuant to section 3(d) to assure that an adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest, and that the project application includes a detailed statement on—

"(1) the environmental impact of the proposed project,

"(2) any adverse environmental effects which cannot be avoided should the proposal be implemented,

"(3) alternatives to the proposed project, and

"(4) any irreversible and irretrievable impact on the environment which may be involved in the proposed project should it be implemented.

"(c) The Secretary shall not approve any application for assistance under section 3 unless he finds in writing, after a full and complete review of the application and of any hearings held before the State or local public agency pursuant to section 3(d), that (1) adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest, and fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the project is located, and (2) either no adverse environmental effect is likely to result from such project, or there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect. In any case in which a hearing has not been held before the State or local agency pursuant to section 3(d), or in which the Secretary determines that the record of hearings before the State or local public agency is inadequate to permit him to make the findings required under the preceding sentence, he shall conduct hearings, after

giving adequate notice to interested persons, on any environmental issues raised by such application. Findings of the Secretary under this subsection shall be made a matter of public record."

SEC. 7. Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611), is amended to read as follows:

"STATE LIMITATION"

"SEC. 15. Grants made under section 3 (other than for relocation payments in accordance with section 7(b)) before July 1, 1970, for projects in any one State shall not exceed in the aggregate 12½ per centum of the aggregate amount of grant funds authorized to be appropriated pursuant to section 4(b); except that the Secretary may, without regard to such limitation, enter into contracts for grants under section 3 aggregating not to exceed \$12,500,000 (subject to the total authorization provided in section 4(b)) with local public bodies and agencies in States where more than two-thirds of the maximum grants permitted in the respective State under this section has been obligated.

Grants made under section 3 on or after July 1, 1970, for projects in any one State may not exceed in the aggregate 12½ per centum of the aggregate amount of funds authorized to be obligated under section 4(c), except that 15 per centum of the aggregate amount of grant funds authorized to be obligated under section 4(c) may be used by the Secretary, without regard to this limitation, for grants in States where more than two-thirds of the maximum amounts permitted under this section has been obligated. In computing State limitations under this section, grants for relocation payments shall be excluded. Any grant made under section 3 to a local public body or agency in a major metropolitan area which is used in whole or in part to provide or improve urban mass transportation service, pursuant to an interstate compact approved by the Congress, in a neighboring State having within its boundaries population centers within normal commuting distance from such major metropolitan area, shall, for purposes of computing State limitations under this section, be allocated on an equitable basis, in accordance with regulations prescribed by the Secretary, between the State in which such public body or agency is situated and such neighboring State."

SEC. 8. The Urban Mass Transportation Act of 1964 is further amended by adding at the end thereof the following new section:

"PLANNING AND DESIGN OF MASS TRANSPORTATION FACILITIES TO MEET SPECIAL NEEDS OF THE ELDERLY AND THE HANDICAPPED"

"SEC. 16. (a) It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the programs under this Act) should contain provisions implementing this policy.

"(b) In addition to the grants and loans otherwise provided for under this Act, the Secretary is authorized to make grants or loans for the specific purpose of assisting States and local public bodies and agencies thereof in providing mass transportation services which are planned, designed, and carried out so as to meet the special needs of elderly and handicapped persons. Grants and loans made under the preceding sentence shall be subject to all of the terms, conditions, requirements, and provisions ap-

plicable to grants and loans made under section 3(a), and shall be considered for the purposes of all other laws to have been made under such section. Of the total amount of the obligations which the Secretary is authorized to incur on behalf of the United States under the first sentence of section 4(c), 1½ per centum may be set aside and used exclusively to finance the programs and activities authorized by this subsection (including administrative costs).

(c) Of any amounts made available to finance research, development, and demonstration projects under section 6 after the date of the enactment of this section, 1½ per centum may be set aside and used exclusively to increase the information and technology which is available to provide improved transportation facilities and services planned and designed to meet the special needs of elderly and handicapped persons.

(d) For purposes of this Act, the term 'handicapped person' means any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected."

And renumber the succeeding sections accordingly.

Sec. 9. The Secretary of Transportation shall conduct a study of the feasibility of providing Federal assistance to help defray the operating costs of mass transportation companies in urban areas and of any changes in the Urban Mass Transportation Act of 1964 which would be necessary in order to provide such assistance, and shall report his findings and recommendations to the Congress within one year after the date of the enactment of this Act.

Sec. 10. The Secretary of Transportation shall in all ways (including the provision of technical assistance) encourage industries adversely affected by reductions in Federal Government spending on space, military, and other Federal projects to compete for the contracts provided for under sections 3 and 6 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1602 and 1605), as amended by this Act.

Sec. 11. Nothing in this Act shall affect the authority of the Secretary of Housing and Urban Development to make grants, under the authority of sections 6(a), 9, and 11 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1605(a), 1607a, and 1607c), and Reorganization Plan Numbered 2 of 1968, for projects or activities primarily concerned with the relationship of urban transportation systems to the comprehensively planned development of urban areas, or the role of transportation planning in overall urban planning, out of funds appropriated to him for that purpose.

Sec. 12. Section 5316 of title 5, United States Code, is amended by inserting the following after paragraph (129): "(130) Deputy Administrator, Urban Mass Transportation Administration, Department of Transportation."

Sec. 13. (a) Section 4(b) of the Urban Mass Transportation Act of 1964 is amended by inserting the words "or contract" after the word "grant" in the last sentence thereof.

(b) Section 6(a) of the Urban Mass Transportation Act of 1964 is amended by inserting the words "grant or" between the word "by" and the word "contract" in the second sentence thereof.

Sec. 14. This Act may be cited as the "Urban Mass Transportation Assistance Act of 1970".

The motion was agreed to.

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

and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 18185) was laid on the table.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Clerk may make any necessary corrections in punctuation, section numbers, and cross references in the engrossment of the amendment of the House to the bill, S. 3154.

The SPEAKER. Is there objection to the request of the gentleman from Texas? There was no objection.

GENERAL LEAVE TO EXTEND

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

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 17538, HIGH-SPEED GROUND TRANSPORTATION EXTENSION

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1223 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1223

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. 17538) to extend for one year the Act of September 30, 1965, relating to high-speed ground transportation, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and 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.

DAVID STARR WINS CONSERVATION AWARD

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

Mr. ADDABBO. Mr. Speaker, the Long Island Press is one of the Nation's leading daily papers and has long advocated stronger Federal, State, and local measures to preserve our natural resources. Last week, Mr. David Starr, editor of the Long Island Press, received the highest honor given to the mass media by the New York State Conservation Council.

I congratulate Dave Starr on this achievement and commend him for the outstanding leadership he has provided for a more effective conservation policy over the years. He is no newcomer to the environmental field having warned the readers of the Long Island Press for many years of the constant threat to their valuable recreational resources.

Mr. Speaker, the following article about Mr. Starr and the award he received appeared in the September 25 edition of the Long Island Press and I insert the text of the article at this point in the RECORD:

PRESS EDITOR STARR WINS HIGHEST CONSERVATION AWARD

MONTICELLO, N.Y.—David Starr, editor of the Long Island Press, last night was awarded the highest honor given annually to the mass media by the 350,000 member New York State Conservation Council.

He is the first newspaper editor to receive the award from the 37-year-old council.

This is the second year in a row that The Press has won a conservation award from the council, which represents clubs and conservation-sportsmen's federations in all 50 counties of the state.

Thomas Macres of Patchogue, vice president of both the State Council and the Suffolk Conservation Council, presented the award last night at the council's annual convention at the Laurels Hotel.

The Press has done more fighting over the year for conservation," said Macres, "than any other newspaper in the metropolitan-Long Island area.

"That goes for battles to protect wetlands and uplands and against all forms of pollution, from Brooklyn to the Montauk Light House."

Macres told the awards audience of some of The Press conservation campaigns in the past year:

An expose revealing that more than 100,000 gallons of noxious, raw cesspool waste was being dumped into sandy ground directly over the purest portion of the Town of Southampton's only water supply—its underground water table. The series led to a storm of local protest and plans for an adequate sewage disposal plant are now on the drawing boards.

Another exclusive Press expose revealed that a sand and gravel operation along the island's North Shore was threatening salt water intrusion into the scanty underground water supply. The operation was also endangering the shoreline and ecological values in Long Island Sound. A roar of public protest followed the Press' revelations, and the program chewing away a beautiful cliffside facing the Sound is ended.

And another award-winning Press series detailed the story of giant Jamaica Bay, telling of its current polluted condition and what could be done to improve it. The stories alerted local residents in Queens and Brooklyn to the damage that could be done to the bay and New York City's only nature sanctuary by projected plans to extend Kennedy Airport's runways into the bay.

"And while the press under Starr's leadership was working on these and other big stories, it still found time and space to headline a battle for a tiny but vital 40-acre piece of wetland in Nassau County," Macres pointed out.

The state council's vice president noted that, over the years, The Press has won many national and local awards for its conservation stories and editorials, saying: "The Press probably holds more honors in the field than any other mass media organization in our area."

Macres ended his remarks by saying, "Starr

fought for conservation when it wasn't fashionable, more than 20 years ago."

Starr has received conservation awards from the Suffolk Fish and Game Association, the Suffolk Conservation Council and the Hempstead Wetland Resources Council.

Since the state council is a member of the 50-state National Wildlife Federation, Starr's selection for the top state honor makes him an automatic contender for the federation's annual national mass media conservation award.

The state council is active in legislative matters concerning conservation, such as projected plans for nuclear power plants. It also serves as advisor to both state legislative committees and state conservation officers in addition to aiding its members' local battles in New York's 50 counties.

Besides this, the council holds summer workshops for teachers and summer sessions for students at a camp of their own.

HOUSE CONSIDERATION OF THE TRADE BILL

(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, I want to applaud the leadership on both the Democratic side and the Republican side for the action that they took late last week in deciding to postpone the consideration of the trade bill or the Mills quota bill until sometime after the recess that we must take for the election. I think this is perhaps the most important piece of legislation that this Congress and this House of Representatives has faced in the year since 1930. Never has there been a more important issue to be decided.

I hope when this bill does come to the floor, the leadership will unite with some of the rest of us and allow us to try to have an open rule or to vote down the previous question on the gag rule or the closed rule that has been voted out of the Rules Committee. It seems to me every Member of this body sought to have an opportunity to express his own opinion in the form of an amendment or other type of action on this most important and most controversial piece of legislation.

Mr. Speaker, while I am not one of those who believes that the newspapers are always right or the commentators are always right, I think on this bill there has been more unanimity of opinion that this bill is by and large a bad bill, and must be changed, must be amended, or must be defeated.

Mr. Speaker, I include at this point in my remarks some of the editorial opinion from the different news media around the country:

[From the Buffalo (N.Y.) Courier Express, July 23, 1970]

WHAT OTHERS THINK OF THE "MILLS QUOTA BILL"

WHAT'S THE SENSE OF HAVING ANY IMPORT QUOTA?

President Nixon and Congress need to be reminded that there was good reason for the 28-year-old General Agreement on Tariffs and Trade outlawing nontariff trade barriers, such as quotas, among its members, which include the United States. The policy of free trade which the United States has been following for decades is in jeopardy if quota legislation in any form is enacted.

[From the Kalamazoo (Mich.) Gazette, July 24, 1970]

HIGHER TRADE BARRIERS UNWANTED FOR NATION

Expansion of U.S. trade barriers would provoke retaliation abroad, injuring those American companies which export. It would also inflate the prices of foreign goods sold here, making it even more difficult for the hard-pressed American consumer to find low prices for needed products.

The world has grown much too small for its leading industrial nation to try to live in economic isolation. The free trade policy the United States had pursued for four decades should be maintained, and any congressional attempt to revive the anachronistic quota system should not be permitted to succeed. Neither textiles nor any other industry should be given special trade protection.

[From the Hillsdale (Mich.) News, July 16, 1970]

THE TARIFF TRAP

The protectionist chorus is delivered with a fine, patriotic fervor. We're going to protect American jobs, say the high tariff forces. They don't mention that those jobs will be protected by forcing the American consumer to pay higher prices—to subsidize American companies unable to meet competition...

There is room for hard negotiations to erase inequities. There is no room for tariff battles. They always end the same way—by strangling everybody.

[From the Buffalo (N.Y.) News, Aug. 24, 1970]

GOOD FREE-TRADE OMEN

The bulging trade surplus of U.S. exports over imports recorded in June and July is a happy economic omen...

We would hope such considerations might slow the protectionist drive in Congress to restrict imports of textiles, shoes or other products. These trade figures suggest that most American producers are not in desperate need of artificial protection to compete in domestic markets, and that such restrictions, to the extent they trigger retaliatory actions abroad, can harm American exporters who are now doing fine selling American products in foreign lands.

[From the Pueblo (Colo.) Chieftain, July 24, 1970]

PROTECTIONIST WIND BLOWS HARD

America's trading partners, particularly the European Common Market, have warned they will restrict American imports if their goods are blocked from the affluent U.S. market. The fear now is that the protectionist wind in Congress could blow itself into another global trade war. We may have to rely upon a Presidential veto to curtail or stop such a development.

[From the Birmingham (Ala.) Post-Herald, July 17, 1970]

A BAD TRADE BILL

If this protectionist measure passes Congress, we fear it will bring the country more grief than benefit...

Quotas on imports are considered dirty pool under international trade rules, and other countries are sure to retaliate...

The highest cost, though, will be paid by the poor. Any way you slice it, a quota is a device for holding up or raising prices. This means the poor person in Birmingham or Mobile or Atlanta will have to pay more for a knit shirt or cheap shoes...

If it can be proved that the shoe and textile industries really require protection to survive, a better way is to give them direct subsidies. This would be honest and out in

the open, and the public would know the cost. Quotas to restrict imports hide the costs to the public, and put an unfair share on the poor.

[From the Rochester (N.Y.) Times Union, Aug. 4, 1970]

AMERICA SHOULD NOT REVERSE FREE TRADE POLICY

Under the proposed legislation, jobs gained by U.S. import quotas could be more than matched by jobs lost in exporting industries, if other countries retaliated as expected against new U.S. restrictions by raising their own tariffs or imposing import quotas.

The higher domestic prices caused by shutting out of foreign price competition would be paid by American consumers, and would fuel inflation. And the good will built up overseas by the U.S. through its championing of free trade would be quickly dissipated if America stirred up a new "trade war."

[From the Columbus (Ohio) Enquirer]

UNITED STATES IN DANGER OF LOSING CONTEST FOR WORLD MARKET

It was in 1930 that Congress passed the Smoot-Hawley Act, a high tariff measure listing more than 1,000 import items. Foreign nations retaliated in kind. It deepened the Great Depression, the opposite effect from what was intended.

We cannot now place the whole economy in jeopardy merely to protect isolated economic interests. History provides the lesson.

[From the Colorado Springs (Colo.) Gazette-Telegraph, Aug. 16, 1970]

FREE TRADE MUST ENDURE

There never has been a war in which both sides did not suffer, and this would certainly apply to the kind of "trade war" that is threatened by the protectionist philosophy now gaining ground in Congress...

For the United States of America to abandon its historic position as a champion on free trade for the sake of easing competitive pressures on its domestic economy would be woefully short-sighted. We are an exporting nation, selling more than we buy on the world market, and aiming to sell even more. We have more to lose than to gain if economic warfare fought with tariffs and other impediments to free trade should break out among our trading partners.

[From the Toledo (Ohio) Blade, July 31, 1970]

THE MISCHIEF CAUSED BY TRADE "EXCEPTION"

The Japanese export only 26 per cent of foreign textiles reaching American consumers. The House measure, if aimed primarily at Japan, is going to hurt numerous innocents.

The textile and shoe industries have felt some pinches during the past year resulting in production cutbacks. But they are hardly alone on that count. To make special adjustments for them when there is a serious question whether they have been truly damaged by competition is the kind of move that could set off a chain reaction throughout the free-world trading nations.

[From the Cleveland (Ohio) Plain Dealer, Aug. 21, 1970]

A BETRAYAL OF FREE TRADE

That is a bad, reactionary trade bill which Chairman Wilbur D. Mills, D-Ark., brought out of his House Ways and Means Committee...

The bill would lay open to new quotas and other trade barriers dozens of other products—any product which American consumers found greatly to their liking...

All that is bad news for consumers. High tariffs or quotas that keep out the rest of the world's wares reduce the range of goods from

which the consumer chooses, and makes him pay higher prices in a monopolized or at least artificially rigged market....

The President has indicated he would veto the bill if it widened its protectionist apparatus beyond textiles. We would support him if he vetoed this type of bill, which is a betrayal of U.S. free trade policy.

[From the New Kensington (Pa.) Dispatch, Sept. 5, 1970]

A TIMELY WARNING

The new wave of protectionism is not confined to the United States. The 77-member General Agreement on Tariffs and Trade (GATT), which oversees most of the world's trading relations, recently called on its members to counterattack. The most effective way of resisting protectionism is to continue to press in the opposite direction, toward further reduction of trade barriers.

[From the Dayton (Ohio) News, Sept. 8, 1970]

FACTS UNDERCUT PROTECTIONISM

In recent months, however, American exports have picked up and are likely to pick up even more if inflation subsides. This improvement in the balance of trade ought to take a lot of wind out of the protectionists' pommouth argument.

[From the Tarentum (Pa.) Valley News, Sept. 11, 1970]

DANGEROUS PROTECTION

Not only history but current evidence provides more reasons than ever for the House to reject emphatically the protectionist trade bill it is to consider soon.

[From the Flint (Mich.) Journal, Sept. 5, 1970]

NEGOTIATION JARGON GETS UAW BOOST

Much of the concern about establishment of import quotas has stemmed from the possibility of retaliation by nations hurt by American trade restrictions.

That there is another element of the issue worthy of consideration was emphasized by President Gustavo Diaz Ordaz of Mexico when he addressed a state dinner in his honor Thursday night in Coronado, Calif.

He warned that U.S. restrictions on international trade may imperil the economy of Latin America.

This possibility is not to be taken lightly. Undermining efforts of our southern neighbors to achieve economic growth and political stability by restricting their export markets raises real dangers to our own well-being.

[From the Cumberland (Md.) Times, July 26, 1970]

INDUSTRIES ASK HELP FROM FOREIGN IMPORTS

This cry for a return to protectionism after more than two decades of gradually liberalized international trade policy should not be heeded by Congress. There are other ways of averting serious harm to U.S. manufacturing companies.

[From the Dodge City (Kans.) High Plains Journal, July 20, 1970]

NO TURN ABOUT IS FAIR PLAY IN PROPOSED IMPORT QUOTAS SET UP BY MILLS BILL AFFECTING AGRICULTURE

We believe enactment of the Mills Bill would be a disservice to the people of this country in the long run, and that it would have immediate damaging effects on American agriculture. We certainly join with the national and state wheat grower groups, the National Council of Farmers Cooperatives, the American Farm Bureau Federation, and the American Soybean Association in opposing it.

[From the San Diego (Calif.) Union, July 24, 1970]

PROTECTIONIST FEVER RISES: FREE TRADE PRINCIPLE MUST ENDURE

The United States is not alone in wrestling with the temptation of protectionism. Some of our major trading partners, notably Japan and the Common Market countries, have been yielding to the same defensive impulse to favor their own economies.

A firm stand by the United States on the principle of free trade can help persuade those nations that they are taking an unwise and perilous course. Congress can support that stand by keeping the trade bill within the limited bounds outlined by the Administration.

[From the Edwardsville (Ill.) Intelligencer, Aug. 19, 1970]

THREAT OF PROTECTIONISM

The House Ways and Means Committee has approved a new foreign trade bill which, if it becomes law, will almost certainly mean the European Common Market will put quotas on U.S. soybeans and soybean products. It could mean European and Japanese trade retaliation and what is commonly known as a "trade war."

For the American consumer this is likely to mean higher prices for clothing—and other products on which import quotas are placed....

Members of the House and Senate should take a new look at the improved U.S. foreign trade situation. They should not be stampeded into adopting protectionist law.

[From the Buffalo (N.Y.) News, Aug. 21, 1970]

OPENING JAPAN'S ECONOMIC DOOR

Japan still retains many such barriers to investment and trade, some of them not only unfair but illegal under international trade agreements. But instead of calling upon the administration for more vigorous diplomatic action to end these inequities, Congress is taking the narrow protectionist view by seeking to set up import quotas on certain items.

[From the New Kensington (Pa.) Dispatch, Aug. 20, 1970]

PERILS OF PROTECTION

To maintain a genuine and stable prosperity, America must conduct a flourishing trade with other nations. But world trade is a two-way street. If we refuse to buy from others, if we raise tariff barriers against their products, they will not buy from us. Then, where are we? We will lose much of the foreign market that is essential to our economic well being.

[From the Lancaster (Pa.) Intelligencer Journal, July 29, 1970]

PROTECTIONISM AGAIN?

There are some industries, undoubtedly, who have suffered real harm from foreign imports. But there are other ways of giving judicious help to those industries, preferable to heavy-handed restrictions on trade.

Congress, in reaching a decision, should remember the basic rule that legislation should be in the national interest—the public at large should be the first concern, rather than the special interests of those groups who would benefit by restrictive trade barriers.

[From the Erie (Pa.) Times, July 26, 1970]

PREVENTING A TRADE WAR

The regressive foreign-trade bill fashioned by the House Ways and Means Committee would, as the President said, cause an international trade war.

[From the Enid (Okla.) Eagle, July 20, 1970]

TRADE WORLD QUOTAS

Trade wars have often been responsible for "hot" wars. It would seem that indus-

trial nations would have long since learned that world trade, either through reciprocal agreements or freer trade policies, is the better way to compete in merchandising products. Evidently the lesson remains unlearned.

We would hate to see the trade world turn isolationist. But the trend is in that direction.

[From the Chicago (Ill.) Daily News, June 22, 1970]

IMPORTS AND LIVING COSTS

Restrictions on such imports would result in retaliatory measures against American exports, especially agricultural products, and increase the average family's outlay for clothing as well as shoes.

[From the Syracuse (N.Y.) Herald-Journal, Aug. 25, 1970]

PROTECT THE CONSUMER!

Our senior senator, Jacob K. Javits, doesn't like the new trade bill approved by the House Ways and Means Committee, due for House consideration next month, and said so.

He directed his ire, particularly, to the freeze on oil imports and the requirement the President limit imports when U.S. industries proved to the U.S. Tariff Commission they were being hurt.

Sen. Javits warned:

"Recent events have made it clear that a President can and will use trade policy for domestic political ends" and described how quotas already are increasing consumer prices in steel, oil and beef. He pointed out the following:

Steel—Since adoption of "voluntary" restraints the price per net ton of steel jumped from a pre-quota \$131.76 in 1968 to \$140.84 on July 3, 1969, then to \$156.26 on July 2, 1970—a percentage gain in excess of the increase in the wholesale price of all commodities.

Beef—Rib roast in one New York grocery chain increased from 99 cents per pound in 1960 to \$1.49 per pound in 1970. Hamburger in the New York-Northeastern New Jersey area rose from 49 cents a pound in 1960 to 88 cents in 1970.

"The import of second grade beef is strictly controlled and it is clear that the increases in the prices of such beef have increased far more rapidly than has the consumer price index," Javits said.

Oil—The recent report of the President's cabinet task force on oil import controls estimated that in 1969 alone consumers paid \$5 billion more for oil products than they would have paid in the absence of import controls.

"This linkage between import quotas and higher prices underlines the danger of passing rigid quota legislation at the same time inflationary pressures remain high," Javits said. "Such quota legislation could make it more difficult to bring such inflationary pressures under control."

[From the Binghamton (N.Y.) Press, July 22, 1970]

HOW ABOUT THE CONSUMER?

American industries that can demonstrate injury from imports are supposed to be able to get necessary help from the Federal Government in making an adjustment. By all accounts this procedure never has worked as well as it should.

It would be preferable to try and improve it, rather than to move in the direction of extending more special protection against import competition which, in the end, will hurt consumers and those who produce for export.

[From the Dayton (Ohio) News, July 28, 1970]

TRADE: CARD GAME

Foreign trade is like a card game played with different suits. We slap down protective

quotas on imports of shoes and textiles. The common market will trump us with a tax on their imports from us, particularly soybeans which are America's biggest export to Europe.

The market bloc with a surplus of fats would be delighted for the chance to keep American soybeans out of their countries. If we go protectionist, their protectionist position is much more defensible.

[From the Dayton (Ohio) News, July 23, 1970]

NIXON IS RIGHT

President Nixon has warned Congress not to give him a heavily protectionist trade bill, and congressmen ought to have the good sense and the responsibility to heed the warning.

President Nixon, who primed the protectionist fever during and after his campaign by saying textiles presented a "special case," at least seems aware of how self-destructive the potential flood of import quotas can be for the United States.

[From the Olean (N.Y.) Times-Herald, July 24, 1970]

NONE CAN WIN

The best interests of the United States lie in getting other nations to reduce their trade barriers rather than erecting new ones of our own.

Everyone would suffer if a chain reaction of curbs and countercurbs strangles world trade and shrinks output and the number of jobs everywhere, and that is the ultimate threat of economic isolation, a rough road the world's traders have traveled before.

[From the Joliet (Ill.) Herald-News, May 14, 1970]

THE FREE TRADE PRINCIPLE

Foreign goods find a ready market when they are of a quality equal to home-produced goods but cost less. This is the kind of competitive challenge to our industry that works ultimately to the benefit of the buying public. In the long run it is the shopper who suffers when restrictions are placed on the free flow of goods in the marketplace.

[From the St. Paul (Minn.) Dispatch, Jan. 24, 1970]

HELPING OUR FOREIGN TRADE

But continued expansion of America's foreign trade is vital to a healthy national economy. It is important for American consumers and for labor.

[From the Cincinnati (Ohio) Enquirer, Feb. 9, 1970]

THE NEED FOR A NEW TRADE ACT

For the sake of building a more prosperous and stable world, the President vitally needs authority from Congress to deal effectively with U.S. interests in world trade.

[From the Napa (Calif.) Register, July 20, 1970]

PROTECTIVE WALL FOR AMERICAN BUSINESSES

History does not lend its support to the solution being considered by Congress. Therefore, we believe industry and government should use all their ingenuity and vaunted "know how" to find other means to meet the situation before making an effort to turn the clock back to 1930.

[From the Journal of Commerce, June 23, 1970]

A NEW PERSPECTIVE

It is of more than passing interest that on the day Britain's Labor Government was voted out of office many of the more astute

political commentators in London were ascribing its surprising downfall to a revolt among British housewives against soaring living costs. . . .

Congress would do very well as this point to study the impact of public wrath over rising prices on the outcome of last week's elections in Britain. It should certainly do so before voting new import curbs that could only mean further price increases here. The old argument that such curbs are necessary "to protect the American standard of living" won't do any more. Any citizen who has observed the effect of the oil import quotas on his own standard of living knows better. And elections, after all, are less than four months away.

[From the Fresno (Calif.) Valley Labor Citizen, July 24, 1970]

TRADE RESTRICTIONS

The new restrictions will bring retaliatory measures that will hurt Americans doing business overseas. The end result will be less competition, higher prices and economic woes.

[From the San Leandro (Calif.) News, July 25, 1970]

THAT OLD BUGABOO, THE TARIFF, AGAIN

Pressures are growing in Congress for restrictive trade policy laws which would literally "move back the clock" by decades. . . .

The protectionist way is tempting, particularly to politicians serving local vested interests. . . .

[From the St. Louis (Mo.) Post-Dispatch, June 30, 1970]

INVITATION TO ANARCHY IN TRADE

The way to remedy disparities caused by high levels of American wages and living conditions is not by opening Pandora's Box of tariff protection or quotas for a single industry.

Subsidizing noncompetitive American producers would help maintain the international trade structure, but it would tend to discourage efficiency in domestic industries. Still there ought to be a way, perhaps along the line of methods being used by Mr. Nixon in shoes, to provide reasonable help to disadvantaged American producers; other countries do for their industries. But we see more harm than good resulting from passage of the Mills bill.

[From the Memphis (Tenn.) Press-Scimitar, July 27, 1970]

TRADE-THREAT BILL

Such restrictions on trade as the Ways and Means Committee is proposing are bound to lead to serious setbacks for American exports, which have been increasing in recent months. This would add to the overall deficit in U.S. dollar exchange (the balance of payments) with the rest of the world.

This bill, if enacted, could cost many American workers their jobs, because of the loss of export markets, and it certainly would lead to price increases for U.S. consumers—thus enlarging, instead of lessening, the inflation problem.

World trade is a two-way street. Congress is threatening the whole economy by trying to make it one-way.

[From the Mamaroneck (N.Y.) Times, July 22, 1970]

PROTECTIONISTS ON NOTICE

The inflation would arise from the higher domestic prices that would be protected—and encouraged—by the erection of trade barriers against competitive imports.

The President's distaste for quota systems is well grounded in an awareness of the disastrously self-defeating consequences of protectionist binges and trade wars throughout modern history.

[From the Newark (N.J.) Evening News, July 8, 1970]

CURBING TRADE

Free trade has been the goal and the policy of this country since the 1930's, and the free world's general economic advancement in that period has been based largely on a lowering of barriers to international commerce. Congress should resist any move to reverse that trend.

[From the Buffalo (N.Y.) Courier Express, Aug. 13, 1970]

TRADE BILL "SWEETENED" BUT NOT FOR CONSUMER

But even if the present bill, with all its contradictions, should be more acceptable to the White House, it will poorly serve the vast majority of Americans, who pay the bills in the nation's stores.

[From the Alexandria (La.) Daily Town Talk, July 23, 1970]

A GLOBAL TRADE WAR

The fear now is that the protectionist wind in Congress could blow itself into another global trade war.

[From the Wheeling (W.Va.) News-Register, July 29, 1970]

CONSUMERS' STAKE IN TRADE POLICY

The best trade policy would be one that promotes expansion of total trade rather than contraction. Restricting imports may seem to benefit workers in a particular industry from foreign competition but we must remember what it does to them and all Americans in their role as consumers. After all, while some are producers we all are consumers. . . .

Industries which can demonstrate actual injury from imports do and should continue to receive Government aid in adjusting to conditions. But we should not approach this problem by restricting competition from imports. To do so would be to injure the interest of consumers in competitive prices, and the broad national interest in expanded world trade.

Congressmen must view the proposed quota legislation on the basis of what is best for all Americans and not simply from the standpoint of special economic interests in their own districts.

[From the San Jose (Calif.) Mercury, July 17, 1970]

FREE TRADE POLICY ON WAY OUT?

The consumer suffers from trade barriers. Not only is he denied the opportunity to buy imports but some domestic concerns, unworried by foreign competition, may not work as hard to hold prices down.

If some businessmen gain from restricted trade, many others suffer. The U.S. still exports more than it imports. Quotas and other restrictions invite retaliation from abroad. A trade "war" affects not just dollar income but the whole fabric of international relations.

[From the New Orleans (La.) Times Picayune, July 17, 1970]

TRADE PROTECTIONISM POSES PROBLEMS

It is beyond arguing that American labor and factories should be safeguarded against dumping of foreign products on the domestic market. Yet stretching of basic protection into an elaborately restrictive policy

fosters the very Balkanization this nation has worked so assiduously to lower or eliminate.

[From the Albuquerque (N. Mex.) Journal, July 18, 1970]

QUOTAS THREATEN ECONOMY

The House would be ill-advised to take the narrow viewpoint espoused by the protectionist, a viewpoint which could lead to economic disaster.

[From the New York (N.Y.) Post, July 27, 1970]

AVERTING A TRADE WAR

The bill reported out by the Ways and Means Committee would reverse 37 years of progress toward free trade and would plunge the fragile entente between the U.S. and its partners into a bitter trade war. The very consumers whom the protectionists backing the legislation purport to be representing would in fact be the ultimate victims of such a global competition.

[From the Dayton (Ohio) News, July 31, 1970]

THROUGH THE NOSE

The congressmen could be more honest about their intentions by forgetting the quotas, billing taxpayers directly for the money, and turning it over to the textile, shoe and oil industries.

[From the Erie (Pa.) Times, Aug. 13, 1970]

HIGHER PRICES

One immediate result of a catch-all tariff bill—of the kind now being put together in Congress, with help from lobbyists representing both industry and labor unions—would be higher prices for any number of items. . . .

We hope the tariff bill is defeated in Congress. If not, we hope the President vetoes it.

[From the Springfield (Mo.) Leader & Press, July 20, 1970]

QUOTAS AREN'T THE ANSWER

What our government must remember, however, is that the consumer has a stake in this, and that the consumer is not an isolated industry, not a few thousand employees, but that every American is a consumer. It would be unfair to assess all our people to carry an industry that cannot meet competition, except on emergency basis. . . .

To aid and strengthen a temporarily troubled industry, yes; to solve its problems, whatever their nature, and afford permanent protection, no! Quotas are not the answer!

[From the Little Rock (Ark.) Gazette, July 21, 1970]

A DANGEROUS GAME IN TRADE RESTRICTION

The proposed new legislation is directly contrary to the spirit of the heralded Trade Expansion Act which Wilbur Mills and his committee wrote into the law early in the last decade. . . .

Arkansas is a great agricultural state and if the United States should blunder into a trade war damaging to our agricultural exports, the Arkansas economy might very well lose more than it would gain in both the long and short term.

The Ways and Means amendments to the foreign trade bill must not be allowed to stand as they are.

[From the Chickasha (Okla.) Express, July 20, 1970]

IMPORT QUOTAS CUT TWO WAYS

But it can be shown that import restrictions also hurt consumers, particularly those with low incomes. . . . Perhaps not a door but a box, a Pandora's box, has been opened.

[From the Pittsburgh (Pa.) Post Gazette, July 22, 1970]

REMOVING A MENACE TO WORLD TRADE

The chief objection to the import quotas prescribed by the House Ways and Means Committee is that they would not remedy the ills of ailing domestic industries. As Mr. Nixon has suggested most foreign trade analysts agree that import quotas are cumbersome and ineffectual instruments for enhancing domestic prosperity. Their primary effect on the U.S. economy would be a sharp rise in consumer prices. Even more devastating would be their impact on international relations.

[From the Miami (Fla.) Herald, June 7, 1970]

FREE TRADE STILL THE BEST

The advantages of freer trade to Americans are so obvious that a reversal of this 35 year old policy seems unthinkable. Yet Congress is under rising pressure from labor union spokesmen as well as business groups to slap quotas on imports.

[From the Baltimore (Md.) Morning Sun, Sept. 1, 1970]

BAD AND GOOD

The main push of the Committee bill is, however, for quotas—fixed quotas on textiles and shoes, variable quota authorizations on practically everything else. If enacted, such a bill would interrupt 35 years of freer trade for the United States. Without the quotas, but with repeal of ASP it would affirm and fortify that record.

[From the Newark (N.J.) News, Sept. 6, 1970]

WORRIED NEIGHBOR

Mr. Diaz Ordaz' speech can serve as warning of the reaction to be expected from the United States trading partners if the swing to self-defeating protectionism both in and out of Congress persists.

[From the Tarentum (Pa.) Valley News, Sept. 5, 1970]

A TIMELY WARNING

The Mills bill caters to so many special interests—Congressional, industry and labor—that it fails the people as a whole. It should be voted down by the House.

[From the Toledo (Ohio) Times, Sept. 1, 1970]

TAKE BACK YOUR PROTECTIONISM

* * * a voluntary agreement that works can set an example for other industries and obviate legislative import controls which would invite retaliation by other countries and touch off a potentially disastrous trade war.

[From the Evansville (Ind.) Press, July 25, 1970]

TRADE-THREAT BILL

This bill, if enacted, could cost many American workers their jobs, because of the loss of export markets, and certainly would lead to price increases for U.S. consumers—thus enlarging, instead of lessening, the inflation problem.

[From the Wall Street Journal, July 16, 1970]

VOTING FOR TRADE WAR

Any protectionists who think the trade picture can be improved by curbing imports are kidding themselves; Common Market countries, for instance, are already deciding which U.S. exports to attack.

Likely targets include U.S. farm products, which account for a sizable share of America's exports. . . .

Meanwhile, right here at home, the quotas guarantee higher prices for consumers, as well as reduced choice in the market. Wilfully, whatever their ability to pay, they will

be compelled to subsidize a lot of businessmen.

[From the Wall Street Journal, July 28, 1970]

QUOTAS AND PRICES

Markets are seldom perfect, but they do still reflect the interaction of demand and supply. If quotas restrict supply and demand remains about the same or increases, the upward pressure on prices is inescapable.

If this were not true, if domestic producers had no fear at all of being undersold by imports, why on earth would any of them be interested in quotas? Try as they will, protectionists will never succeed in selling quotas as a blessing for consumers.

[From the Journal of Commerce, July 7, 1970]

SWEETENERS FOR IMPORT QUOTAS

Perhaps we are optimistic, but we don't think the public is all that dumb. We don't think the people or the more efficient industries in this country have many illusions of the purpose of import quotas. It is not to lower prices; it is to raise them. It is not to give people a greater choice in the markets; it is to narrow it. It is not to roll back price inflation, but to free it of one of the major influences that restrain it a little today.

[From the Journal of Commerce, July 15, 1970]

THE PRICE OF PROTECTIONISM

Officials of the European Economic Community are making little secret of what their reaction will be if Washington applies import quotas to textiles and footwear. They are hinting very broadly at the likelihood that their counterblow will fall on their own imports of American soybeans. . . .

It is worth noting that, although it came in a poor second to the United States, Mainland China was EEC's largest alternate supplier of soybeans last year. . . .

If the EEC countries and Japan manage to reduce substantially their imports of American soybeans it is only logical to expect that these stocks will start building up again under government loan programs.

This would mean, in effect, that the government would be picking up the bill by paying subsidies not to the textile and footwear manufacturers who assert they are being forced to the wall in their own markets, but to the soybean producers and exporters who have been making out quite well.

Does it make sense to blight one group of producers as the price of bailing others out of their competitive difficulties? If it does, we fail to see just how.

[From the Journal of Commerce, July 21, 1970]

THE TRADE POLICY SHOWDOWN

Mr. Nixon may feel Congress won't give him a bill so bad that a veto is unavoidable. Where he is running a risk is in the danger that the bill he receives won't be bad enough to draw a veto, but will be bad enough to set American trade policy back a long way.

[From the New York Times, May 12, 1970]

THREAT TO LIBERAL TRADE

To prevent a dangerous reversal of the liberal trade policies that have served this nation well for more than three decades will demand all the determination not only of Administration spokesmen and consumer-minded Congressmen but of those business and labor groups who depend on foreign trade for their livelihood.

[From the New York Times, Sept. 21, 1970]

A REACTIONARY TRADE BILL

Giving the President discretionary power to suspend quotas may actually worsen the legislation by making it even more discrimi-

inatory. This form of bilateralism and special dealing could lead to a form of economic racism, since the 'national interest' clause is more likely to be invoked to exempt European countries from quotas than Asians or Africans. Poor countries striving to develop their exports would also be hurt by a quota system based on past shares of markets....

Opponents of this protectionist bill will be serving the country's interest by making a hard fight against it in both House and Senate. If it can be put off until the next session of Congress, reason may yet return—even to groups now prepared to act against their own interests, in much the same way that farm, labor and business groups did forty years ago.

[From the New York Times, July 16, 1970]

LOOMING TRADE WAR

There is growing danger that the protectionist drive in Congress will ensnarl the United States in a trade war with the European Common Market and create grave problems for future relations between the world's two most important trade areas. Even more broadly, if protectionism takes command in this country, it could initiate a world-wide disruption of trade capable of threatening prosperity in many countries.

[From the New York Times, July 5, 1970]

TRIGGER FOR PROTECTIONISM

Quota protection would not even serve the long-term interests of the industries and workers being protected. This point receives strong documentation from the detailed report of the Nixon Administration's own inter-agency task force report on the shoe industry. The task force found that high-fashion shoe imports from Italy and Spain, far from damaging domestic producers, have stimulated the growth of the shoe market as a whole in this country. Without the style stimulus injected by the European imports, the task force concluded, the over-all shoe market might be cut in half.

[From the New York Times, June 28, 1970]

AVOIDING A TRADE WAR

The Administration might well be "reluctant" to adopt mandatory quotas. For one thing, they put the United States in violation of the General Agreement on Tariffs and Trade. For another, they will almost certainly provoke retaliation against the United States by Japan and other countries hurt by American quotas. And they are sure to intensify problems of domestic inflation.

[From the Wall Street Journal, June 24, 1970]

NOT IN THE REAL WORLD

Higher tariffs, despite their other drawbacks, would spur foreign producers to reduce their costs and prices so that they could hold or expand their share of the American market. Under quotas they would have no such urge.

With the supposed intent of protecting domestic jobs, quotas would to some extent deaden the motivation of domestic industry. Whatever the effect in the U.S. market, this would not do much to prod the industry into new markets abroad.

[From the Tucson (Ariz.) Citizen, July 25, 1970]

DON'T IGNORE THE BATTLE AGAINST FOREIGN IMPORTS

Once quotas are established for textiles and footwear, how long will it be before other American industries are claiming equal protection?...

In the long run, protectionism works to the detriment of all.

Driving efficient producers from world markets only serves to drive up the prices of the products in question. The majority is made to suffer for the benefit of the few—the inefficient producers....

The only times the national spotlight focuses on the drab issue of international trade are when it precipitates major economic crises. Too bad, because it is vital to the nation's future economic health that the protectionist be kept on a short rein.

This nation cannot afford economic isolation any more than it can afford political and diplomatic isolation.

[From the Washington (D.C.) Post-Times-Herald, July 20, 1970]

VETO THE TRADE BILL

If enacted unchanged, the Mills bill drafted by the Ways and Means Committee will make a major contribution to inflation. It will chill prospects for continued expansion of world trade. It will abuse the interest of many trading partners among both developed and less developed countries.

[From the Washington (D.C.) Star, July 22, 1970]

FOREIGN TRADE

Many mundane arguments can be marshaled in support of free trade—more jobs, efficiency through competition, a hedge against inflation, and a more peaceful international community. All this is important, but in these times of self-doubt and division it is equally important to recall the excitement of free trade as a doctrine. Free trade is as American as the ideal of an ever-beckoning frontier. Free trade was inspired, and has since been sustained, by those hardy innovators who enjoy the constant challenge to do something different, bigger or better. And without this kind of creative restlessness mankind would still be getting by on nuts and berries.

PROTECTIONISM VERSUS FREE TRADE

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

Mr. DENT. Mr. Speaker, I join with the previous speaker who addressed the House in asking that consideration be given to an open rule or at least to defeat of the previous question to open up and pave the road for an open rule.

Mr. Speaker, I intend to revise and extend my remarks today and to include with my remarks a chronological history of the trade and tariff actions of the Congresses of the United States since the very first Congress in 1776. I find that in most of the instances when I discuss trade and tariffs or protectionism or free tradism, call it what you will, I find there appears to be a very serious lack of knowledge, if not downright ignorance, of the history of trade and tariff actions of the Congresses of the United States.

Apparently there are a few in the Congress—and sometimes I am very fearful that this few in the Congress have very strong influence with a great number of Members—who have led Members to believe this Nation has climbed to its peak of progress and prosperity and influence on a policy of trade that is akin to the policy that we have today. Nothing is further from the truth. Had we adopted the kind of trade policies we are living under today, we might well be one

of the nations that would be receiving aid from successful nations, rather than being the nation that is giving aid to the unsuccessful nations.

The real story of our trade history follows:

U.S. TARIFFS AND CHANGING CONDITIONS

In 1776 Adam Smith, a professor of moral philosophy at the University of Glasgow, published a revolutionary book on economics which he named "Inquiry Into the Nature and Causes of the Wealth of Nations."

Prior to this date, economic thinking had been dominated by a theory called "mercantilism." The central concept of mercantilism was that a nation is prosperous in relation to its money supply. One method of increasing the money supply was to expand exports and limit imports, thereby inducing an inward flow of gold and silver bullion. This required a host of regulations and restrictions inside the country, as well as at the borders, and swarms of enforcing agents.

Adam Smith in his "Wealth of Nations" developed a new concept. He declared that wealth comes from goods and services freely exchanged rather than from the money supply. His book introduced the idea of competition as the effective regulatory force in "free" economic society. Complete freedom of trade between different areas and different countries was a natural extension of his ideas of division of labor and competition.

The "Wealth of Nations" had a great influence upon the young patriots struggling to build a new nation out of the 13 American colonies. Alexander Hamilton was one of the first Americans to obtain a copy. Thomas Jefferson and James Madison refer to it frequently in their letters. Its ideas are constantly reflected in "The Federalist Papers."

By the close of the Revolution the prevailing opinion in America was in favor of free trade. This was a logical part of the general determination to promote "freedom"—freedom of speech, religious worship, assembly, and the other principles of personal freedom established by the Constitution and the Bill of Rights. Many of the principles set forth by Adam Smith were incorporated in those documents and in the constitutions of the individual States. They committed this country to the system of free, private, competitive enterprise.

But it is important to realize that many of the staunchest supporters of free trade, including Hamilton, appreciated the practical limitations of the theory. They saw that free trade can succeed only when applied within the boundaries of a community ruled by substantially the same laws. In this famous "Report on Manufacturers," presented to Congress in 1790, Hamilton strongly urged protective tariffs on manufactured products in contrast to his endorsement of free trade at home. He was apparently convinced that the free-trade area set up within the United States could develop its full potential only if protective tariffs were used to defend it against economic exploitation by other nations. Thus, he proposed tariffs to defend free trade within our own free markets.

Hamilton argued that the United States could attain a better balanced, more stable, more sustaining economy, better balanced for defense and national security, under a system of protective tariffs. He was concerned with the fact that the United States might remain a raw material supply area for Great Britain, as the Colonies had been, making them fully dependent upon the mother country for all manufactured goods. He wanted diversification for the Nation, just as many private enterprises today seek stability through diversification.

TARIFFS FOR REVENUE

The Colonies, however, had long been exposed to galling commercial restrictions imposed by Great Britain in her pursuit of the old mercantile theory, so that the newly established States had determined to keep government to an absolute minimum. They looked with disfavor upon the idea of import duties as unnecessary government interference. Hamilton's very able arguments were not sufficient to change the national thinking about protective tariffs. Nevertheless, almost the first act passed by Congress was a tariff law. It established duties on indigo, iron, wood, paper, leather, and even on tobacco and cotton. This tariff act was established as a revenue measure. In fact, up until the income tax law in 1913, import duties were the chief source of Federal revenue. In the 25 years from 1791 through the end of the War of 1812, Congress passed 24 different tariff acts. These merely modified rates, changed administrative procedures, or developed new classifications. Rates were, in general, fairly uniform on all commodities and it is estimated that less than 5 percent of all imports were on the free list. Collected duties appear to have been about 12.6 percent of the value of imports.

PROTECTIVE TARIFFS

The War of 1812 taught the new country many costly and bitter lessons. The war was the culmination of an attempt by Great Britain to drive American shipping from the seas and make the young republic entirely dependent upon Europe for manufactured products in exchange for raw materials. Because trade was interrupted during the war, it was necessary to establish manufacturing essential to the war effort and to civilian needs. This convinced the majority of the American people of the soundness of Hamilton's tariff principles which stimulated domestic growth of industry. Even Jefferson, who earlier had dreamed of worldwide reform in the name of free trade, changed his views. At the end of the war the new administration under James Monroe, a loyal follower of Jefferson, completely revised the tariff laws, stressing "protection" as the primary objective since many new industries, established during the war, could not compete at home with large European manufacturers.

Daniel Webster—who had, in 1824, thundered against the "obsolete and exploded notion of protection"—carried the day for high tariffs in 1828. Between 1812 and 1832 successive laws raised the general level of duties to some 45 percent of the value of all imports.

This move toward high tariffs was not uniformly applauded. The southern section of the country was much concerned since its economy depended largely on the export of tobacco and cotton in exchange for manufactured products from England and Europe. There were threats of nullification and secession in some of the Southern States.

This conflict of interest resulted in a policy of compromise sponsored by Henry Clay. His bill, passed in 1833, called for gradual reduction of all duties exceeding 20 percent, to be accomplished within 10 years. The experiment in compromise failed. By 1837 tariffs had been reduced to an average rate on dutiable goods of about 30 percent; and, of course, the average rate on all imports was much lower since many items had been put on the free list. As a result of the program of tariff reduction, the revenues collected were no longer sufficient to meet Government expenses. Moreover, the Nation's first great depression began in 1837. As a result of these circumstances, there was considerable agitation to increase tariff rates. Congress passed a new law in 1842 returning substantially to the tariff levels of 1832. Under the new act, revenues increased so that by 1846 they were in excess of Government requirements. Moreover, the country had entirely recovered from the depression.

The influence of southern politicians, however, was still potent. They forced many reductions in 1846, succeeded by sweeping reductions in 1857. Six months after this a financial panic swept the country, depressing agriculture, trade, and manufacturing alike. Most of the tariff rates had been reduced to 24 percent; and including items on the free list, duties on all commodities during the period 1857 to 1861 averaged about 20 percent. This was the lowest average rate of duties for the hundred years from 1812 to 1912.

Once again the Government was running at a deficit and the new Republican Party, although trying to avoid an open split with the South, passed the Morrill Tariff Act in 1861 which substantially restored the rates of 1846. To meet increased Government costs resulting from the Civil War, the tariff acts of 1867 and 1870 further increased tariff duties.

TARIFF COMMISSION

In the period following the Civil War, large immigration, rapid expansion into the western part of the country, extensive railroad building and the growth of other industries brought a new era of prosperity. Government receipts from customs duties were large. Once again agitation for tariff reductions developed and the Tariff Act of 1872 reduced the average rate on dutiable items to about 39 percent. Tariff rates remained a live issue and the Congress appointed the first Tariff Commission. In 1883 Congress passed a new tariff law based on the Commission's recommendations.

From 1789 until the income tax was introduced in 1913, tariffs were the principal source of revenue for the Federal Government, but there were always standard arguments against it. One argument was that tariffs would diminish imports and thus, regardless of the rates,

dry up this source of income. However, the volume of imports was actually greater, and the Treasury fared better when the rates were relatively high. Indeed, in 1857 the main argument for reducing rates was that the Government was making too much money.

The experience of the country during the War of 1812 and the Civil War seems to have demolished the idea of international free trade as an end in itself. Changing political winds, and changing economic conditions, inevitably produced hundreds of changes in specific rates. The general level of rates tended to shift up when the Republicans were in power and down when the Democrats won. But the basic principles of protection consistently prevailed.

From about 1900 to 1932, minor changes were made from time to time. During the election campaign of 1908, the Republicans announced for the first time that the difference between the cost of production at home and a lower cost abroad was a basis for setting tariff rates. Nevertheless, it was not feasible to lower tariff rates significantly because import duties still remained the chief source of revenue for the Federal Government.

Under the Democrats in 1913, however, the new Federal Income Tax Law was passed. For the first time, tariff rate considerations were divorced from the compelling requirement of meeting the fiscal budget. The Democrats then passed the Underwood Tariff Act in which they made full use of the competitive principle enunciated in 1908. They acknowledged that foreign producers enjoyed a powerful advantage in low wages. Their purpose was to find rates which just offset this and other similar unnatural advantages. In theory, while exposing the domestic manufacturer to foreign competition, these rates would shield him and his workers against the effect of cheap labor abroad. The result was the most sweeping reduction since 1857.

Trade was so completely disrupted by World War I that the consequences of this radical 1913 change were not immediately felt. Promptly after the war, however, imports flooded in. The Germans actually proposed, as a means of paying off their indemnities, to sell \$20 million worth of dyes per month in this country. In the face of the flood of imports, Congress passed an Emergency Act in May 1921. They then set to work preparing a new law.

A brief summary like this may leave the impression that drafting a tariff law is a fairly simple process, largely a choice between doctrines. Nothing could be more misleading. The rate on pistachio nuts, for instance, is vital to the man who has invested his life's savings in pistachio trees. He will bring to bear on his representative in Congress all the pressure he and his workers can contrive. The importer of pistachio nuts, and the farmer who fears discrimination against American wheat by foreign pistachio growers, will bring equally strong counterpressures to bear. The State Department, trying to negotiate an alliance with a pistachio-growing foreign country, and the War Department, trying to build a military stockpile of pistachio nuts, will have much to say. Trade has

become so complicated and so tangled that any item on the list can have endless domestic and international ramifications. It was because the problem has become so complicated that Congress established the Tariff Commission to serve as a group of experts to give assistance in drafting sound tariff legislation.

In working out the Fordney-McCumber Tariff Act of 1922, Congress and the Tariff Commission had to sift thousands of these conflicting claims and find a practical compromise between extreme positions. The result was to raise the average tariff rate slightly. Another general revision in 1930, embodied in the Smoot-Hawley Act, was again worked out on a product-by-product basis. Rates on many products were adjusted, some up and some down, and various provisions designed to protect the commerce of the United States against unfair competition were strengthened. The major depression of the early 1930's, however, so distorted the economy of the United States—and the world—that it is impossible to isolate the effects of this tariff.

RECIPROCAL TRADE AGREEMENTS ACT

Immediately after the election of Franklin D. Roosevelt in 1932, plans were made for a new tariff revision. Instead of carrying the revision through Congress and the Tariff Commission, the Reciprocal Trade Agreements Act was enacted, in 1934, as an amendment to the Smoot-Hawley Tariff Act. Under this amendment, the President was authorized for a period of 3 years to enter into trade agreements with other countries without congressional approval. His authority to reduce tariffs was limited to 50 percent of the then existing rates of duty and reductions were to be made only in exchange for reciprocal reductions from other countries. The President, operating through the State Department, began at once to negotiate trade agreements which mutually reduced rates between the two countries negotiating. Of course, as soon as we reduced the tariff rate to one country, we made the reduction available to all because of the application of our traditional most-favored nation policy. The consequences of this policy, initiated by the Reciprocal Trade Agreements program, have been confused by the effect of other factors at work at the same time—first continued depression, then the demands and devastation of World War II, followed by postwar dislocations, the Korean war, and the unremitting tensions of the cold war. Two facts, however, are clear. First, by any measure, U.S. tariffs are now among the lowest in the world. Second, the main objective of the program—a similar reduction of barriers throughout the rest of the world—has not been accomplished.

The first—that U.S. tariffs are now among the lowest in the world—may come as a surprise. This is a fact which has not been made clear to the American public.

As to the second point—the failure of the Reciprocal Trade Agreements program to accomplish a similar reduction in the barriers imposed by other countries—the evidence is abundant. Tariffs are the mildest of trade barriers. Import

licenses, embargoes, quotas, exchange controls, cartels, and State trading are conspicuously more restrictive.

While efforts have been made to persuade other countries to relax their non-tariff barriers—mainly by way of negotiations set in motion by the General Agreement on Tariffs and Trade, an international project launched in 1947—the result to date is not encouraging. In the opinion of many persons engaged in both domestic and foreign trade our negotiators, in their enthusiasm for expansion of world trade, have often surrendered more than they gained.

It has become customary for foreign nations to negotiate reductions of our tariffs in exchange for their tariff reductions and then to establish quotas on exchange controls which are even more restrictive than was the higher tariff so that in the end we have reduced our import restrictions but other nations have actually increased their trade barriers. Many of the most restricted foreign trade barriers—import quotas and exchange controls—effect deep-seated internal problems. They become an integral part of national inflationary money policies and socialistic national economic controls. Such quantitative restrictions can be removed only when sounder governmental policies are reestablished. No amount of negotiation on our part can change the internal situations which require these policies.

In this, our generation, we have witnessed the enactment and the operation of the Kennedy Round of Trade Agreements. All of us know the results. This Nation has been impacted to a greater degree during this time by the volume of imports than any time in our history.

More industries have felt the unfair competition, more jobs have been lost, and the Nation has more private, public, and corporate debts than all the other nations put together. This Nation also has the greatest static unemployment of any industrialized nation.

NAVAL TRAINING OPERATIONS AROUND CULEBRA

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

Mr. BENNETT. Mr. Speaker, I speak today not as chairman of the Subcommittee on Real Estate but as an individual Member of Congress.

I have looked closely into the Navy's training operations around Culebra and the effect of that training on the people and the ecology of the island and its surrounding rocks and cays.

I have also followed closely the controversy over this issue in the Senate and in the media, and I believe the time has come for a new initiative that will benefit both the Navy and the people of Culebra.

The Navy has a real need for Culebra. Roosevelt Roads is the only area in the Atlantic Basin where coordinated, realistic fleet training operations can be conducted, and a good part of that training is done around Culebra—90 percent of all ship-to-shore bombardment training

for the entire Atlantic Fleet and 80 percent of the air-to-ground weapons delivery training at the Atlantic Fleet Weapons Range. The Navy really wanted all of the island for more realistic targets and for more advanced weapons, but after 15 years of trying, it bowed to what it felt were the political facts of life. Instead the Navy announced a compromise plan which was presented to House and Senate Armed Services Committees last April.

People have lived on Culebra during the entire 34 years the Navy has trained there. No civilian has been killed or injured during training operations although an allegation was recently made that a boy sustained an eye injury in 1958 while playing with an "explosive toy" that some Culebrans say may have been left by the Navy. By any standards this safety record is truly extraordinary, and the Navy deserves due credit for it.

The Navy, however, has not contributed much to the local economy, although it has recently hired 35 Culebrans. At the same time, in the interest of safety it has of necessity restricted freedom of movement, particularly for local fishermen, and the presence of the Navy has undoubtedly discouraged many extensive tourist development. Therefore, many Culebrans feel that the Navy's presence has not been beneficial on balance. However, the local population of 726 is not likely to grow much, even with tourist development, and a population of that size—or double that size—simply cannot support adequate schools, hospitals and other facilities that one takes for granted in the modern world.

A vigorous campaign has recently been mounted to force the Navy off the island entirely. Culebrans and other well-meaning people are involved, but there are also developers, antimilitary groups and members of the Puerto Rican Independence Party whose motives apparently have little to do with the welfare of the people of Culebra. These people claim the Navy can train elsewhere by finding an uninhabited island or building a floating platform. I have studied this problem in depth, and there are no suitable islands for Navy training in the Roosevelt Roads operating area. As for the other suggestions, large floating platforms are fantastically expensive and not yet state of the art as targets, and artificial islands would cost hundreds of millions of dollars—even if a suitable location could be found.

For a small fraction of that cost the people of Culebra could be moved to another location in Puerto Rico where they could have better housing with potable running water and a sewerage system. I realize many Culebrans would not willingly move simply in exchange for another house, even if it were much better. I have, therefore, introduced a bill, the Culebra Resettlement Act, which not only provides each Culebran with equal or better housing elsewhere in Puerto Rico but which also provides for a substantial cash payment to each family and to each single person who is not a member of a family. Each head of a household would receive \$10,000 in cash and every other person who maintains his

principal place of residence on Culebra who is not head of or member of a household would receive \$5,000.

This would be the opportunity of a lifetime for the people of Culebra; yet it would cost only \$2½ million in addition to the costs of moving the people and purchasing the land, which should cost about \$8 to \$12 million. For that cost the Navy would have a target complex where it could train on more realistic targets with its newest weapons—and without the need to worry about the safety of people living near target areas.

This act will not force the Culebrans off their land against their will. On the contrary, my bill provides for a plebiscite in which a majority of the voters of Culebra must approve the plan. Many Senators and Representatives have made impassioned statements about their concern for the people of Culebra. Now is their chance to do something for the welfare of those people by supporting passage of this bill which I have introduced today.

Some have already agreed that the Culebrans do not want to move off their island, no matter what the price. But is not this the kind of question we should ask the Culebrans themselves in a secret vote, where they will be free of any pressures except those of their own consciences? Anyone who truly believes in democracy should insist that the Culebrans be allowed to decide for themselves if they wish to accept or reject this offer which is, without any exaggeration, the chance of a lifetime.

This bill is good for the people of Culebra, good for the Navy, and good for the continued close and friendly relations between the United States and the Commonwealth of Puerto Rico. It deserves the support of all who are concerned both with the welfare of the people of Culebra and the security of this country.

REPORT ON SCRANTON COMMISSION ON CAMPUS UNREST

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

Mr. SCHERLE. Mr. Speaker, the Scranton Commission on Campus Unrest has emerged from 3 months of extremely controversial hearings and deliberations with a wishy-washy, weak-kneed report. They labored to bring forth an elephant and produced a mouse. I strongly disagree both with its approach to the problem and with the final conclusions drawn.

The problem of campus unrest is one that must be dealt with primarily by educators and administrators on campus. These officials must learn to discipline students who break the law and disrupt the life of the university, by expulsion if necessary.

To lay the problem solely at society's doorstep is to ignore the responsibility which the students themselves must assume for their own actions. If they wish to be treated as adults and have a significant voice in university affairs, they must behave like adults rather than like

children who throw tantrums when things do not go their way.

We have always had our problems. American society is not perfect. But constructive change must be made gradually and peacefully, not through bombings and burnings.

The "irresponsible rhetoric" of which many students complain, and for which they blame the establishment, has actually come far more often from the radical left.

Joseph Rhodes, Jr., for example, a Commission member famous for his attacks on Vice Presidential rhetoric, has often been guilty of intemperate and prejudicial palaver. Although he wraps himself in sanctimonious statements, he himself is a bigot. On "Meet the Press," he spoke of the tragedy of people's children being shot—referring to the deaths of students at Kent and Jackson State—yet he seems to have forgotten that the young men who serve in the National Guard are also someone's children. They are not test-tube babies bred by artificial insemination, but human beings subject to fear and danger, too. He also neglected to mention the tragic and violent death of a researcher at the University of Wisconsin together with the loss of many scholars' life work. Such selective compassion and concern betrays a blatant bias on the Commission's part in favor of student radicals.

I hope that this will be the last word in Commission studies and reports. We need less talk and more action. But the action must come from the college administrators themselves and that will take more guts than they have shown to date.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 28, 1970.
Hon. RICHARD NIXON,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: This letter is to inform you of our support in your endeavor to solve the problems on American college campuses. We believe that the report by the Scranton Commission on Campus Unrest blatantly disregards the efforts you have already made.

In addition, we are convinced that the report totally ignores reality in its recommendations for ending terror and illegal, disruptive activities in the academic community. It is our belief that "ending the Vietnam war, reforming the universities, and a continuing commitment to social justice" will not in themselves placate campus extremists. The claim that greater efforts in these areas will effectively restrain militant revolutionists is unrealistic.

We concur with F.B.I. Director J. Edgar Hoover's open letter to college students of September 21st:

"The extremists are a small minority of students and faculty members who have lost faith in America. They ridicule the flag, poke fun at American institutions, seek to destroy our society. They are not interested in genuine reform. They take advantage of the tensions, strife and often legitimate frustrations of students to promote campus chaos. They have no rational, intelligent plan for the future either for the university or the Nation."

In closing, Mr. President, we reaffirm our staunch support for your continued positive efforts to lessen campus unrest—not to pacify the radicals who seek to destroy our so-

society, but to insure the right of all students to pursue their education.

Respectfully,

BARRY M. GOLDWATER, Jr.,
Member of Congress.
WILLIAM J. SCHERLE,
Member of Congress.

THE 25 YEARS OF PROGRESS

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

Mr. BEVILL. Mr. Speaker, the 4-year Alabama School of Medicine is celebrating its 25th year of progress. Since moving to Birmingham, 25 years ago, the school of medicine has offered a continuing program of excellence.

At this time, Mr. Speaker, I would like to place in the Record a recent editorial which ran in the Birmingham News, briefly describing the school's growth and development.

The editorial follows:

THE 25 YEARS OF PROGRESS

A quarter century ago this week the two-year medical program located on the Tuscaloosa campus of the University of Alabama was moved to Birmingham's Southside.

What has transpired in the ensuing 25 years is a glittering chapter in higher education in Alabama. The four-year Alabama School of Medicine, through its training in patient care and development of a constantly growing program of research, has earned a national reputation as an outstanding institution.

The 1945 fledgling, first housed in temporary quarters, now extends across 15 square blocks of the ever-expanding Medical Center. Target of planners at the University of Alabama in Birmingham is a physical area three times that size and what is certain to become medical training and scientific research preeminence in the Southeast.

The University of Alabama's School of Medicine, constantly adding new luster to its structure, is a major asset to the State of Alabama and certainly a prized member of Birmingham's "family."

From Thursday through Saturday the School of Medicine will mark its silver anniversary, recalling the struggles and the triumphs that have brought it to its present stature, presenting a program devoted to medical-scientific subjects and reflecting upon the history of the institution.

Alabama and Birmingham very properly may applaud the success achieved in this area of higher education which they have helped make possible. Present and future Alabamians are its beneficiaries.

COMPREHENSIVE ENVIRONMENT PROGRAM

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

Mr. BROWN of Ohio. Mr. Speaker, the Vice President of the United States has called attention recently to the fact that there are a number of members of the Johnny-come-lately Club who have discovered that crime is a problem in America and that radical extremism is a danger to a stable and progressive American society. Such politicians are like the French leader who had to run through the alleys of Paris to stay ahead of the crowd he thought were his followers.

I would also like to nominate for membership in the Vice President's Club of Come-latelys those noble folks on the majority side of the aisle who have recently become critical of the Nixon administration for not solving in its first 20 months in office the pollution problems which afflict our Nation and the world. To them I must ask, "Who was in charge of the Government—both the executive branch and both Houses of Congress—while environmental quality in America was deteriorating?"

I realize, as my Democratic colleagues do, that the assault on the environment has been going on for some time. But gentlemen and ladies, this Government was in your hands for 8 years from 1960 through 1968, the most recent period of your ascendancy. Where was your concern then?

President Nixon has had the perception to recognize this crisis and to do something about it. He has taken more steps administratively and recommended more legislative action than the current Democratic leadership in Congress has found time to consider.

The President can only do certain things on his own authority. Unfortunately, his party does not control the Congress of the United States and so he must wait for action from the world's greatest deliberative body. And that is what the rest of the country is doing, too: Waiting. We have waited for 8 years while the Potomac became too thick to drink but too thin to plow, while the Great Lakes became fire hazards, and the Los Angeles smog became a nationwide phenomenon.

The records of both the past 20 months and the previous 8 years are well documented. The past 8 years when the Democrats held the administration has seen the destructive forces eroding America's environment go largely unchallenged. Some amendments to laws initiated in the Eisenhower era were passed. They sounded good, but proved unable to cope with the problems. Things got worse, instead of better. Shortly after my Democratic friends lost control of the administration they mysteriously received some new sense of mission in the antipollution crusade and have begun challenging the present administration to tackle the mammoth problems they had been unable to cope with. Apparently they hope that Americans will believe the suffocating air, the dirty water, the constant din of noise, the destroyed green space, and the crumbling inner cities have all occurred in the past 20 months. My friends, they were already there, and getting worse, before President Nixon had even been nominated by his party to run for the office he now holds.

The Nixon record of the past 20 months is in clear contrast to the virtual "nonrecord" of the previous 8 years under the Democrats. Not only new and far-reaching legislative programs have been developed and presented to the 91st Congress, but the President has taken numerous administrative actions to halt the assault on our environment. That record is too long for me to recite here. However, since it is apparent that some

of my colleagues on the other side of the aisle have failed to read it, I include it in the RECORD for their attention. Then, I challenge them to get busy with the legislative proposal before them so the job can be done, and quit wasting time that jeopardizes the future of America in this important area of concern.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter, including the following 37-point program of executive action and legislative proposals of the Nixon administration, which is the most comprehensive environmental program ever proposed:

NIKON'S 37-POINT PROGRAM

Water pollution

1. Authorization of \$4 billion to cover the Federal share of \$10 billion needed for construction of municipal waste treatment plants. To be allocated at a rate of \$1 billion per year over the next four years, with a reassessment in 1973 of further needs for 1973 and subsequent years.

2. Establishment of Environmental Financing Authority to ensure that every municipality can finance its share of treatment plant construction costs.

3. Revision of statutory formula governing allocation of grants for treatment plant construction, to permit construction of plants where need is greatest and where greatest improvements in water quality will result.

4. Requirement that treatment plants be built to prescribed design, operation and maintenance standards, and be operated only by certified operators.

5. Requirement that municipalities imposes users fees on industrial users sufficient to meet costs of treating industrial wastes.

6. Requirement of comprehensive river basin plans, to assure that construction of municipal treatment plants is complemented by abatement of all other sources of water pollution.

7. Encouragement of construction of large-scale, regional treatment facilities.

8. Extension of Federal-State water quality standards to include precise effluent standards for all industrial and municipal resources.

9. Provision that violation of established water quality standards is sufficient cause for court action.

10. Revision of Federal enforcement procedures to permit swifter court action against those in violation of water quality standards.

11. Provision that violation of established water quality standards is subject to court-imposed fines of up to \$10,000 per day.

12. Authorization for the Secretary of the Interior to seek immediate injunctions where severe water pollution threatens imminent danger to health or irreversible damage to water environment.

13. Extension of Federal pollution control authority to include all navigable waters, both inter- and intra-state, all interstate ground waters, the United States' portion of boundary waters, and waters of the Contiguous Zone.

14. Tripling of Federal operating grants to state pollution agencies—from \$10 million now to \$30 million in 1975.

Air pollution

15. Publication of new, more stringent motor vehicle emissions standards for 1973 and 1975.

16. Revision of auto emissions enforcement procedures, to ensure that all new autos are in compliance with Federal standards.

17. Authorization for the Secretary of Health, Education, and Welfare to regulate gasoline composition and additives.

18. Initiation of a research and development program to produce an unconventional-powered, low-pollution auto within five years.

19. Initiation of testing and evaluation programs to assist private developers of unconventional, low-pollution autos.

20. Establishment of national air quality standards, with the states preparing abatement enforcement plans to meet national standards.

21. Accelerate designation of inter-state air quality control regions.

22. Establishment of national emissions standards for pollutants that are extremely hazardous to health and for specified classes of new facilities.

23. Extension of Federal air pollution control authority to both inter- and intra-state situations.

24. Provision that violation of air quality standards and national emissions standards are subject to court-imposed fines of up to \$10,000 per day.

Solid waste management

25. Redirection of solid waste research toward techniques for re-cycling materials and producing packaging materials that are easily degradable.

26. Council on Environmental Quality to develop bounty payment or similar system to ensure prompt scrapping and re-cycling of junk automobiles.

27. Council on Environmental Quality to work with appropriate industry and consumer groups to develop other incentives or regulations for re-cycling or easier disposal of consumer goods.

Industrial involvement

28. Establishment of National Industrial Pollution Control Council.

29. Priority treatment for patent applications which could aid in curbing environmental abuses.

Parks and recreation

30. Full funding of the \$327 million available under the Land and Water Conservation Fund.

31. Review of all Federally-owned real estate to identify properties that can be converted to public recreational use, or sold, with proceeds used to acquire additional recreational areas.

32. Relocation of Federal installations that occupy locations that could better be used for other purposes.

33. Provision that the Land and Water Conservation Fund is maintained or increased as a source of funds for purchase of lands in future years.

34. Authorization for the Department of the Interior to convey surplus real property to State and local governments for park and recreational purposes at public benefit discounts of up to 100%.

35. Revision of budget accounting procedures to encourage Federal agencies to make more efficient use of their properties.

36. Assistance to State and local governments for making constructive recreational use of idled farmlands.

37. Authorization of long-term contracts with owners of idled farmlands for reforestation and other improvements for public recreational use.

HIGHLIGHTS OF PRESIDENT'S ENVIRONMENT PROGRAM: WATER POLLUTION

Municipal pollution

Major problems: 1. Federal funding for construction of water treatment plants has been far below the nation's needs.

2. Municipalities with serious pollution problems have often been unable to finance their share of treatment plant construction costs.

Administration proposals: 1. Federal funding to provide waste treatment in every community in the nation at the fastest rate

possible, \$10 billion program to begin now, with assessment in 1973 of needs for 1975 and beyond.

2. Environmental Financing Authority to ensure that all municipalities needing treatment plants can finance local costs.

Industrial pollution

Major problem: 1. Regulations on disposal of industrial wastes (regulations apply to municipal wastes as well) have been too weak to prevent increasing water pollution.

Administration proposal: 1. Reform pollution control program to greatly strengthen regulations on industrial and municipal polluters and permit swift enforcement actions.

Agricultural pollution

Major problem: 1. Agricultural pollution sources are diffuse, necessitating control of agricultural methods and materials.

Administration proposal: 1. Phasing out of DDT and other hard pesticides. Water quality controls on concentrated animal feedlots.

AIR POLLUTION

Automobile pollution

Major problems: 1. Emissions from motor vehicles must be reduced greatly if air pollution is to be brought under control.

2. It may be impossible to reduce emissions from conventional automobiles sufficiently to reduce air pollution beyond 1980 in the face of increasing numbers of autos.

Administration proposals: 1. Strengthen Federal automobile emissions standards and reform enforcement procedures to ensure that they are applied to all new autos. Regulate gasoline composition and additives to achieve maximum possible pollution reduction.

2. Begin a research and development program to produce an unconventionally-powered, low-pollution auto by 1975 if we cannot reduce pollution sufficiently from conventional vehicles.

Pollution from stationary sources

Major problem: 1. The present program for regulating air pollution from stationary sources is extremely limited in scope and does not provide sufficient enforcement authority against polluters.

Administration proposal: 1. Establish national air quality standards and extend abatement regulations to all areas of the nation where air quality is below national standards. Establish national emissions standards for extremely hazardous polluters and certain classes of new facilities. Strengthen enforcement authority for swift action against polluters.

SOLID WASTES

Major problem: 1. New consumer technologies and marketing methods are creating an increasing volume of waste and refuse. There are few incentives for reusing wastes or disposing of them efficiently.

Administration proposal: 1. Develop incentives and regulations for reducing volume of wastes, by encouraging products that can be re-cycled or easily disposed.

PARKS

Major problems: 1. Metropolitan expansion is claiming potential recreation areas which will be irretrievable if not acquired now.

2. Federal funding for acquisition of recreation areas has been far below national needs.

3. The Federal government has not made imaginative use of its vast real estate assets.

Administration proposals: 1. Full funding of the Land and Water Conservation Fund: \$327 million for fiscal 1971.

2. Identification and conversion of Federal properties which could better be used for public recreation. Selling of some Federal lands for financing of additional recreation areas.

3. Increased use of idled farmland for public recreation.

DEMOCRATS ATTACK PRESIDENT NIXON'S ENVIRONMENTAL EFFORTS

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

Mr. DEVINE. Mr. Speaker, I concur most heartily with what the gentleman from Ohio (Mr. BROWN) said a moment ago about the unfair attack by the Democrats against President Nixon's environmental efforts. I also agree with him that the Republican record is so clear regarding the Nixon administration's strenuous efforts to bring this problem under control that it can stand by itself. Until the Democrats can match this record, they had better quiet down and quit polluting our political environment with such baseless charges.

Under unanimous consent to revise and extend my remarks I include the following:

REPUBLICAN ENVIRONMENTAL POLICY INITIATIVES

PUBLIC LEADERSHIP—MAJOR PRESIDENTIAL STATEMENTS AND MESSAGES

Message to Congress on Population Growth (July 21, 1969).—Examined the implications of a continued population growth rate that will result in world population of 8 billion and a U.S. population of 300 million in the year 2000.

Recommended creation of a Commission on Population Growth and the American Future to examine (1) the probable course of population growth, internal migration and related demographic developments between now and the year 2000, (2) the resources in the public sector of the economy that will be required to deal with the anticipated growth in population, and (3) ways in which population growth may affect the activities of Federal, state and local governments.

The President also outlined government activities to increase research on population problems, encourage more trained persons to work in population and family planning programs at home and abroad, expand and better integrate family planning services.

State of the Union Message—January 22, 1970.—The President pledged to propose the most comprehensive and costly program to provide clean air, clean water, and open spaces in the nation's history.

Message on the Environment—February 10, 1970.—The President outlined a comprehensive program embracing 23 major legislative proposals and 14 new measures being taken by administrative action or Executive Order in the fields of: water pollution control, air pollution control, solid waste management, parklands and public recreation, and improved governmental organization in these fields.

Statement on Industrial Pollution Control Council—April 9, 1970.—By Executive Order, President Nixon created the *National Industrial Pollution Control Council* comprised of prominent industrial leaders. In creating the Council, President Nixon stated, "The problem of the environment is one area where private enterprise can do the job only if government plays its proper role." The Council, he indicated, "... will allow business to communicate regularly with the President, the Council on Environmental Quality, and other government officials and private organizations which are working to improve the quality of the environment."

National Council on Marine Resources and Engineering Report—April 14, 1970.—The National Council on Marine Resources and Engineering, headed by Vice-President Agnew, stated in its annual report to the President and Congress that the oceans as well as

the air and land must be included in the battle against pollution.

Message on Control of Dumping in the Great Lakes and the Oceans—April 15, 1970.—The President recommended legislation to stop dumping of polluted dredged spoil into the Great Lakes and directed that a study of ocean dumping be completed by September 1, 1970.

Message to Congress on Oil Pollution—May 20, 1970.—The President proposed legislation and announced administrative actions to reduce the risks of oil pollution. In this message the President expressed the strong commitment of the Administration to protect the national environment without "retarding social and economic progress."

Message to Congress on Administrative Re-organization—July 9, 1970.—The President proposed Reorganization Plan No. 3 of 1970 which would establish the Environmental Protection Agency (EPA) and Reorganization Plan No. 4 of 1970 which would create a National Oceanic and Atmospheric Administration within the Department of Commerce. The President stated, "Despite its complexity, for pollution control purposes, the environment must be perceived as a single, interrelated system. Present assignments of departmental responsibilities do not reflect this interrelatedness." In proposing the new organization the President said that "it would permit response to environmental problems in a manner beyond the previous capability of our pollution control programs."

Status.—House—passed H.R. 17255 on June 10, 1970. This bill is similar to the Administration proposal. Senate—The Committee on Public Works is considering legislation containing major differences from the Administration bill.

Solid Waste Legislation

The Administration proposal would authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, and to extend provisions of the Solid Waste Disposal Act.

Status.—House—passed H.R. 11833 on June 23, 1970. This bill is similar to the Administration bill. Senate—Committee on Public Works has reported S. 2005, which has major differences from the Administration bill.

Parks and Recreation Legislation

The Administration proposal would amend the Land and Water Conservation Act to provide for converting Federal properties which could better be used for public recreation.

Status.—House—Two bills involving the President's program have been reported from Committee—H.R. 18275 from the Committee on Government Operations and H.R. 15913 from the Committee on Interior. Senate—Hearings have been held on a revised Administration bill by the Committee on the Interior.

Great Lakes Dumping Legislation

The proposal prohibits the disposal of polluted dredging in the Great Lakes or its waterways and provides for establishment of containment facilities.

Status.—Referred to the Committees on Public Works in the House and Senate.

Oil Pollution Control Legislation

The Ports and Waterways Safety Act of 1970 enables the Coast Guard to protect against oil spills by authorizing them to control vessel traffic in inland and territorial waters, to regulate the handling and storage of dangerous cargoes, and to establish safety requirements for waterfront facilities.

LEGISLATIVE LEADERSHIP—THE PRESIDENT'S ENVIRONMENTAL PROGRAM

On February 10, 1970, the President proposed 7 major bills designed to carry out the pledges and recommendations outlined in

his State of the Union and Environmental Messages to Congress.

Water pollution control legislation

Environmental Financing Authority.—Establishes an Environmental Financing Authority to ensure that all municipalities needing treatment plants can finance local costs. Authority would be authorized to make commitments to purchase obligations and participations issued by State and local public bodies to finance the non-Federal share of treatment construction projects deemed by the Secretary of Interior to be eligible for direct Federal assistance.

Facilities Construction.—Amends the Federal Water Pollution Control Act to establish a \$10 billion (\$4 billion Federal share) program of construction for waste treatment facilities. Federal funds to be allocated at a rate of \$1 billion per year over the next 4 years, with a reassessment in 1973 of further needs for 1973 and subsequent years.

Enforcement.—Authorizes the Secretary of Interior to develop comprehensive water quality programs and grants authority to permit swift enforcement.

Research and Development.—Amends the Federal Water Pollution Control Act to authorize research, investigation, training and demonstration projects to improve State and interstate pollution control programs. Greater flexibility is provided for the grant programs.

Status.—House—the 4 Administration bills have been referred to the Committee on Public Works. No hearings have been scheduled. Senate—Hearings have been held on the 4 Administration bills in the Committee on Public Works.

Air pollution control legislation

Clean Air Act Amendments.—Extends the Clean Air Act for 3 years; authorizes the Secretary of HEW to set national air quality standards and standards for emissions from stationary sources; establishes standards for composition of transportation fuels and fuel additives; provides for mandatory testing and certification of systems to control emissions from new motor vehicles and engines.

Status.—House—Hearings held by the Committee on Merchant Marine and Fisheries. Senate—referred to Committee on Commerce.

The Vessel Bridge-to-Bridge Radiotelephone Act requires the use of bridge-to-bridge radiotelephones on vessels.

Status.—House—Reported by Committee on Merchant Marine and Fisheries on December 10, 1969 and passed House on December 16, 1969. Senate—Referred to Committee on Commerce.

Towboat Operator Act requires uninspected towing vessels to be under the direction and control of a licensed operator.

Status.—House—Hearings have been held by Committee on Merchant Marine and Fisheries. Senate—Referred to Committee on Commerce.

Administrative Leadership—Administrative Actions to Protect and Reclaim the Environment.

Appointment of a Cabinet Committee on the Environment—May 29, 1969. In creating the committee by executive order, the President stated he was acting because "the quality of American environment is threatened as it has not been threatened before in our history." The Committee is a Cabinet-level advisory group to the President to provide a focal point for Administration efforts to protect all our natural resources.

Implementing the Environmental Quality Act of 1969.—Recognizing the urgency of improving environmental quality, the President in his first official act of 1970 signed the Environmental Quality Act of 1969 creating a Council of Environmental Quality within the Executive Office of the President. Out-

standing men were appointed to the new Council on Environmental Quality (CEQ).

Chairman: Russell E. Train, former Under Secretary of Interior and President of the Conservation Foundation.

Member: Robert Cahn, Pulitzer Prize winning reporter for the Christian Science Monitor.

Member: Gordon J. F. McDonald, Vice Chancellor for Research and Graduate Affairs, University of California, Santa Barbara.

The Council is already engaged in a series of significant activities including: supervision of the Executive Order to curtail pollution by Federal installations; development of a bounty system to promote prompt scrapping of all junk autos; working with industry and consumer representatives to develop incentives to encourage re-use, re-cycling and easier disposal of commonly used goods.

First Meeting of CEQ—Involving the State and Local Sector.—On February 6, 1970, President Nixon met in Chicago, Illinois with governmental leaders and pollution control officials. The purpose of the conference was to allow the President and his advisors to hear from State and local officials about their attempts to abate pollution. The meeting continued the Administration's policy of involving the local sector in pollution control.

Executive Order To Curtail Pollution by Federal Installations—February 4, 1970.

The order requires that all projects or installations owned by or leased to the Federal government be designed, operated and maintained so as to conform with air and water quality standards—present and future—which are established under Federal legislation.

The order established a \$359 million program for achieving this objective and prohibits the transfer of these funds to other programs. The order also requires that all facilities which are built in the future must be pollution free; budget requests for new facilities must include all necessary funds for pollution control.

The Nixon Executive Order strengthens previous executive orders in the field by:

Setting a specific date, December 31, 1972, when existing Federal installations must comply with pollution control standards.

Setting specific pollution control standards to replace the old vague standards.

Requiring that an agency use funds designated for pollution control. Under previous order, many funds had frequently been reprogrammed for other uses.

Providing for oversight of the order by the Council on Environmental Quality.

Covering ground water pollution and accidental pollution which were not previously covered.

WATER POLLUTION

The President authorized the Secretary of Interior to spend the full \$800 million appropriated for FY 1970 for sewage treatment plants.

Secretary has been directed to institute the following reforms:

Require Federally assisted treatment plants to meet prescribed design, operation, and maintenance standards, and to be operated by State-certified operators.

Require municipalities receiving Federal assistance in constructing plants to impose reasonable users' fees on industrial users sufficient to meet the costs of treating industrial wastes.

Require development of comprehensive river basin plans at an early date, to ensure that Federally assisted treatment plants will in fact contribute to effective clean-up of entire river basin systems.

Encouragement, where feasible, of communities to cooperate in the construction of large regional treatment facilities.

One of the first manpower training pro-

grams started under the Nixon Administration in 1969 was the upgrading of 941 under-skilled persons in their work as waste treatment plant operators in 20 states.

AIR POLLUTION

The Secretary of HEW has published notice of new, considerably more stringent motor vehicle emission standards he intends to issue for 1973 and 1975 models.

As an incentive to private developers, the President ordered that the Federal Government should undertake the purchase of privately produced unconventional vehicles for testing and evaluation.

The Secretary of HEW, Secretary of Transportation, and FAA Administrator reached an agreement with 31 scheduled and charter airlines to reduce air pollution caused by certain jetliners by 1972. This agreement will reduce the 34,500 pounds of solid pollutants discharged into the air each day by flying jets by 70-80%.

SOLID WASTE

The President has ordered a re-direction of research under the Solid Waste Disposal Act to place greater emphasis on techniques for re-cycling materials, and on development and use of packaging and other materials which will degrade after use, i.e., which will become temporary rather than permanent wastes.

PARKS AND PUBLIC RECREATION

The President has stated that "the time has come to make more rational use of our enormous wealth of [Federal] real property, giving a new priority to our newly urgent concern with public recreation—and make more imaginative use of properties now surplus to finance acquisition of properties now needed." The President has therefore:

By Executive Order, directed the heads of all agencies and GSA to institute a review of all Federally owned real properties that should be considered for other uses. Special emphasis will be placed on identifying properties that could appropriately be converted to parks and recreation areas, or sold, so that proceeds can be made available to provide additional park and recreation lands.

Established a Property Review Board to review GSA reports and recommend what properties should be converted or sold.

PESTICIDE REFORM

In implementing the President's executive order to curtail pollution on Federal installations, Secretary of Interior Hickel on June 17, 1970 placed a ban on the use of pesticides on more than 500 million acres of Federal land. He placed thirty-two chemicals on a "restricted list" to be used only with approval of the Cabinet subcommittee on pesticides.

The Department of Agriculture proposed on June 10, 1970, reforms of the 1947 pesticides law which would—

Give power to HEW to enter manufacturing plants to check on the conduct of quality control program of pesticides.

Restrict dangerous pesticides to use by licensed, trained technicians who will be legally responsible for their misuse.

Permit Secretary of Health, Education, and Welfare to order a "preliminary suspension" of pesticides he considers dangerous. This would stop sales pending prompt administrative proceedings.

INDUSTRIAL POLLUTION CONTROL COUNCIL—INVOLVING THE PRIVATE SECTOR IN THE FIGHT AGAINST POLLUTION

On April 9, 1970, by Executive Order, President Nixon created the *National Industrial Pollution Control Council*.

The appointment of the Council reflects the Administration's belief that "the effort to restore and renew our environment cannot be successful unless the public and the private sector are both intensively involved in this work—with their efforts closely coordi-

nated." The Council will provide an important mechanism for achieving this coordination.

The functions of the Council are to:

Coordinate the efforts between the private and public sector to restore and renew the environment.

Give industry an active and visible part in planning programs to abate pollution from industrial sources.

Allow private business men to communicate directly with the President, the Council on Environmental Quality, and other government officials and private organizations working to improve the environment.

Survey, evaluate, and propose plans and actions of industry in the field of environmental quality.

MERCURY POLLUTION CONTROL

Due to possible damage to human organic systems from mercury poisoning and the fact that mercury is appearing in streams, fish, cattle, and hogs, the Department of Agriculture has canceled Federal registration for some 60% of mercury compounds.

In a further effort to end pollution by mercury, Attorney General John N. Mitchell on July 24, 1970 authorized the filing of suits against eight companies on charges of dumping mercury into lakes and rivers. The suits, filed under the Refuse Act of 1899 ask the court to halt the dumping of poisonous mercury and require the alleged polluters to take immediate remedial action.

POLLUTION DEVICE PATENT PRIORITY

In order to process inventions promising to clean up the environment, President Nixon has ordered that the United States Patent Office give special priority to the processing of applications for patents which could aid in curbing environmental abuses. The Patent Office's plan is to process environmental protection devices in 6-8 months instead of the usual 3 years.

OIL POLLUTION

In his message to Congress on May 20, 1970, President Nixon outlines the following actions being taken by the Administration to reduce the risks of oil pollution:

Submission to the Senate for its advice and consent two conventions, signed by the U.S. in conjunction with the Intergovernmental Maritime Consultative Organization to allow preventive action against vessels that threaten pollution danger to a country's coasts.

Secretary of State is being instructed to seek effective multilateral action to establish international standards for construction and operation of oil tankers.

All government agencies are being instructed to require their vessel and aircraft commanders to report all oil spills immediately and that the Coast Guard is increasing its offshore air patrols and enforcing all anti-pollution laws vigorously.

A radar system has been developed in San Francisco which enables tankers to move through congested areas with much less risk. More of these will soon be established.

Research and development efforts will be continued until solutions are found to the problems of oil spillage, cleanup, and the mitigation of ecological damage. Also, a new system of cleanup has been developed that will pump up to 20,000 tons of oil a day from a stranded tanker.

Calls upon private industry and Secretaries of Commerce, Interior, Transportation to develop port facilities for disposal of waste oil.

ENVIRONMENTAL PROTECTION AGENCY (EPA)

In fulfillment of his February 10, 1970 pledge to recommend improved administrative machinery to meet the problems of pollution, President Nixon, on July 9, 1970 submitted to Congress Reorganization Plan No. 3 of 1970, which creates an *Environmental Protection Agency*. EPA will eliminate the

cross-purposed, multi-departmental pollution control programs already existing by bringing together into a single organization those programs. EPA will have a budget of \$1.4 billion for F 1971 and 5,650 personnel. Under the terms of Reorganization Plan No. 3, the following would be moved to the new Environmental Protection Agency:

The functions carried out by the Federal Water Quality Administration (from the Department of the Interior).

Functions with respect to pesticides studies now vested in the Department of the Interior.

The functions carried out by the National Air Pollution Control Administration (from the Department of Health, Education, and Welfare).

The functions carried out by the Bureau of Solid Waste Management and the Bureau of Water Hygiene, and portions of the functions carried out by the Bureau of Radiological Health of the Environmental Control Administration (from the Department of Health, Education, and Welfare).

Certain functions with respect to pesticides carried out by the Food and Drug Administration (from the Department of Health, Education, and Welfare).

Authority to perform studies relating to ecological systems now vested in the Council on Environmental Quality.

Certain functions respecting radiation criteria and standards now vested in the Atomic Energy Commission and the Federal Radiation Council.

Functions respecting pesticides registration and related activities now carried out by the Agricultural Research Service (from the Department of Agriculture).

The creation of the EPA will have the following advantages:

It will strengthen, unify, and improve the effectiveness of pollution control programs of the Federal Government.

A single agency will provide a central focus for an evaluation of all governmental pollution control programs.

A single agency will clarify industrial responsibility by providing consistent standards.

State and local pollution control agencies will be able to look to one Federal agency for all financial and technical assistance.

It will provide strong, united pollution control effort that will cover all aspects of pollution rather than just one or two.

Hearings are now being held on the proposal. EPA will go into effect by September 7, 1970, unless disapproved by Congress.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

In fulfillment of his February 10, 1970, commitment, President Nixon sent to Congress on July 9, 1970, Reorganization Plan No. 4 of 1970 which would create a *National Oceanic and Atmospheric Administration*. NOAA would bring together into one administrative agency within the Department of Commerce all the major Federal programs dealing with the oceans and the atmosphere. The purpose of NOAA is to organize a united approach to the problems of the pollution of the atmosphere and ocean and to provide a center of strength within the public sector of the Federal government for this purpose. NOAA, having 12,000 personnel and a budget of \$270 million, will consist of the following:

The Environmental Science Services Administration from the Department of Commerce.

Most of the Bureau of Commercial Fisheries from the Department of the Interior.

The Marine Minerals Technology Program of the Bureau of Sports Fisheries and Wildlife from the Department of the Interior.

The Office of Sea Grant Programs of the National Science Foundation.

Elements of the U.S. Lake Survey from the Department of the Army.

The National Oceanographic Data and Instrumentation Center of the Department of the Navy.

The National Data Buoy Program from the Department of Transportation.

ENVIRONMENTAL CONTROL TRAINING

In order to provide trained personnel to aid in fighting pollution, HEW, on July 16, 1970, initiated a project financed by the Labor Department that will provide classroom-type training in environmental control occupations for 1,100 jobless or underemployed persons. The trainees will receive instruction in such occupations as water and sewage plant operator, water and waste-water technician, fire prevention specialist, reforestation and timber stand improvement aide. In addition, the program will provide job placement assistance to trainees upon completion of the course.

INTERNAL COMBUSTION ENGINE

To fulfill his February 10, 1970 pledge President Nixon, on July 17, 1970 announced the establishment of a program to help develop an un-conventionally powered, low polluting alternative to the internal combustion engine by 1975. \$4.5 million has been allocated for research grants and, in addition, \$4.5 million is available for incentive grants to companies offering plans for vehicles powered by alternative systems. If a prototype proves successful, the government is willing to purchase up to 300 vehicles for additional testing.

EXECUTIVE ORDER FOR THE PROTECTION AND ENHANCEMENT OF THE ENVIRONMENTAL QUALITY

On March 5, 1970, President Nixon, by Executive Order, directed all Federal agencies to monitor, evaluate, and control their activities to protect and enhance the quality of the environment. This is part of the President's program to establish Federal Government leadership in environmental protection.

STUDENT COUNCIL ON PROTECTION OF THE ENVIRONMENT—INVOLVING YOUTH IN POLLUTION CONTROL

On December 10, 1969 Secretary of Interior Hickel formed a Student Council on Protection of the Environment (SCOPE). The Council, consisting of nine regional Councils and a National Council, is made up of students elected from educational institutions across the country. The Council both advises the Secretary on pollution control and provides a communication link between the Federal government and the student sector.

PARTISAN ATTACK AGAINST REPUBLICAN PERFORMANCE

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

Mr. CONABLE. Mr. Speaker, I wish to associate myself with the remarks of the two gentlemen from Ohio (Mr. BROWN and Mr. DEVINE).

The Democratic Policy Council has once again lashed out in a partisan attack against Republican performance since taking office in 1969. I do not have the full text of their remarks yet, but I do happen to have a copy of their "America in the 1970's" released in February. This document also takes the Republicans to task on virtually every major issue facing our country today. Since I suspect their song has changed little, if any, since February, I would like to take this opportunity to review their charges one by one, setting them against the Nixon administration's record in each area.

Anyone who reads the Republican record will see that the Republicans have greatly improved upon the suggestions of Democrats and have in addition made a number of needed reforms that the Democrats never undertook or even thought of.

PRIORITIES

In their statement, the Democratic Policy Council called for a "decisive shift of resources" from pursuits which destroy man's capacity for life to those which enhance man's capacity for life.

REPUBLICAN RECORD

A week before the Democrats issued their statement, the President proposed just such a reordering of priorities in the national budget for fiscal year 1971.

For the first time in 20 years, Federal spending for defense needs has fallen below spending for human needs.

[In percent]

	Fiscal year—		
	1961	1969	1971
National defense.....	48	44	37
Human resource programs.....	30	34	41
Other.....	22	22	23

These figures reflect only the Federal budget. State and local outlays go almost exclusively toward meeting human needs.

Furthermore, in their statement, the Democrats contradict themselves by accusing the administration of a failure to "relate" the defense budget to "threats" to American security, and then stating that we need to make a "serious and determined effort to reduce our military budget."

As noted, the President has shifted priorities from defense needs to human needs, but he recognizes the need to keep America strong.

MANAGEMENT

According to the Democratic Policy Council, the "executive branch urgently requires the decisionmaking and command mechanism that would be provided by a National Domestic Council."

REPUBLICAN RECORD

President Nixon has already implemented such a Council. A new Cabinet-level Domestic Council has been established to formulate domestic policy, and a new Office of Management and Budget has been organized to implement the policy set down by the Domestic Council.

CRIME

The Democrats say that we "must swiftly and substantially increase the resources devoted to law enforcement and the administration of justice."

REPUBLICAN RECORD

The President has proposed 13 separate crime bills to Congress, but only one—the District of Columbia crime bill—has gotten to the President's desk for signature.

The District of Columbia crime bill is intended to serve as a national model anticrime program. Other Nixon administration proposals concerned organized crime, drug abuse, pornography, bail reform, antibombing legislation, and community treatment centers.

Under the Nixon administration, appropriations for the law enforcement assistance program, which provides Federal funds to help localities fight crime, have been increased to \$650 million in fiscal year 1971 as compared with only \$63 million in fiscal year 1969.

EDUCATION

The Elementary and Secondary Education Act of 1965 made it the policy of the United States to provide financial assistance to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational program. But according to the Democrats:

To date these commitments remain unfulfilled and either ignored or undefined by the Republican Administration.

REPUBLICAN RECORD

The title I program which provides Federal aid for local school districts with high concentrations of low-income families, has been reorganized and restaffed with high caliber people by the Nixon administration. Following these changes, HEW implemented program guidelines, much stricter than before, which require a school district to spend as much for the education of disadvantaged children as it does for advantaged children before it can receive title I funds. These efforts promise to help untangle some of the redtape and out-right misuse of title I funds under the Democrats and put the program back on a proper course for the first time.

According to the Democratic version:

Existing program, including the landmark Elementary and Secondary Education and Higher Education Acts, remain underfunded.

REPUBLICAN RECORD

Under the Democrats, title I of the Elementary and Secondary Education Act funding for fiscal year 1970 totaled \$1.2 billion; under the Republicans, the funding for fiscal year 1971 totals \$1.5 billion.

Under the Democrats, the Higher Education Act budget requests for fiscal year 1970 totaled \$897 million; under the Republicans in fiscal year 1971 the funding totals \$968 million.

The Democrats say:

We need to make greater efforts in areas of pre-school education, child development, facilities and methods for teaching disadvantaged children.

REPUBLICAN RECORD

Shortly after taking over, President Nixon announced the creation of the Office of Child Development in the Department of Health, Education, and Welfare. This new office was designed to serve as a focal point for early childhood programs and to demonstrate the Nixon administration's commitment to the "first 5 years of life."

Under the Nixon administration, Parent and Child Centers have doubled and planned variations of child development programs have been undertaken to find better ways of meeting children's needs.

The Office of Economic Opportunity has recently devoted \$2.6 million for the first comprehensive survey of existing child development resources and needs as a first step toward developing new responses to this perennial problem.

The family assistance plan, proposed

by the Nixon administration, if enacted would provide \$365 million to provide child care service for an estimated 450,000 children.

Forty Republican Members of Congress and five Republican Senators sponsored the "Comprehensive Head Start Child Development Act of 1970" which many eminent child development and child care authorities have hailed as "one of the best bills ever seen" and "a measure which offers a chance to make real progress in this field."

MEDICAL CARE

The Democrats propose that—

The time has come to look particularly at ways for the federal government to help establish and support national programs of health insurance.

REPUBLICAN RECORD

In June of 1970, President Nixon proposed basic reforms in health care for poor families.

In January 1971, the administration plans to offer legislation to establish a new family health insurance plan which will:

Cover all poor families with children, bringing equitable treatment for the working poor.

Require a modest contribution from participating families which will be scaled to increase with income so that there is no work disincentive "notch."

Provide a Federal floor of medical services nationwide which the States could supplement in a manner similar to their proposed role in family assistance.

WELFARE

On welfare, the Democrats maintain that the President's proposed family plan is not adequate. They say that the Government should instead implement "the broader proposals" made by the Heineman Commission on Income Maintenance.

REPUBLICAN RECORD

Actually, the family assistance plan provides greater assistance than the Heineman Commission's proposal. The Heineman Commission recommended income for family of four: \$2,400. Family assistance plan for family of four on welfare will provide no less than \$2,460—\$1,600 in direct Federal payment plus \$860 in food stamps.

Nevertheless, the Democrats go on to say that the minimum payments should be increased. Senator EUGENE McCARTHY has proposed a program similar to the FAP except that the levels of support would be much higher.

REPUBLICANS POINT OUT

Under the McCarthy proposal, some 22 million male workers would qualify for welfare, and the cost would be close to \$60 billion a year. The Democratic Policy Council fails to mention any type of work incentive or other attempt to decrease the numbers on the welfare rolls. The FAP reverses the present policy of penalizing work and rewarding non-work—no longer will a man be forced to quit his job or leave his family in order to receive assistance. By including the working poor, \$4 billion will be added to the amount presently spent on welfare—actually an investment now to

save money later. Without change, the present AFDC system would cost an estimated \$12 billion by 1975.

TRANSPORTATION

In their statement, the Democrats proclaimed:

We need workable mass transportation systems to eliminate the daily worsening traffic congestion of the highways in our metropolitan centers.

REPUBLICAN RECORD

During his first year in office, President Nixon proposed a \$10 billion mass transit program for the next 12 years, which is the largest request of any administration in American history.

HUNGER

The Democrats proposed that we need a "total commitment by the Federal Government to eliminate hunger and malnutrition" in the United States.

REPUBLICAN RECORD

In 1969, President Nixon made a pledge to end hunger and malnutrition in the United States, and he has taken steps in that direction.

Since May of 1969, the number of poor people participating in Government food programs has gone from 6.9 million to 10 million in May of 1970.

ECONOMY

In their statement, the Democrats said that if we are to use the resources of America wisely for the benefit of all, we will need to maintain a "strong and sound economy." They go on the way that this goal is "threatened by the cruel reality of inflation."

REPUBLICAN RECORD

In their 1968 platform, the Democrats failed to recognize the "cruel reality" of the inflation that started under the Johnson administration. It only became an issue for them when Richard Nixon became President.

Nevertheless, the President has made attempts to control the inflation he inherited from the Johnson administration. For the first time since the administration of President Eisenhower, we have had a balanced budget. The President has taken other steps to control inflation, including:

A new Productivity Commission, formed to help the economy operate more efficiently.

Occasional "inflation alerts" to bring attention to significant wage and price increases.

A Regulations and Purchasing Review Board to guide Government economic policy.

The economic course charted by the President is starting to pay dividends.

The rise in the cost of living has slacked sharply in recent months. The increase in August—only 0.2 percent—was the smallest since September 1967.

Interest rates in the money markets—including the prime interest rate—are declining.

Real income reached an all-time high mark during the first half of 1970 while inflation dropped from the 6.4 percent generated by Johnson's 1968 budget to 4.2 percent.

The surplus of exports over imports

stands at an annual rate of \$5 billion, as compared with a 1968-69 postwar low of \$1 billion.

DEMOCRACY AND GOVERNMENT

The Democrats pledged elimination of voting discrimination on the basis of race, and attacked the Nixon administration for failure to support the Voting Rights Act.

REPUBLICAN RECORD

The President proposed a voting rights act which was nationwide, not sectional, in its approach. He signed the Voting Rights Act passed by the Congress, and for doing this he was "hailed" by Senator EDWARD BROOKE, Roy Wilkins, and Clarence Mitchell.

The Democrats claimed that the administration was delaying school desegregation.

REPUBLICAN RECORD

Nixon's recommended emergency school aid program, proposing an outlay of \$1.5 billion to assist school desegregation can hardly be called a delay. His request for \$150 million under existing authority was cut in half by the Democratically controlled Congress.

The Democrats accuse the Republican administration of opposing legislation to strengthen the enforcement powers of the Equal Employment Opportunity Commission.

REPUBLICAN RECORD

In August 1969, the administration's proposed Equal Employment Opportunity Enforcement Act was introduced in the Senate and House. Stronger than the legislation introduced by the Democrats, because it would involve the courts, this act has not been passed by either House of the democratically controlled Congress.

Additionally, the introduction of the "Philadelphia plan" to require building and construction trades unions to accept more minority groups members, has been hailed by usually critical civil rights leaders as potentially the most constructive step toward economic equality taken by a President since the 1930's.

In their section on reform of American government, the Democrats expressed their support for an amendment to lower the voting age.

REPUBLICAN RECORD

The President has been a longtime supporter of an amendment to lower the voting age, and signed the act passed by Congress to lower the voting age to 18 in all States.

ENVIRONMENT

The Democrats, in their statement, say that in the field of environment, "Federal Government must assert national leadership."

REPUBLICAN RECORD

On February 10, 1970, President Nixon proposed seven major bills dealing with environment, which would carry out the program that he outlined in his state of the Union message. None of these bills has reached the President's desk for signature.

Recognizing that the Federal Government cannot and should not act in this area alone, the President has proposed

joint action with States and local communities.

In April, President Nixon established the National Industrial Pollution Control Council.

Also in April, the President requested the Congress to take the necessary measures for environmental control of our estuarine resources, as well as a message on waste disposal and control of the Great Lakes and the oceans.

CONSUMER PROTECTION

The Democrats say:

The 1970's must be a time of expanding the consumer's right to choose and his right to be heard.

REPUBLICAN RECORD

The President has proposed a buyers' bill of rights, which would include an Officer of Consumer Affairs in the White House, a Division of Consumer Protection in the Justice Department, efforts to strengthen the Federal Trade Commission, and new laws that would enable private citizens and the Government to bring deceptive industries into court. The Consumer Product Testing Act would promote the development of adequate and reliable methods of testing characteristics of consumer products. The Drug Identification Act and the Consumer Warranty Act would provide important new standards in their respective areas. None of these bills has been acted on in either House of the Democratically controlled Congress.

In their statement of policy, the Democratic Policy Council made no mention of significant accomplishments and recommendations of the present Nixon Republican administration. Some of those we would call to your attention are:

Revenue sharing which would provide States and lesser political units of this country with revenues from the Federal income tax revenues. This aspect of the new federalism is consistent with the basic concept which seeks a new sense of partnership between the Federal Government and State and local governments, assigning responsibility and authority for public functions to the level best qualified to carry them out.

Commission on Population Growth and the American Future, proposed by President Nixon has been approved by the Congress and is now in operation.

Manpower Training Act is the new federalism in action. It would reverse for the first time the process that for more than a third of a century has taken responsibilities away from State and local governments and lodged them in Washington. It would consolidate in the interests of flexibility, decentralize where operations are best managed locally, and assert national standards of performance, and provide automatic adjustments to changes in the national economy.

Social security reforms were proposed by President Nixon, to make it a more equitable and effective instrument of income security for the aged, including automatic cost-of-living adjustments in social security benefits. Having passed the House, this is currently pending before the Senate.

Postal Reorganization Act is a first step and a solid structure upon which improvements can be made as the new system is established.

Draft reform which changed the order of call by Selective Service from the oldest-first to the youngest-first thus reducing the period of prime vulnerability to 1 year was passed.

AMENDMENT TO MEET THE TRANSPORTATION NEEDS OF THE ELDERLY AND THE HANDICAPPED

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

Mr. BIAGGI. Mr. Speaker, this body will consider later today H.R. 18185, entitled the Urban Mass Transportation Assistance Act, which—if passed—will initiate a \$5-billion Federal assistance program to build mass transit facilities across the Nation. At that time, I intend to introduce an amendment to permit 44 million Americans access to these facilities who would otherwise be excluded.

There is no question that our cities must have efficient mass transportation systems if they are to survive. More highways and the automobiles that fill them will only result in a slow death by strangulation for our central cities and asphyxiation for the residents. This measure would thus have a tremendous beneficial impact for the vast majority of our citizens.

However, Mr. Speaker, the present designs of mass transit systems are such that some 44 million Americans will be excluded from using them. These Americans are elderly citizens, handicapped persons, cardiac patients, accident victims, disabled veterans and many others who are hindered in their movements by age or physical impairment.

Also included are persons who are temporarily handicapped due to illness or other impairments.

In order to correct this glaring inequity at the start of our Federal mass transportation assistance program, I will introduce a floor amendment to H.R. 18185 which will require all federally assisted mass transit facilities to meet the needs of the elderly and the handicapped.

The United States is one of the few nations of the Western World which does not have a national policy to aid these persons. I sincerely hope my colleagues will share my view that these 44 million Americans can no longer be excluded from public transportation facilities and support my amendment when it is offered.

GARDNER'S CAMPAIGN TO GET THE COUNTRY TO RUN

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

Mr. MORSE. Mr. Speaker, I was privileged to be able to have in my office this morning John W. Gardner, former Secretary of Health, Education, and Welfare,

director of the Urban Coalition, and creator of a new political reform movement, "Common Cause," and to discuss at some length with him this innovative operation.

"Common Cause" is a stimulating and exciting concept, a prodigious undertaking to say the least, but one that is much needed and that has enormous potential. Certainly the reactivation and reinvigoration of the "public process," developing a more healthy relationship between the public and the Government, and instilling the individual citizen with a more positive and constructive attitude toward the political process, is a venture worthy of our attention and wholehearted support.

It is, therefore, a particularly happy coincidence that I am able to include in these remarks the following article which appeared in this morning's Washington Post:

GARDNER'S CAMPAIGN TO GET THE COUNTRY TO RUN

(By Edward P. Morgan)

Is John W. Gardner's "Common Cause," a new nonpartisan venture in political reform, a lost cause even as it has just begun? Some of his best friends despair that the former Secretary of Health, Education and Welfare, who now runs the Urban Coalition, is wasting his time as a modern Don Quixote. But Gardner believes that, far from breaking lances on windmills, he is developing an unsecret weapon that can make the machinery of government work. He is out to conquer what he considers the open society's deadliest enemy—apathy—and he is happily surprised, not to say downright astonished, at the public interest Common Cause had stirred up even before it was formally launched a few weeks ago.

Gardner's thesis, which is also the core of his latest book, "The Recovery of Confidence," is that people and their politicians are not concentrating enough attention on the country's main issue, which he calls the public process. Granted the urgency and divisiveness of such substantial issues as the war, race, crime, poverty and the economy, none of these, Gardner reasons, can be tackled realistically until we realize to what a "primitive" state we have let government at all levels deteriorate. "No successful executive," he says, "would tolerate such inefficiency in his business and yet he actually encourages primitivism in government by failing to exercise his social responsibilities as a citizen."

By concentrating on issues, by demonstrating how public pressure can and must force governmental decision-making out in the open where it can be seen, Common Cause hopes to mobilize a kind of moral indignation movement which will overcome a despairing citizen's "there's-nothing-I-can-do-about-it" reaction with a conviction that his voice and his vote can be made to count.

Gardner, a liberal Republican, a psychologist and teacher who has been called one of the clearest-thinking minds in the country, agrees with the Richard Scammon-Ben Wattenberg theory in their book "The Real Majority," that most voters are concentrated in the middle. But he rejects the inference that the middle cannot be moved except by playing to its own prejudices. "If we waited for the middle to move itself," Gardner says, "we would all still be living in caves. Inspiration and influence comes from the fringes."

Is he talking about leadership? Yes. He illustrates his concept of it by quoting a 19th century Japanese philosopher: "Some citizens are so good that nothing a leader can do will make them better. Others are so incorrigible that nothing can be done to im-

prove them. But the great bulk of the people go with the moral tide of the moment. The leader must help create that tide." Gardner does not expect a flood tide of support for Common Cause. But responses to its first membership drive promise to triple and possibly quadruple the original projections by the experts handling its direct mail campaign. When news of the campaign filtered out prematurely, it made front pages from coast to coast, spiced with speculation that Gardner himself was a 1972 presidential prospect. This led to guest appearances on both network and local television.

Gardner is somewhat flabbergasted by the identity this exposure has swiftly given him. It produced a dollar bill from a ghetto resident and a thousand-dollar check from a corporation head, and these are not isolated instances. Roughly \$400,000 of the half million Gardner figured was needed to get Common Cause off the ground has either been raised or pledged. This is apart from the organized membership drive needed to keep it going. In Boston's Logan airport the other day a young man, a total stranger, approached Gardner and asked to be put on Common Cause's mailing list. "I guess you missed my name the first time around," he said. On the plane, a stewardess handed him a note from a fellow passenger, a businessman, with the same request. The experience has been repeated in San Francisco and many other cities. From Zanesville, Ohio, a citizen wrote, "I want to volunteer, what can I do to help?" Such volunteers get personal long distance calls from Gardner's Washington office explaining how they can solicit members and organize local chapters to deal with issues on a community level—in addition to the pressures Common Cause hopes to put on state legislatures and Congress.

What does this response mean? "I think" Gardner says, "that people are beginning to realize they've got to do something about the public process before it's too late. Maybe they're no more than an activist one per cent but they're the people we're looking for"—whether they're hard-headed businessmen or Ralph Nader types.

Is this the beginning of a third or fourth party Gardner-for-president movement? "I'm not a candidate for anything," Gardner still insists, as he has for at least five years. And he vehemently does not believe in splinter parties—though Common Cause's emergence has hardly quieted speculation about political alternatives for 1972. John W. Gardner denies that he's running for anything but he doesn't deny he's trying to get the country to run.

POWER SHORTAGE IN WASHINGTON

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

Mr. BERRY. Mr. Speaker, it is nothing less than humorous when Members of Congress and employees in the Government bureau downtown talk about a power shortage in Washington.

I thought when they had this "brown-out" event during this past week that there might be some changes made, but I drove across the 14th Street Bridge last night, through the heart of Government buildings, and every light, in every room, on every floor of every Federal building in that entire complex west of the Capitol was burning.

I assume that some of the lights are necessary for the people who are doing the cleaning of these offices, but why can not the cleaning people turn on the

light as they go into a room and turn it off as they leave?

I returned across the 14th Street Bridge at 11 o'clock last night and every building was still ablaze. There must be something wrong, Mr. Speaker, there must be someone whose business it is to try to save the taxpayers a few dollars and to try and stop this wanton, wasteless waste of energy and power. I have seen the same thing almost every night prior to this "brown out" and so-called power shortage, but I thought possibly someone might have learned something, but I guess that is expecting too much.

If this thing is not stopped then Congress should investigate this reckless waste of taxpayers' money and electrical energy.

It is almost as bad as having all of the dozen escalators in the Rayburn Building running 24 hours a day, 7 days of the week, that few, if any people ever use.

CONGRESS SHOULD COMPLETE ITS WORK BY OCTOBER 15

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

Mr. FINDLEY. Mr. Speaker, I would like to call attention of all Members of this body to an excellent editorial which appeared in last night's Washington Evening Star, and I ask unanimous consent that the text of the editorial appear at this point in the RECORD.

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

There was no objection.

The editorial follows:

CONGRESS CAN DO IT

Congress should step on the gas and try to avoid the lame-duck session which some members now regard as likely and perhaps even inevitable. The lawmakers are capable of completing their business and getting out of town by October 15, as scheduled, if they can summon a bit more energy and cooperative spirit.

There is a singular glumness in a flap-end session, resumed after a general election, and that's a reason why there hasn't been one since 1950. It is no fun to legislate in the Jingle Bells swirl, and members who are defeated in November, as some must be, will not be in much of a gung-ho mood. Dis-election is a proven incentive to absence.

Moreover, once a sizable number of legislators become convinced that an extended session is virtually certain, they will feel that the pressure is off and the result will be an immediate slowdown. Many will go home to campaign before the recess and the backlog for the lame-duck session will pile up ponderously.

The logjam still can be broken, and the Senate can make the first break tomorrow by voting to shut off debate on the constitutional amendment for direct election of presidents. The senators have been occupied with it since September 7, and it's time to invoke cloture and bring the question to a vote.

Also, the Senate should move the administration's Family Assistance Plan out of committee for an early vote. Hearings on it have been under way for many weeks, and nothing substantive can be achieved by extending them. Several other major items remain on the agenda, including defense ap-

propriations, foreign aid, farm legislation and the controversial trade bill. But Congress, with some night work, should be able to vote on all of them by mid-October.

Many members of Congress who are battling for re-election quite naturally would rather postpone voting on controversial bills until after the election. Sweet upon their ears were Speaker McCormack's words last week end; he predicted a recess and a return to the hotter issues in November. But Senator Mansfield still clung to the hope of an October 15 adjournment, and we hope his colleagues will rally to that intent.

Mr. FINDLEY. Mr. Speaker, it starts by saying:

Congress should stop on the gas and try to avoid the "lameduck" session which some Members now regard as likely and perhaps even inevitable. The lawmakers are capable of completing their business and getting out of town by October 15, as scheduled, if they can summon a bit more energy and cooperative spirit.

In addition to the argument very ably set forth in this editorial, I would like to raise one very fundamental question: Is it really serving the public interest for the old Congress, which had been replaced by a vote of the American people just a few days before, to deal with vital questions? These questions should be left for the newly mandated Congress. I question the public interest being served by a "lameduck" session.

At this point I would be glad to yield to anyone who can make an argument in behalf of a "lameduck" session. We have more than 2 weeks remaining before mid-October. Surely we can wind up the business of the Congress and adjourn the 91st Congress by that date.

I will be glad to yield to anyone who can shed light as to why we should have a lameduck session of this Congress.

THE GREAT PROBLEM OF OUR ECOLOGY

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

Mr. HANNA. Mr. Speaker, I listened with great interest but too little edification as several of our friends on the Republican side of the aisle hailed the record of their administration on improving the environment. It was interesting to me because in 1966, when I first made a presentation on this subject in the well of the House, I predicted that the problem of pollution of the environment was going to become one of the great political issues, and so it has come to be.

Particularly in the next few weeks, there will be contending voices striking out with bold rhetoric, expounding sweeping cures for the ills of pollution. But, Mr. Speaker, it conjures up in my mind a vision of contesting finger painters. Excited by the presence of a white sheet of new expanse for initial legislation and with the bright paint of abstract theories for legislative language everyone delightfully sets to making abstract designs much like an enthusiastic kindergarten class.

Let me say that when all the fun and games are over, I would hope that this administration, and any that should fol-

low, would find a more useful understanding and a more promising place to pick up this problem. In my judgment, there will be no progress out of reorganization plans, nor from a plethora of well-intentioned programs, if there is an absence of sophisticated and proven measuring devices so that standard setting will make sense.

Several things disturb me. Obviously, existing devices are not capable of measuring conditions accurately enough so that their findings are acceptable. Serious questions can be lodged as to whether standards set by existing devices can be met or that performance in meeting standards can be adequately measured. Especially ironic is the fact that this administration, while bragging up its accomplishment, has actually broken up the scientific and technological capability that created the sophisticated measuring devices for space and has put this talent on the streets and in unemployment lines. These are the very people who ought to be at work creating and developing devices and instrumentation that will make sense out of standards and could assure performance out of programs.

I suggest it ill behooves any of us to stand bragging about our finger painting competition while our greatest capabilities are being laid waste and committed to idleness. When we move this environment problem toward solutions resting upon the scientific and technological capabilities developed in the space race, we will have put some intelligence and some noteworthy progress into our efforts.

GEN. THADDEUS KOŚCIUSZKO

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

Mr. DORN. Mr. Speaker, I am happy today to cosponsor the Byrne bill, H.R. 18161, to create a General Thaddeus Kosciuszko Home National Historic Site in Philadelphia. I am especially happy to join my colleague from Pennsylvania in this, the 300th birthday year of my own State of South Carolina, for this bill will honor a Revolutionary War hero who made such a great contribution to the Revolutionary War effort in the South.

On September 17, 1970, it was my pleasure to place in the CONGRESSIONAL RECORD a brief but excellent account of the Revolution in the South. This and other historical accounts make it clear that were it not for the strategic victories of General Nathanael Greene after Greene's arrival in the South in December 1780, the American Revolution could not ultimately have been successful.

South Carolinians are justly proud of the exploits of their patriot partisans such as Francis Marion, Andrew Pickens, and Thomas Sumter. But we are also proud of the indispensable contributions to the revolutionary effort made by General Kosciuszko. This Polish patriot became General Greene's military engineering officer; his work was essential to Greene's strategy of picking the proper time and place to match his outnum-

bered patriots against the British. In fact, General Greene's success in the South depended in large measure on Kosciuszko's calculations. We can still today discover evidence of Kosciuszko's work around Old Star Fort at Ninety Six, S.C., including the tunnel built to undermine that British fort. In General Greene's papers are maps and plats most probably prepared by Kosciuszko from which the South Carolina Department of Archives and History are restoring Revolutionary War sites in South Carolina. After the patriots' classic victory at Cowpens, in which Daniel Morgan trapped the British in a double envelopment much as Hannibal had done to the Romans 2,000 years earlier, General Cornwallis set out after the patriots and sought to avenge this defeat. For 2 weeks the British troops pursued the outnumbered patriots; the British most probably would have caught the patriots were it not for the fact that General Kosciuszko had had the foresight to construct wheeled carriages for quick movement.

Mr. Speaker, it is fair to say that without the military and engineering skill of General Kosciuszko the patriots' victories in the South would not have been possible. These Southern victories contributed largely to the final victory at Yorktown. Mr. Speaker, I urge passage of this bill, so that all Americans might appreciate the important contribution to our nationhood made by General Kosciuszko.

After the Revolution had been won, a grateful Congress voted the General an American citizenship and a land grant and Kosciuszko became one of the founders of the Society of Cincinnati.

In 1784 he returned to his beloved Poland, where for the next 15 years he fought in Poland's heroic struggle against Russian domination. He was a leader of the Polish revolt of 1794, and was held captive by the Russians for 2 years. After his liberation from the Russians, General Kosciuszko came to live in Philadelphia in the house that this bill would preserve as a National Historic Site.

It is "fitting and proper," Mr. Speaker, that in the cradle of liberty, the City of Brotherly Love, we preserve the house of General Kosciuszko. Again, I am happy to join in sponsoring this bill with my friend, the gentleman from Pennsylvania (Mr. BYRNE), and I hope it is expeditiously passed by the Congress.

POINT OF ORDER

Mr. DELANEY. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from New York makes the point of order a quorum is not present. Does the gentleman from Massachusetts withdraw his motion for the time being?

Mr. O'NEILL of Massachusetts. Mr. Speaker, I ask unanimous consent to withdraw my motion.

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

There was no objection.

The SPEAKER. Does the gentleman from New York withdraw his point of order?

Mr. DELANEY. No; Mr. Speaker, I do not.

Mr. GROSS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. There are certain matters in connection with the operation of the House that the Chair would like to have taken care of. If possible, we would like to meet tomorrow at 11 o'clock, and there are some unanimous-consent requests.

Mr. PEPPER. Mr. Speaker, I would like to make a statement.

The SPEAKER. Under the present parliamentary situation the Chair cannot recognize the gentleman from Florida.

Does the gentleman from Iowa withdraw his motion?

Mr. DELANEY. Mr. Speaker, I will withhold for a statement; yes.

Mr. GROSS. Mr. Speaker, I will withhold.

PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, I was detained on official matters, and I arrived after the vote was taken on the bill H.R. 18185 on expanded urban mass transportation. I was here during the debate, and I participated in voting on the amendments, and if I had been here, I would have voted in the affirmative.

Mr. Speaker, I thank the gentlemen for withholding.

HOUR OF MEETING TOMORROW

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 o'clock tomorrow.

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

PARLIAMENTARY INQUIRY

Mr. PICKLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PICKLE. Mr. Speaker, if the House adjourns to convene early, to meet at 11 o'clock in the morning, would this bill be the first order of business?

The SPEAKER. The Chair will state in response to the inquiry that we are hopeful we will be able to get through early tomorrow, in connection with the religious obligations of Members of the House.

There was one other bill which it was the intention to bring up, and after the rule was adopted unanimous consent was going to be requested to have it considered in the House as in the Committee of the Whole, and that would have been the termination of the business for today.

There are two other bills for consideration tomorrow: the bill to amend the Atomic Energy Act of 1954 and what might be called the international piracy

bill, which came out of the Committee on Ways and Means. It was the hope to dispose of those bills before 3 o'clock tomorrow, particularly if permission were granted for the House to meet at 11 o'clock tomorrow morning.

The Chair is giving that information in response to the parliamentary inquiry made by the gentleman from Texas.

The Chair would feel, however, in response directly to the question, that if the House adjourns this particular bill would not be brought up; but if the point of order that a quorum is not present were not pressed, the pending resolution and the bill it makes in order would be in the first order of business tomorrow; that is, the bill for the high-speed ground transportation extension. That would be the opinion of the Chair.

Mr. PICKLE. Mr. Speaker, reserving the right to object—and I shall not object—

The SPEAKER. The gentleman was making a parliamentary inquiry, rather than stating a reservation of objection.

Mr. PICKLE. I wish to make a further observation, Mr. Speaker, reserving the right to object to the unanimous-consent request.

Mr. BOGGS. That is correct, Mr. Speaker; I made a unanimous-consent request.

Mr. PICKLE. It will be necessary for me to be out of the city part of the time tomorrow, until 3 o'clock or thereabouts, and I wanted to offer an amendment to the bill. I will not object, however, in the hope that I can get some other Member to offer the amendment with respect to the high-speed ground transportation bill.

Mr. Speaker, I withdraw my reservation.

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

Mr. HALL. Mr. Speaker, reserving the right to object to the unanimous-consent request, is it fair to assume, considering the way we are expediting business for the purposes stated by the Chair for tomorrow, that we can expedite the business in the following 2 weeks so that we can expect adjournment sine die?

The SPEAKER. The Chair is unable to answer that question at the present time.

Mr. HALL. Mr. Speaker, it would certainly seem to the Members that we should make every effort to do this. The Member speaking, from Missouri, is not unknowledgeable about the interrelations of the two bodies of Congress as to the need for sine die adjournment. In view of the refusal of the other body to vote cloture today, and extended actions in the past on matters that were moot to the people of America, it would seem unconscionable to have a rump session of the Congress return after the election, and not to adjourn sine die at the earliest possible date following the 10th of October.

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

There was no objection.

THE PRESIDENT'S COMMISSION ON OBSCENITY AND PORNOGRAPHY

THE SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. DULSKI) is recognized for 15 minutes.

Mr. DULSKI. Mr. Speaker, a review of the activities of the President's Commission on Obscenity and Pornography reveals a history replete with biased and self-serving interests.

Were it not for the excellent work of a small—but vocal and well-informed—minority this country might have fallen victim to one of the biggest hoaxes in its history.

As I indicated in my previous remarks on this subject, the \$2 million spent by the Commission is resulting in a majority report the validity of which this Congress cannot in good conscience accept.

Indeed, were it not for Rev. Morton A. Hill, S.J., Winfrey C. Link, and Charles H. Keating, Jr., the members of the Commission who constitute the dissenting minority, we in Congress would be facing extreme embarrassment.

We would have been saddled with a report which the money-hungry dealers in smut could depend upon as the greatest boon to date for their deplorable business.

If Congress were to follow the recommendations of the Commission majority, the filth peddlers would be able to surface with immunity and reap the harvest of more and more millions of dollars in profits at the expense of the moral structure of our great Nation.

To their credit, the minority would have no part of this hoax. These dedicated individuals fully recognized and accepted the mandate of Congress, worked diligently to fulfill it—and against unbelievable odds. Lesser men would have surrendered quickly in light of the adverse conditions they faced.

I cite just one example of the hardships confronting the minority. The Commission adamantly refused to hear the views of the public. Commissioners Hill and Link recognized that the absence of such views would have a detrimental effect on the workings of the Commission.

As a countermeasure, at their own expense, they held public hearings in a number of cities throughout the land. Prodded by the Hill-Link hearings, the Chairman finally conducted two public hearings, but these obviously were completely inadequate toward accurately reflecting the true public sentiment.

Even as the Commission's work was concluding, the adversity faced by the minority continued. The newest Commission member, Charles H. Keating, Jr., was forced to seek legal redress so that he would have an opportunity to include a full written dissent to the report.

This probably is the first time in the history of Presidential Commissions that a Commission member was compelled to seek a court injunction in order to be assured that his own complete views would be incorporated in the report. The necessity for such a course is deplorable, to say the least.

Except for this conscientious minority, Congress would have been faced with a Commission report not only contrary to the very purpose for which the Commission was created, but also lacking the vital and appropriate views of the dissenters.

The excellent and detailed dissent of Commissioners Hill and Link, concurred in by Commissioner Keating, should serve as the guide for future congressional action.

I believe this minority report warrants being brought to the attention of the Congress and the public as a separate document.

Mr. Speaker, as part of my remarks I am including the text of the minority report:

TEXT OF MINORITY REPORT OF THE COMMISSION ON OBSCENITY AND PORNOGRAPHY

(Report of Commissioners Morton A. Hill, S.J., and Winfrey C. Link; concurred in by Charles H. Keating, Jr.* of the Commission on Obscenity and Pornography)

OVERVIEW

The Commission's majority report is a Magna Carta for the pornographer.

It is slanted and biased in favor of protecting the business of obscenity and pornography, which the Commission was mandated by the Congress to regulate.

The Commission leadership and majority recommend that most existing legal barriers between society and pornography be pulled down. In so doing, the Commission goes far beyond its mandate and assumes the role of counsel for the filth merchant—a role not assigned by the Congress of the United States.

The Commission leadership and majority recommend repeal of obscenity law for "consenting adults." It goes on, then, to recommend legislation for minors, public display and thrusting of pornography on persons through the mails.

The American people should be made aware of the fact that this is precisely the situation as it exists in Denmark today. The Commission, in short, is presumptuously recommending that the United States follow Denmark's lead in giving pornography free rein.

We feel impelled to issue this report in vigorous dissent.

The conclusions and recommendations in the majority report will be found deeply offensive to Congress and to tens of millions of Americans. And what the American people do not know is that the scanty and manipulated evidence contained within this report is wholly inadequate to support the conclusions and sustain the recommendations. Thus, both conclusions and recommendations are, in our view, fraudulent.

What the American people have here for the two million dollars voted by Congress, and paid by the taxpayer, is a shoddy piece of scholarship that will be quoted ad nauseam by cultural polluters and their attorneys within society.

The fundamental "finding" on which the entire report is based is: that "empirical research" has come up with "no reliable evidence to indicate that exposure to explicitly sexual materials plays a significant role in the causation of delinquent or criminal behavior among youth or adults."

The inference from this statement, i.e., pornography is harmless, is not only insupportable on the slanted evidence presented; it is preposterous. How isolate one factor

* Mr. Keating, while concurring in this report is preparing a separate dissent.

and say it causes or does not cause criminal behavior? How determine that one book or one film caused one man to commit rape or murder? A man's entire life goes into one criminal act. No one factor can be said to have caused that act.

The Commission has deliberately and carefully avoided coming to grips with the basic underlying issue. The government interest in regulating pornography has always related primarily to the prevention of moral corruption and *not* to prevention of overt criminal acts and conduct, or the protection of persons from being shocked and/or offended.

The basic question is whether and to what extent society may establish and maintain certain moral standards. If it is conceded that society has a legitimate concern in maintaining moral standards, it follows logically that government has a legitimate interest in at least attempting to protect such standards against any source which threatens them.

The Commission report simply ignores this issue, and delegates government's interest to little more than a footnote—passing it off with the extremist cliche that it is "unwise" for government to attempt to legislate morality. Obscenity law in no way legislates individual morality, but provides protection for public morality. The Supreme Court itself has never denied society's interest in maintaining moral standards, but has instead ruled for the protection of the "social interest in order and morality."

The Commission report ignores another basic issue: the phrase "utterly without redeeming social value." This language has been propagandized by extremists and profit-seekers, and it is so propagandized in this report as being the law of the land. It is not the law of the land, since no Supreme Court ever voiced such an opinion, yet this erroneous concept has been built into the statutes of the states as a result of extremists asserting that it is a necessary "test" enunciated by the Supreme Court. This erroneous conception has led to a vast upsurge in the traffic in pornography in the past four years. The fact is, it is nothing more than an opinion of three judges, binding on no one, neither court nor legislature.

In sum, the conclusions and recommendations of the Commission majority represent the preconceived views of the chairman and his appointed counsel that the Commission should arrive at those conclusions most compatible with the viewpoint of the American Civil Liberties Union. Both men single-mindedly steered the Commission to this objective.

In the interest of truth and understanding, it should be noted here that the policy of ACLU has been that obscenity is protected speech. Mr. Lockhart, the Chairman of the Commission, has long been a member of the American Civil Liberties Union. Mr. Bender, his general counsel, is an executive of the Philadelphia Civil Liberties Union.

The two million dollars voted by Congress have gone primarily to "scholars" who would return conclusions amenable to the extreme and minority views of Mr. Lockhart, Mr. Bender and the ACLU.

OUR POSITION

We stand in agreement with the Congress of the United States: the traffic in obscenity and pornography is a matter of national concern.

We believe that pornography has an eroding effect on society, on public morality, on respect for human worth, on attitudes toward family love, on culture.

We believe it is impossible, and totally unnecessary, to attempt to prove or disprove a cause-effect relationship between pornography and criminal behavior.

Sex education, recommended so strongly by the majority, is the panacea for those who

advocate license in media. The report suggests sex education, with a plaint for the dearth of instructors and materials. It notes that three schools have used "hard-core pornography" in training potential instructors. The report does not answer the question that comes to mind immediately: Will these instructors not bring the hard-core pornography into the grammar schools? Many other questions are left unanswered: How assure that the instructor's moral or ethical code (or lack of same) will not be communicated to children? Shouldn't parents, not children, be the recipients of sex education courses?

Children cannot grow in love if they are trained with pornography. Pornography is loveless; it degrades the human being, reduces him to the level of animal. And if this Commission majority's recommendations are heeded, there will be a glut of pornography for teachers and children.

In contrast to the Commission report's amazing statement that "public opinion in America does not support the imposition of legal prohibitions upon the consensual distribution" of pornography to adults, we find, as a result of public hearings conducted by two of the undersigned in eight cities throughout the country, that the majority of the American people favor tighter controls. Twenty-six out of twenty-seven witnesses at the hearing in New York City expressed concern and asked for remedial measures. Witnesses were a cross section of the community, ranging from members of the judiciary to members of women's clubs. This pattern was repeated in the cities of New Orleans, Indianapolis, Chicago, Salt Lake City, San Francisco, Washington, D.C., and Buffalo. (And yet, one member of the Commission majority bases his entire position for legalization on the astounding "finding" of the Commission survey that "no more than 35% of our people favor adult controls in the field of obscenity in the absence of some demonstrable social evil related to its presence and use.")

Additionally, law enforcement officers testifying at the Hill-Link hearings were unanimous in declaring that the problem of obscenity and pornography is a serious one. They complained that law enforcement is hampered by the "utterly without redeeming social value" language. The Commission's own survey of prosecuting attorneys indicates that 73% of prosecutors polled said that "social value" is the most serious obstacle to prosecution. The decision not to prosecute is usually a manifestation of this obstacle. This figure and information is strangely missing from the report's "Overview of Findings."

We point also to the results of a Gallup poll, published in the summer of 1969. Eighty-five out of every 100 adults interviewed said they favored stricter state and local laws dealing with pornography sent through the mails, and 76 of every 100 wanted stricter laws on the sort of magazines and newspapers available on newsstands.

We believe government must legislate to regulate pornography, in order to protect the "social interest in order and morality."

OUR REPORT

To the end that Congress asked for recommendations to regulate the traffic in obscenity and pornography, we will—at the close of this report—as much as it is in our power, carry out the mandate given us by the Congress to analyze the laws on obscenity (see Appendices), recommend definitions, and recommend such legislative, administrative and other advisable or appropriate action to regulate effectively and constitutionally the traffic in obscenity and pornography.

In addition, we will point up the astonishing bias of the Commission majority report by presenting to the President, the Congress and the American people, a history of the

creation of the Commission, and a brief report on the heretofore secret operation of this Commission.

We shall document Commission bias and slant in the area of Effects, on which the entire report is based, and in the Legal area where the American people are asked to accept a misleading philosophy of law.

I. HISTORY OF CREATION OF COMMISSION

For several years prior to 1967 legislation to create a Commission on Obscenity and Pornography was introduced into the Congress. It passed the Senate each time, and each time died in House Committee.

Legislation was vigorously opposed by the American Civil Liberties Union, which reads the First Amendment in an absolutist way (cf. Annual Report, American Civil Liberties Union, July 1, 1965 to January 11, 1967, page 9). Their position that "obscenity as much as any other form of speech or press, is entitled to the protection of the First Amendment," can be found in an *amicus* brief in *Jacobellis v. Ohio*, 1964, among others.

In 1967, however, the feeling of the Congress was such that legislation to create a Commission was certain to pass. Now, the ACLU strategy changed. In April of that year, the Director of the Washington Office of the American Civil Liberties Union testified on such legislation before the House Subcommittee on Education and Labor.

He called for "scientific studies" in effects on the part of such a Commission, and maintained that the public and private groups should not be involved in the workings of the Commission.

A bill to create the Commission was considered by the Senate in May of 1967. The bill made no mention of effects studies, and drew for membership from both houses of Congress, from various governmental agencies, education, media, state attorneys general, prosecutors and law enforcement. It provided for public hearings and power of subpoena.

The bill which ultimately passed the Congress called for effects studies, drew heavily from the behavioral sciences for membership, and the power of subpoena had been removed. In other words, it was considerably weakened, and much more in line with the libertarian concept of such a Commission.

A White House press release dated January 2, 1968 reported that William B. Lockhart had been "selected" Chairman of the Commission, although public law 90-100 mandated that a chairman and vice-chairman be elected by the Commission from among its members.

Five months later, the Commission met for the first time. After five months, during which Mr. Lockhart had laid much groundwork, talking "effects" with several universities, the Commission voted to affirm his chairmanship.

Mr. Lockhart had present as an observer, at all sessions of the first Commission meeting, Mr. Paul Bender, who was later retained as general counsel to the Commission.

Mr. Lockhart has long contended that "scientific proof" of harmful effects is needed before an item can be adjudged obscene. (See Lockhart-McClure articles, U. of Minn. Law Rev.) This reasoning, followed to its logical conclusion, would have all obscenity laws repealed, for it is virtually impossible to prove that one book or one film caused one person to commit an anti-social act or a crime. No court, nor any legislature, has ever demanded such "scientific proof" as requested by Mr. Lockhart and his civil libertarian conferees.

After the appointment of the Commission and the "selection" of the Chairman, no further word was heard, to our knowledge, from the Civil Liberties Union until October of 1969, when the same director of the Washington office testified before the House Subcommittee on Postal Operations. This time, he urged that no legislation against pornog-

raphy be enacted until the issuance of the Commission report.

The Commission thus had its beginning in bias and never changed course. Using procedures wholly undemocratic, the Commission Chairman has marched the Commission from a preconceived assumption along a precharted path to a predetermined conclusion.

II. OPERATION OF COMMISSION

At this first meeting of the Commission, the Chairman asked for "confidentiality" or secrecy on the part of the members. The commission concurred.

No by-laws have ever been drawn up to our knowledge. No parliamentary procedure has been observed. There has not been a call for approval or amendment of minutes, distributed by mail. Because of this, one of the undersigned asked that meetings be taped or recorded. This request was refused.

Agenda for Commission meetings and for panel meetings were prepared by a hand-picked staff, and received shortly before meetings, giving Commission members little time for preparation.

Two or three members who were in obvious and open disagreement with the Commission leadership were all but excluded from participation. From the beginning, Commission members heard only one viewpoint; seldom hearing alternatives.

Because of this, and because the Commission under its leadership had consistently refused to go to the public and hear other views firsthand, two Commissioners conducted public hearings at their own expense in eight cities throughout the country. At the completion of the hearings of Commissioners Hill and Link, the Commission voted to refuse them reimbursement for expenses incurred, deciding to hold two "official" hearings lest their report not receive public acceptance. (Note above the libertarian specification that the public should not be involved in the workings of such a Commission. Note also Commission majority explanation for not having conducted hearings until the end of the Commission's life.)

Commissioners themselves were not put into direct contact with the problem of obscenity in the concrete. A few films were shown at the first meeting; samples were "available," but no Commissioner was asked to become conversant with the problem in the concrete, so that he could be equipped to make judgments.

At the first meeting the Commission was summarily divided into four "working" panels. Panel members were not aware of what was transpiring in other panels, except for oral reports at meetings and brief written reports distributed by mail.

Full Commission meetings were held approximately every other month in the beginning. However, from October 1969 to March 1970 there was a lapse of five months between full meetings.

III. CRITIQUE OF COMMISSION BEHAVIORAL RESEARCH

Dr. Victor B. Cline, University of Utah psychologist and specialist in social science research methodology and statistics, has called the Commission's Effects Panel Report—upon which the majority report and its recommendations are based—a "scientific scandal."

Dr. Cline is the author of over 40 published research papers, principle investigator on a number of research projects funded by the Office of Naval Research, National Institutes of Mental Health, Offices of Education, etc. He teaches courses in clinical, experimental and child psychology, and is a practicing clinical psychologist.

Testifying before the Commission in Los Angeles on May 4, Dr. Cline called for, and has since repeatedly called for, the assemblage of an unbiased panel of scientists to (a) evaluate the original research sponsored by the Commission, and (b) assess what con-

clusions might legitimately be drawn from the assembled evidence. The Commission leadership and majority have ignored his request. In view of this, the signers of this dissenting report asked Dr. Cline to serve as an unpaid consultant. He agreed to do so, in the interest of scientific honesty and truth.

Following is Dr. Cline's evaluation of the Commission report, Effects Panel report, and "findings."¹

A careful review and study of the Commission majority report, their conclusions and recommendations, and the empirical research studies on which they were based, reveal a great number of serious flaws and grave shortcomings. There are so many, in fact, that the entire report is suspect and lacking in credibility.

Readers of the majority report are at the "mercy" of the writers of that report, and must assume that evidence is being presented fairly and in good faith on both sides of the issue. This is also true for most Commission members themselves. It should be stated that members of the Commission Minority were allowed to look at most of the Commission-sponsored 85 research studies but only after repeated, dogged requests. And then a number were finally and most reluctantly released to them perilously close to the Commission-set deadline for this dissent.

A number of the research studies upon which the report is based suggest significant relationships between pornography, sexual deviancy and promiscuity. Yet, time and again data suggesting this linkage are omitted or "concealed." Findings from seriously flawed research studies or findings which do not follow from the data are frequently presented as fact without mentioning their very serious limitations. The scholarship in the preparation of this report, in short, is unusually shoddy. Since most of their studies are unpublished it will be virtually impossible for any interested social scientists to adequately critique their report—at least at the present time.

A typical example of omission is found in a Commission-contracted study by Alan Berger and associates in Illinois. In the study, they surveyed 473 adolescents, primarily in the age range of 14-18 (from working class backgrounds) with an extensive questionnaire which asked questions about their exposure to pornography, their sexual behavior, etc. In carefully reviewing these findings, it is distressing to note that those data not "favorable" to the Commission leadership and majority point of view are either played down or not mentioned.

In the study of the 473 high school students, they found a relationship between frequency of seeing movies depicting sexual intercourse and the adolescent engaging in intercourse (their table 46, page 101 is duplicated in part below.)

FREQUENCY OF SEEING MOVIES DEPICTING SEXUAL INTERCOURSE [In percent]				
	Not at all	1 to 4 times	5 to 10 times	11 or more times
Percent of males engaging in premarital intercourse.....	53	62	73	88
Percent of females engaging in premarital intercourse..	10	29	44

This data is in the Commission-financed technical report, but is not discussed² or

¹ Since the minority were allowed only a limited amount of space to respond to the Final Report and the 4 Panel Reports this critique will necessarily be very limited and deal only with some of the flaws and limitations found.

² Except for a single sentence.

presented, despite the fact that it has an important bearing on the "effects" question.

One example of improper reporting of research results is found in Chapter V of the Effects Panel Report. Here the Commission majority states:

"A comparison study of 39 delinquents and 39 non-delinquent youth (Berninghausen & Faunce, 1964) found no significant differences between these groups in the number of 'sensational' (obscene) books they had read. Non-delinquent youth were somewhat more likely (75%) than delinquent youth (56%) however, to report having read at least one 'possibly erotic' book."

What the Commission majority does not tell the reader is that:

(a) A significantly greater number of delinquent boys (than non-delinquent) had read two or more adults books (with erotic content); and a greater number of delinquents had read three or more erotic books than the non-delinquents.

(b) The authors of this particular research concluded that their primary measuring instrument (which determined what books were actually read) was unreliable. So the results appear to be worthless and should not be cited.

The writers of the Commission report make three errors: (a) They cite data to prove a point from a worthless study.

(b) They do not tell the reader that the study is flawed.

(c) They present only that evidence which favors their point of view. They fail to cite contrary findings.

Readers who will never read the original study will assume that the writers of the report are honestly supplying complete data. This is not the case.

The majority report of the Commission has made recommendations which involve repeal of all laws pertaining to sale or distribution of pornography to adults, and the same for children (except for pictorial material).

However, whenever sweeping changes in social policy, laws, regulations, etc., are recommended, changes which might affect the health and welfare of the nation's citizens, the burden of proof for demonstrating "no harm" or "no adverse results" is ordinarily thought to be on the shoulders of the innovators. The innovators, the Commission majority in this case, have not adequately demonstrated "no harm," and in fact have repeatedly "withheld" evidence suggesting negative effects, or potential deleterious consequence of being exposed to pornography.

A number of brief comments should be made about the research evidence which the Commission staff assembled and led them to conclude that they had "found no evidence to date that exposure to explicit sexual materials plays a significant role in the causation of delinquent or criminal behavior among youth or adults... or that exposure to erotic materials is a factor in the causation of sex crimes or sex delinquency," when no adequate casual studies were done. And again—it should be emphasized: To say "we have no evidence," as they do, is not sufficient when one is recommending major changes in law and social policy which might effect the health and welfare of the nation's citizens.

1. *No Longitudinal Studies.* There were no longitudinal studies contracted by the Commission, studying the long-range effects of exposure to pornography and its effect on sexual activities, sex offenses, changes in moral values, etc. Nearly all studies involved covered only a few days or weeks or less (and in many cases only an hour or two).

2. *No Clinical Studies.* There were no in-depth clinical studies of individuals assessing the impact of use of pornography on attitudes, sex offenses, character, anti-social, or other types of behavior.

3. *Omission of Studies on "Porno-Violence".* No attention was paid to the prob-

lem of porno-violence where pornography and violence are linked together in fiction and in motion pictures. This omission is particularly surprising since the Commission focused most heavily on "effects" and in view of the findings in the Final Report of the National Commission on the Causes and Prevention of Violence (1969) which link visual presentations of violence to aggressive acting-out behavior. Their findings would appear to have some important implications for situations where violence and pornography are combined (e.g. sexual abuse, assault, etc. directed toward the female).

4. *Omission of Studies and Evidence in "Imitative Learning" Area.* There is an omission of research, concern or even discussion of studies in the area of imitative and social learning by such investigators as Albert Bandura and his associates at Stanford University. Since this body of research suggests that a significant amount of learning occurs through watching and imitating the behavior of others, this would logically appear to have great relevance to any "pornography effects" studies.

If Bandura's work (as well as others in this area) have any validity, it would suggest that certain types of pornography, involving whole sequences of behaviors, probably would effect some individuals if they saw it consistently modeled on the screen or in fiction. In view of this type of evidence and findings presented by the Bandura "school" it would seem, at the very least, that the Commission staff would indicate same cautions or concerns. There are none when one reads their recommendations.

5. *Over Reliance on Questionnaire and Verbal Self-Report Data.* Nearly all of the studies presented in evidence relied heavily on "verbal self report" without outside verification. A number of factors can make this data suspect, and caution must be exercised. (a) Subjects may consciously falsify or distort. (b) Questions in the sexual area in particular could lead to defensiveness, distortion, or "protective dishonesty" of responses. (c) It has been repeatedly demonstrated that slight changes in wording a question can make major differences in the number of people who will respond "yes" or agree with it. This was demonstrated in this study in a most dramatic fashion, when in the Commission-sponsored national survey of a national sample by Abelson, only 23% of the males admitted that pornography sexually roused them vs. 77% agreeing to this in the Kinsey studies. Whom can you believe? (d) Confusingly written questions or difficult vocabulary frequently render your data useless. Thus when in one study cited 40% of a male prison group denied ever having a "sexual orgasm," their response was most probably due to not knowing what the word "orgasm" meant.

The Commission writers tend to treat all "verbal report" as fact, and when there are discrepancies they tend to consider as significant only that data which favors their point of view.

Example:

Harris Poll (1969): 76% of U.S. wants pornography outlawed.

Gallup Poll (1969): 85% of U.S. favor stricter laws on pornography.

Commission Study (1970): 2% of U.S. viewed (Abelson) pornography as a serious problem.

However, when one looks at the question which Abelson asked in this Commission-financed study, it is not difficult to see why he came up with such a low percentage: "Would you please tell me what you think are the two or three most serious problems facing the country today?" It is doubtful that even the most concerned citizen would list pornography as among the first two or three when the country is faced with the problems of war, racial conflict, youth rebel-

lion, law and order disruption, pollution, etc.

The Commission recommends abolition of nearly all laws regulating pornography, and justifies this by saying in their Legal Panel Report: "A majority of the American people presently are of the view that adults should be legally able to read or see explicit sexual materials if they wish to do so." They are basing this only on some of the responses of U.S. Citizens to Abelson's survey, but not on other data from the same survey (e.g. 88% would prohibit sex scenes in movies, when they were put there for entertainment). And, of course, they are rejecting out-of-hand results of the Harris and Gallup Polls who have been in business for several decades. This sort of picking and choosing of favorable statistics is indefensible, especially when most Americans, or even social scientists will probably never have an opportunity to view the original data on which their recommendations and conclusions are based.

Another example of flagrant distortion in the presenting of "results" is in the Legal Panel Report. For some reason they also review the empirical research findings on pornography's effects, public attitudes toward it etc., duplicating part of the Effects Panel Report.

While the writers of the Effect Panel report have made major changes and modifications in what they say, but only after heavy fire and criticisms by the minority and others about "flawed methodology" etc., which has resulted in some modesty and more care in their presentation of results—the same cannot be said for Legal Panel Report. Any law student or other reader of that report will find data which has been systematically marshalled to favor one point of view. This is particularly true in the "public attitudes" toward pornography section. Key data giving opposing evidence is excluded.

6. *Flawed Methodology.* Some of the studies were badly flawed methodologically. These limitations were rarely mentioned when discussing their conclusions. In fairness it should be stated that since the writing of the first draft of the "Effects Panel Report", which was so severely criticized, a major attempt has been made to be more cautious, accurate, and scientifically modest.

Some of the studies did not have control groups. This means that if you expose people to pornography and get "before" and "after" measures of their sex behavior you never know for sure to what the changes or no changes may be attributed to.

Example: In the Mann (1970) study of married couples exposure to pornography, they found that after the study was over their couples reported being more "stimulated" by having to fill out a lengthy sex diary every morning (which listed a number of explicit sex activities which they had to check as to whether or not they were engaged in) than by the several erotic movies shown them. In this study which thoughtfully did use control couples (who were not exposed to pornography), they found the "control" wives significantly higher at the study's conclusion on self ratings of "being adequate as marital partners." These women had not been exposed to anything. This kind of startling and explainable finding is not unusual in social science research. If this kind of "spontaneous result" had occurred with the wives exposed to pornography it would have been tempting to conclude that pornography was the cause. Control groups attempt, though not always successfully, to minimize this type of error.

The Kutschinsky study

In the final "Effects Panel Report" the Commission staff write, "A survey (Kutschinsky, 1970) of Copenhagen residents found that neither public attitudes' about sex crimes nor willingness to report such crimes had changed sufficiently to account for the

substantial decrease in sex offenses between 1958 and 1969."

In the Final Report "summary section" they put it even more strongly,

"Other research showed that the decrease in reported sexual offenses cannot be attributed to concurrent changes in the social and legal definitions of sex crimes or in public attitudes toward reporting such crimes to the police. . . ."

The average reader or even social scientist will probably never get an opportunity to see what this Danish psychologist actually wrote in this report or what he did. He, of course, was studying the issue of why, with increasing pornography in Denmark, has the rate of sex crimes apparently dropped. Maybe pornography has a "therapeutic effect" on sex criminals. What Kutschinsky did, in fact, was intensively interview a carefully drawn sample of adult men and women throughout Copenhagen surveying (a) whether they had ever been a victim in a sex crime, (b) did they report it, (c) would they report certain types of sex crimes now (or ignore it), (d) have they "changed their mind" over the past few years about the seriousness of certain sex offenses, and (e) how did they feel about these same things 10 years ago. He found that 26% of the men and 61% of the women of Copenhagen had been victims of some category of "sex crime" (some minor, some serious). However, only 6% of the male viewed (primarily homosexual molestation) and 19% of the female victims reported it to the police. This is consistent with statements made by the U.S. Department of Justice in their 1970 Unified Crime Reports referring to rape, "This offense is probably one of the most under reported crimes due primarily to fear and/or embarrassment on the part of the victims." This means overall that sex crime statistics are very "shaky" and have to be viewed with caution simply because most are probably never reported.

Kutschinsky concludes after a careful and extended analysis of his data that, "The decrease in (sexual) exhibitionism registered by the police during the last 10 years may be fully explained by a change in people's attitudes toward this crime and towards reporting it to the police." He concludes in about the same terms with regards to the sex crime of "Indecency towards women" (which can involve anything short of a direct rape attempt on a female). If the reader will go back and read again what the Commission said about Kutschinsky findings, we again get an example of critical omissions of important factual data. With regards to "peeping" a non-violent sex crime which has declined 79.9% in that last decade his data suggest that the availability of all sorts of visual pornography, films and live sex shows probably have reduced the need of the peeper to risk arrest looking through people's window when he can see much more in any porno shop. We would agree with this conclusion. In the only other sex crime which he evaluated, "Indecency toward girls" his data suggested little or no change in public attitudes towards its seriousness or lack of willingness to report it. The decline in this offense remains a puzzle with Kutschinsky suggesting pornography possibly being a (poor) substitute for little girls for this type of offender.

The Commissions presentation of the Denmark sex crimes data omits certain types of sex offenses such as incest which most people would regard as fairly serious. If as Kutschinsky's study suggests, there have been no real declines in sex crimes in certain categories, only a change in people's conception about their seriousness and a lessened inclination to report them, this should be given thoughtful and careful consideration. That Danish people have more liberal sex attitudes has been documented by various surveys including another by Kutschinsky which indicated that only 32% of Danes regard sex intercourse with an

agreeable 14 year old as a crime, and only 12% would regard the rape of a female as a crime where she permitted the rapist to engage in prior petting.

The kind of sex crime most people would be concerned with would involve a personal assault as in rape, or on a child, or the situation involving exhibitionism which might "traumatize" some women and possibly effect their psychosexual feelings and attitudes negatively.

If we look at the Copenhagen rape statistics (combining rape, rape with robbery, attempted rape, and intercourse on threat of violence) which all involve a sexual assault on another—we get the following picture:

Rape (all categories)—Number of cases

Year:	
1958	57
1959	55
1960	37
1961	48
1962	53
1963	50
1964	39

PORNOGRAPHY FREELY AVAILABLE

1965	42
1966	70
1967	44
1968	50
1969	35

If one looks at the table and notes that it was in about 1965 when pornography became generally available (even though legal recognition of this wasn't to come for several years) it presents a rather puzzling picture—in that until 1969, there were no major changes in rape rate other than the normal fluctuations common to preceding years. In any event it would certainly be injudicious to conclude that there has occurred a true change or decline in some sex crimes, at least yet, in the light of the above statistics or in view of Kutschinsky's findings that with certain sorts of sex offenses the "decline" can be partially or fully attributable to changes in people's attitudes about certain sex crimes and their changes in "reporting" practices. Other sorts of data which would be useful to have in studying this whole problem would be divorce rate figures for the past 10 years, venereal disease rates, changes in extra marital sex patterns, and prostitution figures for the decade.

The Propper study

The Commission in the summary of their Effects Panel Report conclude:

"In sum, the empirical research has found no evidence to date that exposure to explicit sexual materials plays a significant role in the causation of delinquent or criminal behavior among youth or adults. The Commission cannot conclude that exposure to erotic materials is a factor in the causation of sex crime or sex delinquency."

Based on the above paragraph, cited again and again in various forms throughout the whole report, we have the basis for recommending the removal of all pornography controls for adults and all controls (except pictorial pornography) for children.

Yet if we review the research of Propper, in his study of 476 reformatory inmates (see table 1³) we note again and again a relationship between high exposure to pornography and "sexually promiscuous" and deviant behavior at very early ages, as well as affiliation with groups high in criminal activity and sex deviancy. This study was financed and contracted by the Commission, and while they refer to Propper's study often, no mention is made of any of these specific results in the Commission Report. This study was for many months in the hands of the professional committee that assembled and wrote the report as well as available for inspection of any of the Com-

³ Table omitted.

mission members who wished to read it (but no one else). As the reader can scarcely fail to note, there is a striking relationship between heavy use of pornography and various kind of sexual "acting out," deviancy, and affiliation with high crime risk groups.

Davis and Braught study

Davis and Braught (1970) in a study of seven different populations of subjects comprising 365 people assessed the relationship between exposure to pornography and moral character, deviance in the home, neighborhood, sex behavior, etc. Samples of city jail inmates, Mexican-American college students, black college students, white fraternity men, conservative protestant students and Catholic Seminarians were studied intensively. In addition each had one female friend fill out a character scale about their behavior. In their study, which was impressive in its rigorous methodology and statistical treatment, they state, "One finds exposure to pornography is the strongest predictor of sexual deviance among the early age of exposure subjects" (pages 36). They note that since exposure in this subgroup is NOT related to having deviant peers (bad associations and companions) and similar type variables, it would be difficult to blame the sexual promiscuity and deviancy of these subjects on other influences such as being influenced by friends (rather than pornography) into these kinds of anti-social activities.

Once again it should be noted that this research report was contracted and financed by the Commission, was in the hands of the Commission staff, for many months, is referred to many times in their report—but not a single mention is made of these findings. This is a particularly important finding in that it suggests real dangers in exposing children and young adolescents to heavy quantities of pornography, the strong implication being that pornography can affect and stimulate precocious heterosexual activity and deviant sex behavior (homosexuality). Obviously more research must be done here, but like the studies linking smoking with lung cancer, it would seem incredibly irresponsible not to report such findings and especially in a report such as this where so few people have access to the original research, and where publication in the scientific literature, if it does occur, would be at least one or two years in the future. It is entirely possible that only one or two of the actual members of the Commission have read this report, and it is doubtful if many of the others would understand fully the scientific jargon and extended discussions of statistical treatment of the data.

The Mosher-Katz study

In another Commission sponsored study by Mosher and Katz (1970) studying male aggression against women in a laboratory setting, they concluded (page 23) that, "The data clearly support the proposition that aggression against women increases when that aggression is instrumental to securing sexual stimulation (through seeing pornography)." This finding was particularly true for men with severe conscience systems as well as for those feeling guilt about being aggressive. This suggests that the need for sexual stimulation (via pornography) can overrule conscience and guilt in "permitting" aggressive behavior towards women. And while this is only a laboratory demonstration, with many limitations, it still constitutes another "negative effects" type of evidence which no attention is paid to by the writers of the Commission report.

Berger's study

In Berger's study (1970) two of the most significant relationships in his research with young people was between exposure to large amounts of pornography and engaging in high levels of sexual activity. This was true for both high school students (gamm: .394 (males)) page 48, and college age subjects

(gamma: .380 (males)) page 62. These relationships were lower (but still significant) for women. An example can be seen below.

Percent college males engaging in sex intercourse, etc.

Amount of pornography exposed to student	Percent
Hi 5-6	77
4	62
3	60
2	44
Lo 1	4

And while the Commission Report writers correctly point out that just because there is a high association between two variables this doesn't necessarily mean that one "caused" the other. But it does suggest the possibility of causation, as in the early smoking-lung cancer studies.

The Walker study

Another Example of Using Flawed Data:

In Chapter V of the Effects Panel Report the Commission reviews the research of Walker (1970) studying sex offenders and non-offenders.

"The mean age of first exposure (to pornography) of the rapists was $\frac{1}{2}$ year or more later than that of the matched non-sex offenders in reference to eight of the 15 items (types of pornography) and $\frac{1}{2}$ a year or more earlier in reference to two. The biggest difference between the groups occurred in relation to depiction of heterosexual intercourse for which non-sex offenders had a mean age of first exposure of 14.95 and rapists a mean age of first exposure of 18.19."

The Commission reports this as fact when a quick look at Walker's tables shows that it can possibly be true. The table below is produced directly from their data.⁴

To claim that the Non-Sex Offenders saw pictures of a male and female having intercourse 1.3 years before they first saw a picture of a male sex organ, or nude female with breasts exposed, etc., demands a great deal of credulity from the reader. It likewise stretches the imagination for one to believe that the Sex Offender group witnessed pictures of animal-human intercourse, oral intercourse, and homosexual relations a year or less before ever seeing pictures of male-female intercourse. These data are obviously in error. And while it's not too difficult to imagine a single typographical error, we have two independent errors here both occurring in the same area. Common sense would dictate a recheck of this data by Walker or the Commission. This never occurred.

The issue of whether sex offenders come from sexually deprived backgrounds

The Commission in their Effects Panel Report, Final Summary Report and elsewhere again and again cite data to show that sex offenders come from conservative, repressed, sexually deprived backgrounds. Quotations from Chapter V, Effects Panel Report, capture well the essence of their conclusions:

"Sex offenders generally report sexually repressive family backgrounds, immature and inadequate sexual histories and rigid and conservative attitudes concerning sexuality."

Or another quote:

"The early social environment of sex offenders may be characterized as sexually repressive and deprived. Sex offenders frequently report family circumstances in which, for example, there is a low tolerance for nudity, or absence of sexual conversation, punitive or indifferent parental responses to children's sexual curiosity and interest. Sex offenders histories reveal a succession of immature and impersonal sociosexual relationships, rigid sexual attitudes, and severely conservative behavior."

Or still another quote:

"Suggest that sex offenders inexperience with erotic material is a reflection of their

more generally deprived sexual environment. The relative absence of such experience probably constitutes another indicator of atypical and inadequate sexual socialization."

There are a number of things very wrong about these conclusions. In some of the studies where they compare sex offenders and non-offenders they, inexcusably, lump all different types of offenders together "into one bag" (e.g., Cook & Fosen, & Johnson, et al., 1970). The problem here, as the Kinsey Institute studies well demonstrate, is that there are at least 21 categories of sex offenders, some of whom show striking differences in family, sexual and psychosocial backgrounds. To draw general conclusions about such a diverse group is like doing a study on what religious people are like and include in your group Catholics, Unitarians, Buddhists and Black Panthers, treating them as a single "type." For example, aggressive rapists are very impulsive, having extremely high levels of sexual activity from an early age with very high degrees of criminality. They are very dangerous. The "Peepers" on the other hand tends to have very low rates of sexual experience, tends not to marry, and is poorly socialized.

Another type of problem is the use of an inadequate control group. To illustrate how this might cause serious problems consider the following: "Protestants are a more criminally inclined group of citizens than atheists." We study a group of protestants at the state prison and compare them with atheists taken from the general population, and sure enough our conclusion is correct. Or another (again made purposely absurd to illustrate the point). "Men who drink carrot juice will have a high sex drive" and we compare men 20-25 years of age who drink carrot juice with men 90 and over who don't drink it on a variable like frequency of intercourse. If we conclude this study shows that drinking carrot juice is related to or causes a "higher sex drive," we are in error. It has demonstrated no such thing. If we report this and also fail to mention that we didn't have a comparable control or comparison group, or not mention that the controls exceeded 90 years of age, then we've made a second serious error.

One of the studies that the Commission cites as giving evidence that "sex offenders" come from sexually deprived backgrounds is that of Thorne and Haupt (1966). Six percent of their college students report TRUE "I have never had a sexual orgasm" vs almost 30% for the rapists." While they don't have a matched control group to compare the rapists to, they do have data on murderers and property crimes offenders who one might guess would tend to be more similar in social class background, intelligence and age to the rapists (than the college students). When we look at their responses to this question we find an amazing 40% who indicate never having sexual orgasm. Since by the very nature of their offense it would be difficult to believe that 30% of the rapist sample never had orgasm, and in view of the Kinsey findings, findings that very nearly all of rapists (which they studied) engaged in premarital intercourse and nearly 80% engaged in extramarital sex after they married, these findings appear even more difficult to believe. However, if one is aware of the fact that most rapists, murderers, and property crimes felons come from lower socio-economic backgrounds, have lesser education, etc. a very simple explanation offers itself. A significant number of these men didn't understand what the term "sexual orgasm" meant. Again, incorrect conclusions are drawn from the data.

Thus one can see the extreme importance of having matched control groups. If we use the murderer and property crimes felons as controls for the rapist sample (a risky thing to do) and compare how this typical sex offender compares on sexual repression, deprivation, etc., we find that (because they

⁴ Table omitted.

are in jail) they do tend to feel more guilty about their sex behavior, but there are no real differences overall. However, if one compares all the prison population against the college students on attitudes we do find them a little more prudish in what they say—but not apparently in what they do, compared to the college students. This undoubtedly reflects the difference between current middle and lower class cultures out of which they emerge.

In the study of Goldstein and associates (1970) they attempted to obtain a good control sample to compare their sex offenders against. But unfortunately they were not too successful. His controls were significantly younger and better educated than his offender groups. (Example: nearly 80% of his controls were under 30 vs only 25% for one of the child molester groups). This makes it very dangerous to say that sex offenders are different or the same compared to "normals" when your comparison group is different. Remember the carrot juice and its relation to sexual activity?

The almost total disregard for these very elementary considerations in evaluating research findings by the Commission report writers leaves one very concerned about how they arrived at their conclusions.

Sex crimes in the United States data

The Commission after being criticized for inaccuracies in their early reports on incidence of sex crimes in America have made a number of corrections. However, a summary of this data would be in order here. Some have argued that because sex crimes have apparently declined in Denmark while the volume of pornography has increased, we need not be concerned about the potential effect in our country of this kind of material, because, essentially, of Denmark's benign experience. However, two considerations must be noted. First, we are a different culture with a major commitment to the Judeo-Christian tradition (which Denmark tends not to be); and secondly, we are actually only a year or so behind Denmark in the distribution and sale of pornography. Hardcore written pornography can be purchased anywhere in the U.S. now. Hardcore still pictures and movies can now be purchased over the counter in some cities. Anything can be purchased through the malls. And in a few cities people can attend hardcore pornographic movies. About the only thing we don't have, which Denmark has, are live sex shows. What is most relevant are sex crime statistics in this country, *not* Denmark. Since it was in about 1960, at the beginning of the decade that pornography began to flower in the U.S. relevant statistics should be examined carefully.

Reported rapes (verified): Up 116 percent 1960-69; up 9 percent 1960-69 per 100,000 females.

Rape arrests: Up 56.6 percent all ages, 1960-69: up 85.9 percent males under 18, 1960-69.

Prostitution and commercialized vice: Up 80.1 percent 1960-69 all ages; up 120.2 percent 1960-69 girls under 18.

Note: The bulk of prostitutes are 15-24 years, peak age: 22; only 13 percent of sex offenses (arrests) are women.

Source: "Unified Crime Statistics," 1970.

Illegitimate births—General note: During decade 1947-67 rate of illegitimacy doubled per 1,000 never married females. 1960-67 illegitimacy ratio up 71 percent (which is the number of illegitimate births per 1,000 live births).

Source: P. 31, 1970, "Nativity Statistics."

Illegitimate births 1940 to 1967: Under 15, 2.1 to 6.9 (350 percent increase); 15-19, 40.5 to 144.4 (350 percent increase). During this period, the population of the United States increased 50 percent. The greatest current rate of increase in illegitimacy is with 15-19 year olds" (source: p. 31, "Nativity Statistics" 1970, U.S. Public Health Department).

VD—Gonorrhea—All ages: 1960-69: Up 76 percent; females 15-19: Up 52 percent, 1965-68; females 20-24: Up 36 percent, 1965-68; females 25-29: Up 25 percent, 1965-68. VD fact sheet, 1969, U.S. Public Health Service.

"Sex offenses" (homosexual acts, statutory rape, etc.), All ages, 1960-69: Down 17 percent; under 18, 1960-69. Down 21 percent. This is spurious decline. Is due to change in law enforcement policy, primarily involving homosexual acts—Justice Department.

Source: "Unified Crime Report," 1970.

Divorce rate 1960, 393,000 (2.2 per 1,000 population); 1969, 660,000 (3.3 per 1,000 population).

Source: Monthly Vital Statistic Report, Mar. 12, 1970, U.S. Public Health Service.

From this data it would be difficult to argue for a decline in sex crimes and other social indicator data in the U.S. associated with an increase in all types of pornography. It would appear from all the social indicator data that our society is going through a period of considerable social upheaval and distress.

OPINIONS OF PROFESSIONAL WORKERS

In their summary section the Commission states, "Professional workers in the area of human conduct generally believe that sexual materials do not have harmful effects." While this appears to be true, these conclusions are based on a mail-back survey in which only a third of their sample responded. They also neglect to state that 254 psychiatrists and psychologists *had* seen cases where they reported they had seen/ found a direct causal linkage between involvement with pornography and a sex crime, while another 324 professionals reported seeing cases where such a relationship was suspected. This totals, in actual numbers, 578. While these therapists represent a small group percentagewise, it would seem to this reviewer irresponsible to gloss over them as if they didn't exist. What if 900 of 1000 physicians indicated that they had found no relationship between cancer of the cervix and use of the coil contraceptive; but the other 100 physicians indicated that in their practice they had come across cases where there was a suspected or definite relationship. Do we discount the experience of the minority because they are outvoted where a possible health hazard is involved.

Additionally, they do not report (though they were aware of its existence) of another survey conducted by a religious group, the Archdiocese of New Jersey, in 1967 of professionals seeing a relationship between involvement with pornography and anti-social sex behavior. The majority of therapists here reported noting such a relationship at some time during their practice. This study is also flawed because of a low return of "mail-backs" by the professionals. But such is also true of the Lipkin and Carnes study. Such omission of contrary evidence is difficult to understand.

The Goldstein study

In another Commission financed study by Goldstein (1970)⁵ a study was made of the exposure to pornography and its relationship to sex activities of groups of sex offenders and others. In all, nine separate groups of male subjects were studied and compared. They found that the rapists were the group reporting the highest "excitation to masturbation" rates by pornography both in the adult (80%) as well as teen (90%) years. Considering the crime they were imprisoned for, this suggests that pornography (with accompanying masturbation) did not serve adequately as a catharsis, prevent a sex crime or "keep them off the streets." Fifty-five percent of the rapists report being "excited to sex relations by pornography." When reporting on "peak experiences" in exposure to pornography during their teens, 80% of the rapists report "wishing to try the act" that they had witnessed or seen demonstrated in the pornography exposed to them. This is far higher than with any other group. When asked if in fact they *did follow through* with such sexual activity immediately or shortly thereafter 30% of the rapists replied "yes." An even higher number of blacks (38% replied "yes") which is consistent with many studies showing very high rates of sexual activity early in life for this group. Even among the "normal" controls 28% replied "yes". If we can accept what they say at face value, this would suggest that pornography potentially does effect behavior and possibly adversely. This would also suggest serious concerns about exposing young people,

especially to pornographic violence. Since the writers of the Commission Report base most of their findings on data using "verbal self report" there is little reason not to at least consider as partially valid what these people say about pornography and its influence in their lives. When one asks them about the adult years and to what extent they "tried out behaviorally" what pornography had suggested to them, the figures drop somewhat (15% for rapists, 25% for child molesters, etc.) but still suggests an "effect."

CONCLUSION

Since the Commission is recommending sweeping changes in laws and social policy, the burden of proof is on them to demonstrate "no harm" in suggesting exposure of wider sections of the population to more intense types of pornographic stimulus. This they never do. They can conclude only, as they do, that they have *found no evidence* that it causes harm. This is a shaky foundation for recommending such changes when a number of people *do* claim to have found such evidence including 254 clinical psychologists and psychiatrists (in the Lipkin and Carnes survey) a majority of law enforcement personnel, etc.

Their recommendations are especially surprising when one considers the possible "mental health" implications of the problem as well as the issue of values and "public morality."

With the absence of any significant data clearly demonstrating that pornography is generally "harmless or just a nuisance" and with the presence of a considerable body of data from their own studies that exposure to pornography IS related to a variety of anti-social and sexually deviant behaviors (which is not mentioned in the majority report) serious questions about credibility certainly must be raised about this report. There are a number of excellent studies available to the Commission which could yield a great deal of useful information. Instead, the Commission report is fraught with flaws, omissions, and inaccuracies.

The writer again strongly urges that an independent panel of unbiased social scientists, competent in behavioral science research methodology, be called to review the original studies assembled, as well as review what conclusions could be drawn from them.

LEGAL "FINDINGS" OF COMMISSION

We vigorously object to the words "findings" with regard to legal issues. Section IV of the majority report is an attempt to foist upon the people and upon the President and the Congress a philosophy of law which is misleading at best.

The section headed letter "C" states that the "prevailing view" in the Supreme Court is that to be classified as obscene an item must meet three—and all three—criteria. These criteria, the report claims, are: (1) the dominant theme of the material, taken as a whole, must appeal to the prurient interest of the average person; (2) the material must be patently offensive according to contemporary community standards; and (3) the material must lack redeeming social value.

This is a misinterpretation of the law, as counsel to the Commission must know, for he originally stated in his Legal Panel Report that No Majority of the U.S. Supreme Court has ever accepted the proposition that "utterly without redeeming social value" is a

⁵ On September 10, as this dissent was going to press, Mr. Lockhart called Commissioner Gill and instructed him to make certain modifications in these statements so that the legal panel report no longer reads the same as it did when the Commission was influenced by it to vote for the legalization of obscenity at their first meeting of August 11 & 12 and the final meeting of August 26 & 27.

"test" for obscenity. To say that an item may not be adjudged obscene if it does not meet all three of these criteria is false. It is exactly the promotion of this canard which has brought us to the deplorable state we are in today in this nation insofar as obscenity is concerned. No Supreme Court opinion so holds. In fact, the *Roth* case says the opposite. This is the only case where the Supreme Court gives us a definition of obscenity. The "utterly without redeeming social value" language is assumed to have been built into the *Roth* test by an opinion in the *Memoirs* (Fanny Hill) case of 1966.

However, this was the opinion only of three Justices: Brennan, Warren and Fortas. It was not the opinion of the Court, and so is not the law of the land. It is a three-Justice out of nine opinion, not binding on anyone. In 29 American Jurisprudence 2nd, at Section 195 of the topic "Courts," we find the following:

"A decision by an equally divided court does not establish a precedent required to be followed under the stare decisis doctrine. And where the members of the court unanimously or by a majority vote reach a decision, but cannot even by a majority agree on the reason therefor, no point of law is established by the decision and it cannot be a precedent covered by the stare decisis rule."

The Supreme Court of the United States has said in 218 U.S. at 213 that unless a majority of the Supreme Court agrees on an opinion the case cannot become "an authority either in this or in inferior courts."

The *Roth* case gives us only the prurient interest test and this test has not been modified by any subsequent Supreme Court decision. In *Roth* the Court said, an item is obscene when to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to the prurient interest.

This brings us to the Legal Panel Report, prepared by general counsel Bender and staff, with the apparent assistance of Mr. Lockhart, from which the "Legal Findings" section is drawn, and upon which legislative recommendations are based.

The Legal Panel Report should reflect the concepts of the Commission, their conclusions, their interpretations and analysis and their recommendations for legislative action. Instead, the Commission is asked to adhere to ideas, concepts, suggestions, analyses and recommendations prepared by staff members appointed by the Chairman and his general counsel, and reflecting their points of view.

This Bender-Lockhart Panel Report is misleading in many fundamental areas of the law, and so misleads the Commission, so as to cause those members, many of whom are unlearned in the law, to come to fundamentally erroneous conclusions of the state of the law. We object specifically to the following misleading statements in the Bender-Lockhart Legal Panel Report:

1. "Unless there is a basis for finding that certain sexually explicit materials create such a danger (clear and present danger of significant social harm), therefore, general prohibitions upon the dissemination of 'obscene' speech would appear constitutionally invalid under ordinary principles." We are told on the next page that this analysis was rejected in *Roth* by the Supreme Court. Why then do they state it as a fact and ask the Commission to accept it?

2. Shortly after this, the Panel Report begins to take after the United States Supreme Court decision in *Roth* and suggests that it is erroneous and should be reversed and in fact has in effect been reversed by the decision in *Stanley v. Georgia* in 1969. They discuss the meaning of *Stanley* vis-a-vis *Roth* as they interpret it and make the following statements:

(a) "Obscenity prohibitions were found constitutional in the *Roth* decision * * * without investigation into or conclusions regarding the actual social effect of the dis-

semination of obscene materials. It is the conclusion—that obscenity prohibitions regulating what even consenting adults may obtain may be upheld without any indication of social harm—that has been brought into question by * * * *Stanley*."

(b) "*Redrup* may be read as doubting whether *Roth* was actually still the law."

(c) "In *Stanley* * * * the Court threw greatly into doubt the continuing validity of the fundamental premise of the *Roth* case that the dissemination of 'obscene' materials may be prohibited without reference to First Amendment values, and suggested, instead, the strong constitutional significance of the question whether such materials are in fact socially harmful."

(d) "The question of the social effect of obscenity, which *Roth* had deemed irrelevant has assumed critical importance in *Stanley* in order to determine whether the state there had a valid regulatory interest sufficient to prohibit private possession of obscene materials." The Court held in *Stanley* that it did not."

(e) "Prohibition upon the commercial dissemination of obscenity to consenting adults may interfere with the right of adults to read or see what they wish in their own homes."

(f) "*Stanley* appears to have held that government may not rest prohibitions upon what consenting adults may read or view upon a desire to control their morality."

(g) "It further held that adult prohibitions premised upon a desire to prevent crime or anti-social behavior must, at least, rest upon a solid empirical foundation."

A Commission member, reading these statements and the continual "pounding" of *Stanley v. Georgia* at every opportunity throughout the rest of this panel report, would naturally assume that these statements are true and that *Roth* in some way has been overturned in a very fundamental manner by *Stanley v. Georgia*. But as a matter of fact *Roth* has not been overturned. It has been specifically confirmed in *Stanley* at 22 L. Ed. 2d 542, where the Court says:

"Roth and the cases following that decision are not impaired by today's holding. As we have said, the states retain broad power to regulate obscenity; that power simply does not extend to mere possession by the individual in the privacy of his own home."

If the Bender-Lockhart Panel Report was intended to give the Commission an unbiased view of the state of the law, why was not the meaning of this phrase expounded? Since *Roth* is still the law of the land, then the following are the true facts (as stated in *Roth*):

(1) It is not necessary to prove that "obscene material will perceptively create a clear and present danger of antisocial conduct or will induce its recipients to such conduct."

(2) That the basis for federal and state proscription for obscenity is "the social interest in order and morality."

It is also to be noted that the Court said its decisions following *Roth* are not impaired.

In *Ginsberg v. New York*, at 20 L. Ed. 2d 195, the Court said:

"Our conclusion in *Roth* * * * that the clear and present danger test was irrelevant to the determination of obscenity made it unnecessary * * * to consider the debate among the authorities whether exposure to pornography caused antisocial consequences."

The *Ginsberg* case was subsequent to *Roth*. Why was it not mentioned? Among other United States Supreme Court decisions subsequent to *Roth* that should have been mentioned are the following, all contradicting the Bender-Lockhart thesis that somehow *Stanley* has changed things:

1. *Times Film* (1960)—(State has right to censor obscene motion pictures.)

2. *Freeman v. Maryland* (1965)—(State

may require prior submission of motion pictures to a Board of Censors.)

3. *Ginzburg v. U.S.* (1966)—(State has a valid interest in preventing pandering to "the widespread weakness for titillation by pornography" books and magazines.)

4. *Mishken v. New York* (1966)—(State has interest in protecting homosexuals from obscenity.)

5. *Interstate Circuit v. Dallas* (1968)—(Municipality may enact an ordinance regulating motion pictures for adults as well as children and censoring those obscene.)

Each of the statements made in (a), (b), (c), (e), (f), and (g) above in the Bender-Lockhart Report are incorrect when we look at *Stanley v. Georgia*'s reaffirmation of *Roth* and cases thereafter. The statement made in (d) above is misleading that "private possession" is permissible because it fails to complete the quotation "in the privacy of his home."

It would appear that for purposes of the Bender-Lockhart Panel Report, the "wish is father to the thought." They would like *Stanley v. Georgia* to say what they say it says but that desire is not borne out by the facts of that case.

It is quite clear that *Stanley v. Georgia* stands for a very narrow position and that is that a state may not convict a person of a crime "for mere possession of printed or filmed matter in the privacy of a person's own home." 22 L. Ed. 2d 542. And again, at 22 L. Ed. 2d 551, the "right to be free from state inquiry into the contents of his library." The State has no business "telling a man sitting alone in his own home, what books he may read or what films he may watch."

It could not be much clearer that this was the narrow proposition decided. The Court said it four times while specifically upholding *Roth* and all subsequent decisions.

3. The Bender-Lockhart Panel Report hits us with two phrases. One appears to be the invention of the authors in lieu of the use of the word "obscene" and that is the phrase "explicit sexual material." The other phrase is the catchword "consenting adults" which is a euphemism to express the authors' position that there are no restraints on "explicit sexual material" as long as "consenting adults" patronize it. Translated simply, it means "Legalize Obscenity for Adults" and the authors of this report should have so labeled it since this is the net effect of their suggestions. Nowhere is it explained that neither of these terms is used in any Supreme Court opinion, nor is it explained that this is the phrase used by those who would have the Court legalize the showing of "I Am Curious (Yellow)" in both Massachusetts and Maryland where it has been held obscene. In fact, there is an amazing parallel between the Bender-Lockhart Panel Report and the language used in the briefs for the distributors of that motion picture. Both sing the same tune. The Panel Report suggests that adults have "a right to obtain [explicit sexual materials] they wish to see." They cite no justification for setting up this false premise. Certainly *Stanley v. Georgia* never said it. They then proceed to state the motivations of the government in regulating "explicit sexual materials" (which we translate to "obscene"). They fail completely, however, to give the real reason which is the "social interest in order and morality." Having set up two false premises, they then proceed to obfuscate the true situation. There is a bald misstatement of the law when the Panel Report says:

"In a series of cases subsequent to *Roth*, the Court made clear that where attempts were made to prohibit only specific distributional activities connected with sexual materials—and not to prevent consenting adults from obtaining material they wished to see—more inclusive definitional standards than that imposed in *Roth* would be permitted to be applied. The first case leading in this

direction was *Ginzburg v. United States*. There the Court * * * permitted the conviction of the defendant to stand because he was found to have 'pandered' the materials in an offensive manner rather than merely to have sold them to persons who wished to obtain them. Thus the Court permitted a conviction which it would not have permitted had the defendant merely been engaged in neutral dissemination to consenting persons."

You would assume that Mr. Bender and staff, who ought to know, have told the Commission members what the *Ginzburg* case held. Nothing could be further from the truth. As they ought to know, this is not what *Ginzburg* held, since:

(a) The term "consenting adults" is nowhere used or implied in that case.

(b) The Court did not say anything about *Ginzburg* not having "merely sold them to persons who wished to obtain them." It didn't mention that at all.

(c) The implication that the case stands for the right to receive "obscenity" by consenting adults is misplaced. The Courts said in *Ginzburg* that the materials were not "obscene in the abstract".

4. The Bender-Lockhart Panel Report suggests that "some of" the federal mailing statute may be unconstitutional under *Stanley*. This is another non-sequitur. The mailing statute has nothing to do with invading a man's home.

5. The implication on page 13 that there is something in *Redrup* which proves a theory that "consenting adults" have a right to receive obscenity is also misplaced. *Redrup* found the materials not to be obscene.

6. On page 16, the Bender-Lockhart panel Report states that:

"*Stanley v. Georgia*, if given full effect, would mean * * * that the individual's right to see materials of his own choice may only be overcome where there is a substantial social basis for government regulation. As a result, many applications of general prohibitions may no longer be permissible. The *Roth* standard for determining the 'obscene' retains potential validity only in those areas where *Stanley* permits general prohibitions to apply."

Now, if this problem were not so important to our country, the immediate reaction to such a non-sequitur from *Stanley v. Georgia* would be to shrug it off as ridiculous. There is absolutely nothing in *Stanley* to warrant this misinformation.

Roth is supreme," says *Stanley*—not the other way around. *Stanley* cannot be exploited or expanded to help the pornographers in this fashion.

7. Eventually, the Legal Panel Report abandons the position that *Fanny Hill* has modified the *Roth* test and engages in the business of counting Justices who have adopted the "patently offensive" test. Four of these six Justices are no longer on the Court so this maneuver fails. The footnote reference to Black and Douglas also fails since they have never enunciated this standard. The reference to Stewart and Harlan refers to federal cases only. The reference to the American Law Institute standard is misleading since that Institute never used the phrase "patently offensive".

8. Again, the Panel Report abandons its original claim that the *Roth* test included an "utterly without redeeming social value" element, and now tries to give new dignity to the opinion of three Justices (two of whom, if we use his technique, we should note are no longer on the Court) by calling it a plurality opinion. As we point out in our discussion of "Fanny Hill," under the decisions of the United States Supreme Court, an opinion of three Justices is no precedent, does not establish the law and does not bind either the United States Supreme Court or "any inferior court."

9. The Legal Panel Report finally admits

that *Memoirs* "utterly without redeeming social value" "test" is not a test at all, not having been adopted by a majority, but they suggest that it is nice to incorporate the same in statutes because Black and Douglas are on the bench and this is two strikes against you. They state, "So long as at least three other Justices employ the three-part test," no application of a general prohibition which does not employ this test will be upheld on appeal. What kind of specious reasoning is this? The Bender-Lockhart Legal Panel Report seems so intent on keeping this unnecessary language in our statutes (which contradicts *Roth*—see our comments under *Memoirs* case) that they employ the scare tactics that you only need two more people against you and you lose. Is this what our statutes should be based on in this vital area? Is this what this Commission was formed for, "to estimate percentages"? Fortas and Warren are gone, leaving only Brennan who adheres to this pernicious concept. Presumably then, eight out of nine Justices will adhere to *Roth*, which rejects this so-called test and says that once it is obscene by the *Roth* test (which has no social value language), then it is proscribable. But this is not our function. We are to interpret *Roth* honestly and give the country an honest definition of obscenity. Such a definition does not include the "Brennan" so-called "test". It is to be noted, that the Legal Panel Report does not quote the recent decisions in Maryland, Massachusetts and Arizona that say that there is no "social value" test in *Roth* (see our comments in Appendix under *Fanny Hill*) nor do they say that New York is proposing repeal of this part of their statute (see our remarks under *Fanny Hill*).

10. The Bender-Lockhart Panel Report states that the Supreme Court believes that the *Roth* standard does not permit a finding of obscenity to be made under a prohibition of what consenting adults may obtain with regard to a large class of pictorial material. Again we note that there is no opinion of the Supreme Court that supports this statement that somehow "consenting adults" are a separate class under the *Roth* standard. That phrase is not used in any Supreme Court opinion.

V. CONCLUSIONS

We submit: That the Commission majority has not carried out the mandates of Congress.

We submit: That its legislative recommendations should be excluded from consideration by the Congress and States, since they are not responsive to the mandate of Congress to regulate the traffic in pornography. It is irrelevant legislation and deserves condemnation as inimical to the welfare of the United States, its citizens and its children.

We submit: That the purpose of the Commission's report is to legalize pornography.

In the pursuit of the mandates of the Congress, and in compliance therewith, we have made a review of the law and the decisions of the United States Supreme Court; and have analyzed the same in detail. This review is attached as Appendix I. In the light of that review and comment thereunder, and in view of our other mandates, we make the following recommendations.

VI. RECOMMENDATIONS

1. Recommended test or definition of obscenity

A thing is "obscene" if, by contemporary community standards, and considered as a whole, its predominant appeal is to the prurient interest. As a matter of public policy, anything which is obscene by the definition shall be conclusively deemed to be utterly without redeeming social importance. Any slight social value in such obscenity shall be deemed outweighed by the social interest in order and morality.

"Prurient interest" is defined as a shame-

ful or morbid interest in nudity, sex or excretion which goes substantially beyond customary limits of candor in description or representation of such matters. If it appears from the character of the material or the circumstances of its dissemination that the subject matter is designed for, or directed to a specially susceptible audience, the subject matter shall be judged with reference to such audience. When the subject matter is distributed or exhibited to minors who have not attained their 18th birthday, the subject matter shall be judged with reference to an average person in the community of the actual age of the minor to whom such material is distributed or exhibited. In all other cases, the subject matter shall be judged with reference to the average person in the community.

Comment

This formulation is taken from the *Roth* case which is the only case in which the Supreme Court defined obscenity and the *Ginzburg* case, in which the Supreme Court accepts the concept of variable obscenity as it applies to minors. It rejects the suggestion of three of the nine Justices that "utterly without redeeming social value" is a test for obscenity, since the Supreme Court has never adopted this suggestion. In fact, it is this unnecessary "test" that has caused the flood of hardcore pornography in motion pictures, books, magazines and other publications.

A complete review of the lack of constitutional necessity for this so-called "test" is found in Appendix I in our comments under the *Memoirs* (*Fanny Hill*) case.

The *Roth* Test, it is claimed by some is subjective. Upon examination, however, it is plain that the individual juror is not instructed to apply his subjective concept of what is obscene, but to determine something objective *viz.* "the prurient interest of the average person." This is very similar to what juries are called upon to do in negligence cases where the juror is asked to determine if a person used that degree of care that a "reasonably prudent man" would use. This determination has never been thought to be subjective nor too impractical or difficult to apply. We have confidence in the ability of the Anglo-Saxon jury system to determine obscenity if properly instructed. (See Judge's charge in *Roth* case Appendix I).

Our recommendations are squarely based on the concept that the State has, as the Supreme Court says, a right to enact obscenity legislation based on the "social interest in morality." There is a distinction that should be made between individual morality and the level of general morality which the state needs to protect.

A person's beliefs and practices depend on what he relies on for an authority as to what is right and best. As children grow up, they come under various authorities' influences: parents, relatives, friends, teachers, writers, actors celebrities, clergymen and a host of others. They are also influenced in various ways by other forces of good and evil.

At every point in life a person has a certain moral character. It is the sum total of what he then believes and practices in the area of right and wrong. This overall moral character is constantly changing under the interplay of the aforementioned influences. Thus if a person accepts higher standards, his moral character improves; if he accepts lower standards, his moral character deteriorates.

Not only does every individual reflect a certain moral character, but so does every group of individuals, a club, a city, a state, or even a nation—the essence of which is determined by a general consensus of individual standards. It is, stated another way, the distillation of all the individual moralities or the level of morality generally. It is this level, this distillation, this average,

this essence, which the state has an interest in protecting. The state protects this level from falling and creates an atmosphere by which it can rise. The obvious morals protected are chastity, modesty, temperance, and self-sacrificing love. The obvious evils being inhibited are lust, excess, adultery, incest, homosexuality, bestiality, masturbation and fornication.

A discussion of the background of the other aspects of this definition may be found in our comment on the Model State Obscenity Statute in Appendix II.

2. Recommended Federal legislation

We recommend:

(a) That the United States Codes Sections 1461, 1462, 1463, 1464, 1465 of Title 18, and Section 1305 of Title 19, and Section 4006 of Title 39 be amended to define "obscene" in accordance with our recommended definition of obscenity mentioned above.

(b) That so much of our recommended Model State Statute, found in Appendix II, which is suitable for incorporation in these federal statutes be therein incorporated.

(c) We recommend that Congress note that Section 4009 of Title 39, Prohibiting of Pandering Advertisements in the Malls, was specifically upheld by the U.S. Supreme Court in *Rowan v. U.S.*, decided May 4, 1970. This statute, it should be noted, gave a parent the right to require, also, that the mailer stop sending mail to "any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee."

While the decision did not turn on this specific point, it is nevertheless an indication that the Supreme Court will accept at least an age 18, and possibly 19 or older, as a division line between minor and adult in the obscenity field. Certainly under 16 is too low.

(d) We have reviewed anti-obscenity legislation now before Congress which we believe will help, effectively and constitutionally, to regulate obscenity. This review is attached as Appendix III.

(e) We recommend legislation or a Presidential Directive establishing a Division, in the Office of the Attorney General of the United States, under the direction of a Deputy Attorney General, made up of a team of skilled lawyers ready and able to assist District Attorneys throughout the nation in prosecutions against sex exploiters. We have personal knowledge of the fact that district attorneys generally are desperately in need of this type of assistance. The urgent necessity for the same was enunciated in March of 1965 by the presiding Judge of Franklin County, Pa., Judge Chauncey M. Depuy, when he said:

"Whenever a prosecution for obscenity occurs in a county, the well-heeled purveyors of smut act with lightning alacrity to provide high-priced counsel for the defendant. Legal smut specialists are called into the county from the nationwide staff. These professionals soon place the local district attorney's staff, unacquainted with a highly specialized field of law, at a great disadvantage. The average district attorney or assistant is no match for these well-experienced 'pros' who move from county to county and state to state . . . There is no hope for government to serve the interest of the general citizen in managing this flood of pornography unless a massive effort is made at the Department of Justice level. An effective mechanism must be devised, on a permanent basis, as a division of the department, having . . . highly skilled lawyers ready to be loaned at any time . . . to assist the district attorney in connection with any prosecution against the sex exploiters."

It should be noted that if it is believed that such a mechanism could not be set up on the federal level without enabling legislation, such legislation could be based on the Commerce clause, since most obscenity

is transported interstate or imported. A model could be found in language used in the Civil Rights Act of 1964.

(f) We recommend the establishment, by Federal legislation, of a National Crime Research and Reference Library on the Law of Obscenity. The Library will be unique, since the Librarian of Congress has indicated that after diligent search, "no reference to any special law library in this area has been found, and . . . such a library would be unique and unduplicated as a single collection."

The purpose of the library will be to service prosecutors nationwide to expedite preparation of cases. It will be available also to the judiciary, behavioral scientists, clergymen, writers and other professionals who can contribute to the effort to stem the flow of obscene material. The district attorneys of New York City are of the unanimous opinion that such a library will prove invaluable to law enforcement agencies. It will contain everything written on the law of obscenity: statutes, ordinances, decided cases, texts, commentaries, etc. It will also contain a section on medical, psychiatric and psychological research relative to obscenity. Law enforcement officials believe that the convenience of finding all precedents, statutes, briefs, etc. in one location will save countless hours in case preparation.

3. Recommended State legislation

(a) *Model State Obscenity Statute.*—Attached to this Report as Appendix II is our recommended Model State Obscenity Statute based on the concept of variable obscenity and taking into consideration all U.S. Supreme Court cases. We believe it is a constitutionally effective statute that will effectively regulate the traffic in obscenity. The suggested statute is explained and annotated in the Appendix.

(b) We also recommend to the States that they establish, by legislation, a Board of Film Review which would require—under carefully prescribed rules based on Supreme Court decisions discussed in Appendix I—the submission of all motion pictures for licensing prior to their exhibition. This proposed statute is taken from Maryland Statutes Article 66A which has been revised to comply with *Freeman v. Maryland*, a Supreme Court decision. In our opinion it will withstand constitutional attack. A copy of this proposed Model Statute on Film review is attached as Appendix IV.

(c) In addition, we suggest that some States might desire to permit local ordinances for the establishment of Film Review Boards, generally, or for the purpose of establishing classification of films as suitable or unsuitable for minors under 18. Such States should enact legislation confirming the existing right of municipalities to adopt such legislation, and permitting them to apply for injunctive relief in the courts; and requiring a prompt judicial determination of the issue. A suggested statute to be used as model is Section 418A, again of the State of Maryland, found in Appendix V. It should be used as a supplement to any State statute or local ordinance on Film Review or classification. This model should be modified where used in aid of local ordinances to permit the Chief Legal Officer of the municipality, or the Film Review or Classification Board, to apply also for an injunction in the case of motion pictures.

(d) We recommend the employment of the injunctive remedy, found in 22a of the New York Statute or 418A of the Maryland Statute, to supplement the Model State Statute generally. This is a most effective weapon sanctioned by the decisions of the U.S. Supreme Court, and will reach all types of obscenity. See appendix V.

(e) We recommend that the Attorney General's Office be required to review for possible prosecution and type of suspected obscenity distributed or about to be distrib-

uted, of which he gains knowledge, and which falls into any of the descriptive categories listed below:

1. The Stag Film.
2. The Sexploitation Film.
3. The Commercial X-rated Film.
4. The Commercial Unrated Film.
5. Advertisements for X and Unrated Films.
6. Underground Sex Publications.
7. Underground Newspapers.
8. Mimeographed Underground Newspapers.
9. Sensational Tabloids.
10. Homosexual Magazines.
11. Sex-violence Magazines.
12. "Spreader" or "Tunnel" Magazines.
13. Teenage Sex Magazines.
14. Pseudo-Scientific Sex Publications.
15. So-called Nudist Magazines.
16. Lyrics on Commercially Distributed Rock Records.
17. Sex-action Photographs.
18. Sex-action Records.
19. Sex-action Slides and Tapes.
20. Mail Order Advertisements for the Above.
21. Paperbacks with themes of: Homosexuality, Sado-masochism, Incest, Bestiality.
22. Hardcover Books Devoted to Homosexuality, Sado-masochism, Incest.

(f) We advocate the establishment in the office of the Attorney General of each State, a team of one or more skilled attorneys, under the direction of a Deputy Attorney General, to be used to assist in the local prosecutions where intrastate commerce is involved or where federal assistance from the Department of Justice is not readily available.

(g) We advocate the establishment in State Police headquarters of a similar division, working closely with the legal staff just mentioned. The state police have experts in arson, ballistics and other specialties. The formation of a special unit on pornography is long overdue.

(h) We advocate the establishment of permanent State Commission to examine the laws on obscenity, to make recommendations to the legislature, and recommendations for more effective means of enforcement. A suggested statute is attached in Appendix VI, and is modeled on a statute of the State of Illinois, approved September 6, 1967.

(i) We recommend the establishment of a State Commission to review and classify Motion Pictures and printed materials for minors. A suggested statute in this respect, based on our review of *Bantam Books v. Sullivan* is attached as Appendix VII.

(j) As minimum legislation, we advocate elimination of the phrase "utterly without redeeming social value" in any State statute. A suggested statute is attached as Appendix VIII.

4. Recommended local ordinances

(a) We recommend a review of existing ordinances in the light of our review of U.S. Supreme Court decisions in Appendix I, and the modifying or amending of same to comply therewith, including the elimination of the phrase, "utterly without redeeming social value" whenever found.

(b) We recommend the adoption of local ordinances (wherever the State has not adopted a Film Review Statute) to review Motion Pictures—based on Maryland Statute recommended above.

(c) On an optional basis, or as part of a general ordinance on motion picture review, we recommend a Film Review and Classification Ordinance for minors. The suggested ordinance, attached as Appendix IX is liberally designed to meet Supreme Court requirements.

(d) We recommend an ordinance designed to protect minors from being exposed, on the highway or street, to drive-in movie scenes of motion pictures that are unsuitable for children. The suggested ordinance attached as Appendix X has been approved by

the United States Court of Appeals for the Fifth Circuit in the case of *Chemline Ind. v. City of Grand Prairie*, decided August 8, 1966, 364 F 2d. 721.

(e) We recommend a local ordinance to penalize the showing of obscene motion pictures, and to penalize the licensee found guilty. See Appendix XII, based on a second ordinance upheld in *Chemline* case above, containing pure *Roth* test.

5. Recommended private action by the public

(a) We recommend that private citizens join with or form private, non-sectarian, community organizations that take organized, but constitutional action against obscenity.

(b) We recommend citizens bring official legal complaints whenever evidence of obscenity comes to their attention.

(c) We recommend that citizens continually urge their municipal, State and federal officials, to prosecute obscenity cases. Here, again, this is best accomplished in an organized manner, working through an existing community organization.

NOTE.—Appendices are withheld.

"VICTORY IS ESSENTIAL TO THE SURVIVAL OF FREEDOM"—RICHARD M. NIXON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, in October 1963, an American destined for leadership said:

The Communist goal is to impose slavery on the free world. Our goal must be nothing less than to bring freedom to the Communist world.

In the same article he warned that the Communist leaders of Russia hope to perpetuate the slavery of 97 million Eastern Europeans by negotiating a nonaggression pact between the NATO nations and the Communist Warsaw Pact group. This he warned, would give the Communists what they want—recognition by the West, of the legality and permanence of the Soviet control and ownership over all the Eastern European countries behind the Iron Curtain.

At that time, this forward speaking American said:

I believe that only the mobilization of the aroused and informed American public opinion will prevent the sellout of the right of 97 million enslaved people in Eastern Europe to be free.

Richard M. Nixon's evaluation of the Communist threat was correct in 1963 and it is just as correct today as he serves as Chief Executive of the largest free Nation in the world.

This October 3, when our Nation's Capital is hosting a march for victory and expecting several hundred thousand concerned Americans to petition for an end to the war and a freedom from communism, the White House will be dark, and the Russians will be building their submarine base in Cuba.

President Nixon's itinerary calls for him to be behind the Iron Curtain visiting the Communist State of Yugoslavia where he will be entertained by Chairman Tito and later host the old Bolshevik at a State dinner in Belgrade. His schedule also announces that he is to place a wreath at a monument to the

Yugoslav unknown soldier—we assume a Communist hero who perhaps earned his glory roll in the execution of General Draza Mihajlovic and the Christian Cetniks.

Certainly, no one with the grasp of the Communist threat who prepared a paper on Khrushchev's hidden weakness in 1963 could plead innocence to the capture and execution of the Cetniks by Marshal Tito—CONGRESSIONAL RECORD, volume 113, part 25, page 34854—nor the infamous Operation Keelhaul, one of the most sordid involvements of our country in the history of civilized mankind—see the remarks of Hon. ROMAN C. PUCINSKI, CONGRESSIONAL RECORD, September 24, 1970, page 33720.

Now, 25 years after World War II, this once-proud freedom fighter and stalwart anti-Communist has remained silent and by his inaction has refused to make public to the American people the contents of the Operation Keelhaul files kept classified as top secret by the Army.

Does Richard M. Nixon still remember the young Hungarian railroad worker sending by him that unforgettable message, "Don't let us down; we want freedom too?"

The material follows:

[From the Saturday Evening Post, Oct. 12, 1963]

KHRUSHCHEV'S HIDDEN WEAKNESS

(By Richard M. Nixon)

On July 24 I went into Communist East Berlin escorted by five carloads of Communist agents and East German newsmen. The people I met were obviously afraid to show any signs of recognition or friendship. Those who did speak to me were immediately questioned by the police. Two small boys asked for autographs—I later learned they were picked up by the police and reprimanded. This was my depressing introduction to the most brutally repressive of all the Communist states.

But that same evening I went back to East Berlin without advance notice. This time the secret police were not aware of my presence until I had been in the city for over two hours. And now people came up to me to express their friendship for America and their hatred of the Communist government under which they were forced to live. As I was about to cross Checkpoint Charlie and return to freedom, a man walked up in the dark. "We are glad you came to East Berlin," he said. "The Americans are our only hope."

I had just seen the difference between day and night behind the Iron Curtain.

Last summer I also visited Budapest with my wife and two daughters, Tricia, 17, and Julie, 15. This is the city where seven years ago—in October of 1956—Khrushchev put down a revolution, while the request of the free Hungarian government for American help went unanswered. For this reason I did not expect a friendly reception. Yet everywhere we went we were completely swamped by people who wanted to shake hands, or say a word of greeting, or ask a question about America. It seemed that every other person I met had a relative who had fled to the United States after the 1956 revolution. One after another, even with policemen standing nearby, they said, "I wish I had gone too."

At an open-air market we were loaded down with scores of bouquets of flowers which people of very modest means had purchased to give us as a remembrance of our visit. When John Zimmerman, our Saturday Evening Post photographer, was taking pictures of the crowd around us, a policeman tried to

stop him. Promptly, hundreds of Hungarians surrounded the policeman, berating him until he finally relented and allowed Zimmerman to continue with his photography. For three days we were given the same reception: People were openly critical of their own Communist government and openly friendly to the United States and to an American who to them represented the United States.

My experiences in Budapest and by night in East Berlin brought back memories of my arrival in Warsaw in 1959. Khrushchev had been given a cool reception in Poland only three weeks before, despite great efforts by the Polish government to give him a "spontaneous" demonstration of affection. Flowers had even been given to the people by Communist officials so they could throw them at his car and thus give him a "typical Polish welcome." But most of the Poles kept them instead.

I was therefore amazed to find that although the time of my arrival and my route through the city had not been announced, 100,000 cheering people lined the streets shouting, "Niech żyje Amerika"—long live America. So many hundreds of bouquets of flowers were showered on us that the driver had to keep stopping the car to clear the windshield. We were told by the proud Poles, "This time we bought our own flowers!"

These personal incidents could be multiplied a thousandfold by the experiences of other Americans who have traveled in Communist-controlled Eastern Europe—in Romania, Czechoslovakia and Bulgaria, as well as in Poland, Hungary and East Germany.

And this is why I saw Khrushchev react so violently to the 1959 Captive Nations Resolution in which Congress called on free people to pray for the liberation of "enslaved peoples" behind the Iron Curtain. I remember clearly my first official call on the Soviet dictator in the Kremlin shortly after this congressional action. Rising out of his chair, he pounded the table and shouted, "This resolution stinks!" Then he described what he meant in a series of four-letter words so crude that even Oleg Troyanovsky, his usually suave translator, blushed as he translated them into English for my benefit.

For Khrushchev knows that he is sitting on a powder keg. He knows that the overwhelming majority of the people of East Germany, Hungary, Czechoslovakia, Poland, Bulgaria and Romania hate their Communist governments and would rise against them if they thought they had a chance to succeed. He knows that the Eastern European nations, through history and by tradition, hate and fear Russian imperialism. He knows that millions behind the Iron Curtain would leave their homes and go to Free Europe or the United States if they were allowed to do so by their governments. And he knows that despite the United States' failure to give more support to the 1956 Hungarian revolution, the people of the captive nations still consider America to be their main hope for ever obtaining freedom.

This is why the ugly Berlin Wall stands as a shocking symbol of Soviet fear and failure. Like the minefields, the watchtowers and barbed wire stretching along the Hungarian border, the Wall's purpose is not to keep enemies out but to keep the people in. It is not surprising, therefore, that Khrushchev's main foreign-policy objective at this time is to keep the lid on this Pandora's box of troubles for his Communist empire.

Today Khrushchev hopes to do this by negotiating a nonaggression pact between the NATO nations and the Communist Warsaw Pact group. This would give him exactly what he wants—recognition by the West of the legality and permanence of his Eastern European Communist regimes. He knows that all he now has are squatters' rights in these countries, obtained through very questionable means. For him, a nonaggression pact

would be a quitclaim deed—a legal title from the West. Yet there are now high officials in the Free World who ask: Why shouldn't we give this recognition to the Warsaw Pact governments? Don Cook of the *New York Herald Tribune*, writing from Paris on August 29, reports that a nonaggression pact is favored by Britain, Belgium, Luxembourg, Denmark, Canada and Italy. And, he goes on to say, "The Kennedy Administration is inclined to want to try the nonaggression-pact idea, but is not pushing or urging the plan."

In the early stages of the test-ban negotiations in Moscow, several trial balloons were sent up from "usually reliable" Administration sources, suggesting that the United States should agree to a nonaggression pact if this were the only way we could get Khrushchev to agree to a test ban. The public reaction in the United States to such a deal was so overwhelmingly unfavorable that all our negotiators finally agreed to do was "to discuss" this and other proposals in a future conference.

Because there are strong pressures from within as well as from outside the Kennedy Administration to make such a deal, I believe that only the mobilization of an aroused and informed American public opinion will prevent the sellout of the right of 97 million enslaved people in Eastern Europe to be free.

Those who favor a nonaggression pact argue that the Hungarian revolution proved we couldn't do anything in support of the people of Eastern Europe anyway, and besides, it is a small price to pay to keep Khrushchev in a "mellow mood." We heard the same argument in support of a policy of talking softly and carrying a toothpick in dealing with Castro. In short, we are hearing more and more talk about "accommodation," "disengagement," "coexistence" and other devices which add up to our approval of Soviet domination of Eastern Europe, and less and less talk about eventual freedom for the people living under Communist repression.

I believe the time has come for a complete change of direction and emphasis in American foreign policy toward Eastern Europe. We must begin by doing some clear thinking about what is at stake for the Eastern Europeans, for the Communists and for the Free World.

It would be shockingly immoral for the United States to do anything directly or indirectly which would give the impression that we accept Khrushchev's price—namely, that in return for "peaceful coexistence" we would draw a line down the middle of Europe and accept as permanent the Communist enslavement of 97 million Eastern Europeans. Not only would this be outrageous in the human sense, but it would be dangerously detrimental, both politically and strategically, to American foreign-policy interests.

THE WORLD—SLAVE OF FREE?

The Communist goal is to impose slavery on the Free World. Our goal must be nothing less than to bring freedom to the Communist world. Our policy must be guided by one overriding principle: We stand for freedom—not only for ourselves but for all people.

I believe we can and must accomplish this objective without war. The people who live in the captive nations have traditionally been oriented toward the West rather than toward Russia and the East. They became Communists not by choice but through force, subversion and coup d'état.

Today these countries constitute the most dramatic evidence of the failure of Communism as a political, economic and social system. In terms of economics we need only to compare the slow growth of the bloc countries with the booming production of Western Europe. But it is in terms of human liberty that the contrast is greatest—the refreshing aliveness of West Berlin compared

with the deadly drabness of East Berlin, the free spirit of Vienna compared with the stricken soul of Budapest. You can't eat freedom, it is said, and you can't see it either, but you can certainly feel it once it has been denied you. The Soviet Union has denied freedom to the 97 million people of Eastern Europe. And the result, as John Foster Dulles once said, is that "never has any imperialist system in history been more successful in extending its domination and less successful in gaining the approval of the people upon which it was imposed."

Eastern Europe is Khrushchev's greatest potential weakness; it is the area of our greatest potential strength. What then, can we do to help these people achieve their freedom?

We must first recognize that there are some things that we cannot do. There should be no loose talk of starting revolutions in countries like Poland, Hungary and East Germany in which thousands of Soviet troops are stationed, with millions more poised on the border.

We need only to recall the tragedy of the Hungarian Revolution in 1956. This was a true peoples' revolution. Thousands of workers and students succeeded in overthrowing the tyrannical Communist government. Then the Soviet army marched into the streets of Budapest. The freedom fighters asked for help; we gave them sympathy. We did nothing except to protest to the United Nations and open our doors to the fleeing refugees. I stood on the border near Andau, Austria, on a bitter-cold night in December of 1956 and saw the refugees coming into Austria and freedom. It was both an inspiring and a terribly depressing sight. These men and women had risked everything. They had fought magnificently for freedom. Then a hated foreign oppressor had moved in; they were forced to leave their land to find freedom elsewhere. Soon even this escape route was cut off.

It is, of course, easy to second-guess. But looking back, I believe we should have done more than we did. Unfortunately the Hungarian revolution could not have come at a more difficult time from our standpoint. The British, French and Israelis had chosen the same period to march into Egypt. We believed that there should be a single standard with regard to the use of armed force and that it should be applied both to our friends and enemies alike. When we referred the Suez case to the United Nations, our friends withdrew their forces as law-respecting, civilized governments would be expected to do. But when we took the same action with regard to Soviet suppression in Hungary, Khrushchev did what he always does—uses the U.N. when it helps him and ignores it when it hurts him. We ended up with a debate in the U.N.; the Hungarian Freedom Fighters ended up without a country.

What more could have been done short of risking world war is open to question. But I think the crime of Khrushchev and his Communist puppets in Hungary was so great that more dramatic methods should have been used to bring it to the attention of the world and to keep it there. Four actions would have served this purpose. First, we should have recognized the anti-Communist Nagy government promptly. This would have deprived Khrushchev of the legal argument that the Communist Kadar government had "invited" the Soviet forces to come in. Second, when Khrushchev refused to withdraw his troops from Budapest, we should have broken off diplomatic relations with the Soviet Union. Third, we should have permitted the organization of "volunteers" in free countries to help the freedom fighters. This is the action the Kremlin has taken in corresponding situations. Fourth, when the puppet Kadar government was set up in place of the free government, we should have recognized a government-in-exile. Such a

government-in-exile by itself could not have changed the situation. But it would have been a symbolic rallying point not only for Hungarians but for people throughout Eastern Europe, who admired their courage and shared their ideals of freedom.

Because of our sympathy for the Hungarian Freedom Fighters, Hungary presents probably the strongest case for the adoption of an American policy designed to gain freedom for the people of Eastern Europe.

On the other hand, Hungary also provides strong ammunition for those who oppose such a policy. They argue that the revolution of 1956 showed the hopelessness of supporting any positive action to overthrow the Communist governments. And now that the test ban has been agreed to, the argument goes that this shows what can be accomplished in "reducing tensions" if we soft pedal issues on which Khrushchev is particularly sensitive, such as the captive nations of Eastern Europe and the Communist domination of Cuba. One American foreign-policy adviser said to me in Europe, "If the Kennedy Administration had not watered down the Captive Nations Resolution as it did this year, Khrushchev might never have agreed to the test ban." I doubt this conclusion. But assuming it is correct, was the test ban worth the price we paid? Did we sell out freedom for expediency?

Americans have always contended that if we are to retain freedom for ourselves we must support the cause of freedom for others. It is ironical that in the United States some of those who pride themselves on being "liberal" in foreign and domestic policy are the most violent opponents of any move to launch a peaceful offensive for freedom for the Eastern European peoples. They charge that those who support this program are "reactionary warmongers." The only appropriate "liberal" point of view is to downplay the "freedom issue" in our discussions with Khrushchev so that we can make progress on the "peace issues." To inject talk of captive nations in East-West negotiations will "rock the boat." Yet these same people are uncompromising in their demand for freedom from Portugal for Angola, full freedom for the black population of South Africa, and for the Negroes in America. In those cases, they are not bothered by the fact that raising these issues causes embarrassment to the governments of South Africa, Portugal and the United States.

I believe that we must have a single standard for freedom. Its denial in whole or in part, any place in the world, including the Soviet Union as well as the United States, is surely intolerable.

The ghetto, that grim relic of man's injustice to man, must go wherever it exists in the world. And this includes Eastern Europe, the most shocking ghetto of them all. We cannot write off 97 million people—people who now live in a place they are not allowed to leave, under a government they did not choose, and with no right to demonstrate, to vote or otherwise to voice their opinions against the tyranny which has been imposed upon them. Let us continue to be against those few remaining outposts of the old colonialism imposed by whites over non-whites. But let us at the same time be just as vigorous in our opposition to the new Communist colonialism imposed by whites on whites which we see in Eastern Europe and in Cuba.

The moral argument is justification enough for a new policy of peaceful action in behalf of the peoples of Eastern Europe. An equally strong case can be made on solely strategic and political grounds. Let us take at face value the claim that Khrushchev will be irritated by our raising the issue of freedom for the captive peoples. Is this not the time to test his intentions? We have just agreed with him to a test ban. The "new" Khrushchev is being pictured all over the

Free World, as well as in the Communist world, as the leader in the fight for peace and in reducing tensions between East and West.

But what has he actually done to reduce tensions? In Western Europe, in the United States and in Latin America, the Communist parties with Khrushchev's approval and support are stepping up their programs aimed at the overthrow of free governments. Communism has made its greatest gains through this kind of indirect aggression. Are we, on our part, now going to give Khrushchev a hunting license in the free world and a privileged sanctuary in the Communist world?

It is claimed that the dangers of a war have been reduced because of the signing of the test ban. This claim is open to question. But there is no doubt whatever that if the danger of war has been decreased, the danger of defeat without war has been substantially increased. On August 29 the Associated Press in Washington reported, "David E. Bell, the foreign-aid director, predicted today that the Soviet Union and China would increase their campaign to dominate undeveloped areas once the nuclear treaty took effect." Moreover there is a genuine danger that, as a result of the test-ban agreement, our real sense of urgency may be replaced by a false sense of security. Some European powers will not be as quick to meet NATO defense goals; the concern about Communist subversion in free countries is now inevitably going to be less than it should be; the respectability of Communist-front organizations will now increase. I would not even be surprised to see a revival of the old American-Soviet Friendship Society—supported and controlled by the Communist Party, of course.

I believe that we are now entering a period of the greatest danger of Communist expansion in the Free World since immediately after World War II. As a Hungarian student told me in Budapest, "The Russian bear is always most dangerous when its arms are outstretched in a gesture of seeming friendship. If you get too close, you will be crushed to death." All signs point to an inescapable conclusion: A great new Communist offensive is being launched against the Free World, an offensive without resort to war, an offensive all the more dangerous because it is so difficult to recognize and to meet effectively.

We cannot meet and defeat such an offensive by a static policy of defense. It is altogether right and necessary that the President of the United States has declared to the people of West Berlin that if they are attacked we will help defend them. But at the same time we must make it clear that we will not stop there. Khrushchev does not hesitate to declare that Communism's goal is not simply to defend what Communism already has but to extend it throughout the world. Our goal for freedom can be nothing less. Much of Communism's appeal is that it is revolutionary in character. A revolution cannot stand still. If it does it dies. Khrushchev recognizes that the Communist revolution must grow if it is to survive. Our goal must not be simply to keep freedom from shrinking but to make it grow too. Our goal must be a free Cuba, a free Eastern Europe, a free Russia, a free China. And every policy must be directed to reach that goal through peaceful means. This was once the stated policy of the Kennedy Administration, but it has been watered down and wrapped in double talk from the time negotiations for the test ban began.

The great and vital issue of freedom for the oppressed is being kept on a back burner. It is high time for us to put it on the front burner, to make it a top-priority objective in every international negotiation.

What are some positive things the United States could do in behalf of freedom for the 97 million people of Eastern Europe?

We must above all keep the hope of freedom alive in their hearts. This means we must resist every attempt on the part of Khrushchev to gain recognition of the legality and permanence of Communist domination of these countries.

We must treat each of these countries as an individual nation. Although they all have Communist governments, they are no longer a bloc in the monolithic sense that they were 10 years ago. The people in each of these countries fear and distrust the Russians; they also have great national differences among themselves. Communism for a while tended to blot out these differences. Nationalism however, is growing in Eastern Europe, just as it is in Western Europe. In Western Europe it is a problem for us. In Eastern Europe it is a problem for Khrushchev. Nationalism there is our ally. The Congress should give the Administration the power to be flexible in its economic and diplomatic policies toward these countries.

We should do nothing for any of the Communist governments of these countries unless its purpose and effect will be to help the people get relief from Communist oppression. For example, our whole program of aid to Yugoslavia must now be very critically reappraised. We provided nearly \$2.3 billion in military and economic assistance to Yugoslavia from mid-1945 through mid-1962. We gave most of this aid because Tito had split with the Kremlin, and we believed that by subsidizing Tito we could widen the split. Now Khrushchev and Tito have thrown their arms around each other, and it is quite apparent that the military equipment we provided for Tito would be on the Soviet side in the event of world conflict. Yet because Tito was against first Stalin and then Khrushchev, some people in the United States gained the false impression that his brand of Communism was more "liberal" than the Soviet brand. On the contrary, the people of Yugoslavia have suffered even more at the hands of their Communist government in recent years than the people of the Soviet Union. American aid has brought little if any relief to the people of Yugoslavia.

In the light of our experience in Yugoslavia, under no circumstances should military aid be provided for any country with a Communist government. Such military assistance may appear at the moment it is granted to be justified on the ground that it would strengthen the hand of a satellite Communist government against the Soviet Union. But we must recognize that while the Communists have differences among themselves, when the chips are down they are going to join forces against us. The Soviet-Chinese quarrel is significant in this respect. What they are arguing about is not how to beat each other, but how to beat us. This is their fight. We most certainly should stay out of it.

We should set these minimum goals: (1) Get the Soviet occupation forces out of the countries of Eastern Europe; (2) get the governments of these countries to adopt policies which will allow people to leave if they desire to do so; (3) get the Communist governments to adopt a let-live policy toward the established churches in these countries and toward other institutions of freedom; (4) increase contact with the people of these countries as distinguished from the governments, including visits from high-ranking U.S. officials to remind these people that they have not been forgotten; (5) increase the exchange of publications, broadcasts and other instruments of communications, especially communications designed to keep the young people in contact with the Western world and free institutions.

As a specific example, we should not agree to "normalize" relations with the outlaw Kadar regime in Hungary unless these minimum conditions are met: (1) removal of Soviet troops from Hungary; (2) removal of the "wall" of barbed wire, minefields and

watch towers which separates Hungary from Free Europe; (3) satisfaction of the conditions Cardinal Mindszenty insists upon for relations between the Catholic church and the government; (4) greater freedom for Hungarians to leave the country if they desire to do so; (5) removal of restrictions on the flow of information from Free Europe and America into Hungary by radio, newspapers and magazines. This latter point is vital. Although the overwhelming majority of the people of Hungary and other Eastern European countries are opposed to Communism now, there is a real danger that an entirely new generation will grow up with no knowledge of any other way of life, due to lack of contact with the Free World. That is why the policy advocated by some well-intentioned anti-Communist groups "to cut off all contact with countries with Communist governments" is wrong. We must increase contact with the people of these countries without putting the stamp of approval on their Communist governments.

OUR BEST POTENTIAL WEAPONS

We should agree to only those economic programs that will have the effect of serving the objectives I have listed above. Programs of trade and aid are our biggest potential weapons; at the same time, they are the most difficult to use effectively. No American action should be taken if it strengthens a Communist government's strangle-hold on the people. If a satellite government indicates a clear intention to pursue a course independent of and even opposed to the U.S.S.R. in foreign policy, we should provide economic co-operation, but only if the satellite government also combines its anti-Soviet policy with some relaxation of its repression against its own people. In Tito's case, for example, we paid too much attention to his differences with the U.S.S.R. and too little to the terrible plight of the Yugoslav people and to our responsibility to help relieve it.

In our policies and pronouncements, we must not fail to distinguish between the Communist regimes and their subjects, between the Kremlin and puppet governments on the one hand and people on the other. The Kremlin's failure to win the voluntary, free allegiance of its peoples is one of the strongest deterrents preventing it from risking actions that might lead to war. We must never forget that the Communist governments may be our enemies but that the people living under those governments are our friends.

This is admittedly a complex and controversial answer to the problem. It would be much simpler to follow the approach of the "liberals" and ignore the plight of 97 million people in the Eastern European countries so that we will not jeopardize our efforts to seek other goals in dealing with Khrushchev. It would be much simpler to follow the approach of the "reactionaries" and support a program of encouraging revolutions in these countries to be followed by American forces to support such revolutions without regard to the risk of world war this policy would entail. And, of course, it would be even more "popular" simply to advocate cutting off all contact with the governments and peoples of Eastern Europe and denying any economic cooperation on the ground that "we shall provide no aid to Communists."

But we are confronted here with a tragic human problem of 97 million people living under Communist tyranny. The great majority of these people are against their Communist government; and their hopes for freedom, no matter how limited, are with America. We demonstrated in 1956 that we cannot support a revolution in the event they begin one. On the other hand, we cannot be completely negative in our policy. I believe our only responsible course of action is to find positive, peaceful methods of achieving more freedom and a better life for these people. A negative, do-nothing policy can only have

the effect of leaving them at the mercy of their Communist governments and destroying the morale of millions of anti-Communists in the Communist world.

And there is an even more far-reaching consideration. We cannot appear to acquiesce in the Communist enslavement of millions behind the Iron Curtain and still make our opposition to Communism elsewhere credible. If it is all right with us to see Hungarians, Poles, Czechs enslaved, why not logically Venezuelans and Malaysians and Cubans? By surrendering the Eastern Europeans to their Communist masters, we are surrendering our presumed leadership of anti-Communist forces throughout the world.

I wish every American could have the opportunity to travel in Eastern Europe, as I have had again last summer. I am sure that no American would then feel complacent about the plight of these captive peoples. For those who are fortunate enough to take such a trip, I say: When you get to Budapest or Warsaw or East Berlin, don't be satisfied with the guided tour—hotels, buildings, restaurants, statues are pretty much the same in all the capitals of the world. The people, their problems, their hopes, their dreams—this is the real and important story.

As our train was leaving the Budapest railroad station for Vienna, a young railroad worker came up to me. Speaking in halting English, he said, "My brother left in 1956 and is now living in Columbus, Ohio. If you should see him, will you tell him that he was right? I should have gone too. And I hope to join him before it is too late."

The train had started to move before he finished. I sat down in my seat and as I looked out the open window I saw that he was running alongside. "The address," he shouted, "I forgot to tell you the address. It is on Euclid Avenue in Columbus. Tell him I hope to join him—tell him—tell him." The train had pulled away before I could get his name or the street number.

He was trying to send his message to his brother living in Columbus, in the very heart of America. But as far as I was concerned he was sending a poignant and unforgettable message through me to the heart of America—"Don't let us down. We want freedom too."

[From the Washington Post, Sept. 25, 1970]
NIXON TO SPEAK TO 6TH FLEET FROM CARRIER

(By Ken W. Clawson)

President Nixon will pay a personal call on the alerted 6th Fleet during the early part of his eight-day European tour that starts Sunday, the White House announced yesterday.

Mr. Nixon will address the entire fleet from the deck of the aircraft carrier USS Saratoga, which has been patrolling off the coast of Israel and Lebanon. It was pulled back from the alert zone to 30 minutes helicopter flying time out of Rome, and will take on the President Monday night.

The President's remarks from the carrier Tuesday will be piped to the rest of the fleet in the eastern Mediterranean.

The President is expected to receive personal reports from American ambassadors to Middle East nations Wednesday at NATO's Naples headquarters. He will also confer with NATO commanders.

Mr. Nixon will be accompanied by his wife, Secretary of State William P. Rogers and other White House officials.

His itinerary, released yesterday, shows a ceremonial-studded tour that includes private talks with President Tito of Yugoslavia, Generalissimo Franco of Spain, Pope Paul VI, Prime Minister Edward Heath and Queen Elizabeth II of Great Britain, President Saragat of Italy and President de Valera of Ireland.

Air Force One will leave Andrews Air Force Base at 7:30 a.m. Sunday, arriving in

Rome that night. The President will be welcomed by President Saragat in ceremonies at Quirinal Palace.

Private talks between the Presidents, an audience with the Pope and a meeting with student priests at the North American College of the Vatican are scheduled before the President helicopters to the Saratoga.

After reviewing jet launchings and recoveries and weapons firings Tuesday, the President will fly to the USS Springfield, flagship of the fleet, to confer with fleet commanders. He will then return to Naples and confer with ambassadors Wednesday morning.

He arrives in Belgrade Wednesday afternoon, and will join President Tito in a motorcade through the city. In the evening, Tito will give a state dinner.

The two Presidents will confer Thursday morning. In the afternoon, Mr. Nixon will go to Zagreb in Croatia, and to Kumravec, birthplace of the Yugoslavian President. That night, the Nixons will give a state dinner for Tito in Belgrade.

The Nixons arrive at midday Friday in Madrid for ceremonies that include a motorcade with Generalissimo Franco through the city, private talks with Prince Juan Carlos, Vice President Carrero Blanco, and a state dinner.

Mr. Nixon arrived in London on Saturday, Oct. 3, and will go to Chequers, Prime Minister Heath's country residence, for private talks followed by luncheon with the queen.

Later Saturday, the Americans fly to Shannon, Ireland, where they will travel by car to Kilfrush House, 17 miles south of Limerick, for the night. The house is owned by New York industrialist John A. Mulcahy, a friend of Mr. Nixon's.

On Sunday, an entire morning will be spent on the Paris peace talks with Mr. Nixon and Secretary Rogers meeting with Ambassadors David K. E. Bruce and Phillip C. Habib, and Henry Kissinger, Mr. Nixon's national security adviser.

Mr. Nixon will spend Sunday night in another Mulcahy residence at Waterville, 35 miles southwest of Killarney. He will helicopter Monday to Timahoe to visit a graveyard where some of his maternal ancestors are buried.

A final, 90-minute motorcade will take the President to Dublin for a meeting with President de Valera. The party arrives back at Andrews AFB early Monday evening, Oct. 5.

[From the New York Times, Sept. 25, 1970]

NIXON SCHEDULE OUTLINED

WASHINGTON, September 24.—On his European trip, President Nixon will spend eight nights in seven cities, motor through downtown Madrid and rural Irish towns, consult with American diplomats, visit the graves of ancestors and place a wreath at a monument to the Yugoslav Unknown Soldier.

TENTH ANNIVERSARY OF NIGERIAN INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 10 minutes.

Mr. DIGGS. Mr. Speaker, on October 1, Nigeria will mark the 10th anniversary of its independence. A decade may not be long in history, but history has been long and full in this decade for Nigeria. Nigeria's independence, like that of our own country, is in one sense a social experiment with lessons for all mankind. Nigeria is exploring how pluralist states and indeed the international community can achieve the goal so well expressed in its national anthem, "though tribe and tongue may differ, in brotherhood we stand."

As Nigeria moves into the second decade of its independence, we in the United States look forward to continuing the efforts of our two countries in the search for a better life for our people. We have worked together in many areas within the past 10 years, both between ourselves and international organizations. I would like especially to commend the Nigerian Government's ongoing efforts to promote regional economic and trade programs in West Africa. The United States shares the view that the lives of neighbors can be enriched by mutual cooperation. There is an important role for Nigeria to play in the future of all of Africa.

Today, we Americans reaffirm the bond of friendship which has always existed between our two countries. That bond, as the revered first Prime Minister of Nigeria remarked to the U.S. Congress in 1961, is twofold. Within Nigeria and the United States reside the largest concentration of peoples of African descent of any countries in the world. But above all, Sir Abubakar Tafawa Balewa said, "we share a history of common struggle to achieve freedom from anything that is oppressive to the human spirit." We look forward to marching shoulder to shoulder with Nigeria in that common struggle in the decades ahead.

PRISONS AND VISITS BY WIVES

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. KOCH. Mr. Speaker, not very long ago an investigation took place into the conditions existing at the men's detention center in Manhattan commonly known as the Tombs. That investigation occurred as a result of a riot by the prisoners. During the course of the riot and subsequent investigation the commissioner of the New York City Department of Corrections verified that the inhumane conditions complained of by the prisoners did in fact exist. The subsequent investigation conducted under the auspices of State Senator John R. Dunne again confirmed what has been known for many years, that the conditions under which prisoners are held at the Tombs are inhumane and must be corrected.

I am sorry to report that not much has taken place by way of correction except for, and admittedly it is a most important exception, some reduction in the overcrowding. The Tombs originally built for 932 men had within the last year more than 2,000 prisoners confined in the same accommodations. The number of prisoners held today in the Tombs is 1,357, still 146 percent of capacity.

Anyone familiar with corrections knows that unless and until we provide decent minimum standards covering not only physical facilities but also rehabilitation and educational programs we will be releasing men who in great numbers will return to prison within the year. Recidivism is high and in one police precinct in New York City I have been informed that more than 50 percent of those apprehended in burglaries and robberies in that district are former convicts.

September 29, 1970

I would like to call attention to what are in my judgment the harmful attitudes of the New York State Department of Corrections headed by Commissioner Paul D. McGinnis. My experiences with that commissioner and his department have brought me to the conclusion that whatever is wrong with the New York City Department of Corrections, is compounded on the State level. I would like to recite one simple illustration of the kind of attitude displayed by the New York State Department of Corrections. It concerns itself with simple nonconjugal visitation and rather than state in detail what I wish to call to the attention of this House I would prefer to let the correspondence in this matter speak for itself. After reading the correspondence I would hope that our colleagues will join in cosponsoring H.R. 16794, a bill which would establish minimum standards for local and State correctional institutions seeking Federal financial assistance.

The correspondence follows:

NAPANOCH, N.Y.
May 30, 1970.

Mr. EDWARD I. KOCH,
Member of Congress, House of Representatives, Washington, D.C.

DEAR SIR: I am sending this letter to you because you were recommended to me by a fellow inmate now serving time with me at the Catskill Reformatory, Napanoch, N.Y. He told me that you helped him while he was at the tombs in N.Y.C. If you cannot help me in my present dilemma would you kindly forward this letter to someone who can. I was convicted on my own improvised plea of guilty to section 2205 R.P.L. (Possession of a Dang. Drug & Implements) as a class "A" misdemeanor accepted by Magistrate Lane on Nov. 25, 1969 in & before the Supreme Court Of The City Of New York, Part 16, County Of The Bronx. I was therein sentenced on March 6, 1970 to serve a max. term of 1 yr. in the county jail (Rikers Island Reformatory For Men) under the supervision, jurisdiction, and custody of The New York City Department Of Correction. However two wks. after I had been delivered to Rikers Island I was transferred to The Catskill Reformatory here at Napanoch, N.Y. and placed under the jurisdiction of the State Of N.Y. I inquired into obtaining information as to whether my imprisonment herein is by virtue of any mandate sentencing or committing me hereto. I was informed by an Administrative Official that no such mandate is possessed. It seems apparent that the City Commissioner Of Correction is without legal justification to fail to comply, violate or contravene the actual execution of this defendant's sentence of judicially ordered imprisonment in a county jail. Therefore the City Commissioner may not administratively or arbitrarily transfer this duly committed city prisoner out of his lawful custody to conditions that now amount to unordered jurisdiction of the State Department Of Correction. The fact of my imprisonment in The Catskill Reformatory has deprived me of numerous benefits & rights which I had enjoyed in the City Institution such as:

* A. Unrestricted freedom of correspondence as to sending and receiving mail, permission to freely write to anyone friend and relative.

B. Authorization to post one personal letter a day.

* C. Geographically closer to counsel to confer on legal matters.

D. Within geographically reasonable reach of visitors.

E. Guidance staff readily available to make phone calls for inmates.

F. Licensed physicians in attendance for medical treatment and emergencies.

G. Sufficient uniform clothing distributed to all inmates.

H. Confinement in dormitories rather than 17 hrs. a day in cell.

I. Greater variety in the preparation and serving of meals to inmates.

J. Availability of work release program.

K. Higher hourly wages paid to inmates who work in county jail.

* A. I have been personally denied (5 times) by the Superintendent of this State Institution to correspond with my common-law-wife whom I had lived with for the past 4 years. She has also been denied the privilege of visiting me. We are still close to one another.

* C. There are other legal technicalities concerning my sentence to Rikers Island which are far too lengthy and detailed for me to even attempt to get all of them onto one sheet of stationary. (I had to hoard in order to send these two pages to you.) I would definitely have to discuss them personally with my lawyer, and he is simply too busy at this time to travel the 90 miles to come up here.

All of which collectively amounts to an unwarranted deprivation of liberty, contrary to due process of law, and a denial of the equal protection of the law, violative of inalienable rights secured by the 5th & 14th Amendments to the United States Constitution, as guaranteed by the Glorious Majesty of the Constitution; yet guarantee and practice though made with equal promise can often be worlds apart.

Sir, my sentence of 1 yr. is up on Dec. 31, 1970 with time off for good behavior, please I beg of you, if you find that I am legally correct about my present conditions of confinement would you kindly see to it that I am redelivered to Rikers Island as soon as it is humanly and humanely possible. Thank you for your time and your indulgence.

My lawyer firm name is Markowitz & Chorney, Counsellors at Law, 1844 Nostrand Avenue, Brooklyn, N.Y. 11226.

Respectfully,

NATHAN WRIGHT, No. 309.

P.S.—Please excuse any errors that this letter may contain as I explained before however stationary is limited here.

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., June 8, 1970.

Mr. NATHAN WRIGHT,
Napanoch, N.Y.

DEAR MR. WRIGHT: Thank you for your letter of May 30th.

I am presently looking into the points you raised in your letter, and I will be in communication with you again as soon as I have a response to my inquiries.

Sincerely,

EDWARD I. KOCH.

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., June 8, 1970.

HON. GEORGE MCGRATH,
Commissioner of Corrections,
New York, N.Y.

DEAR GEORGE: I have received a letter from Nathan Wright now held at the Catskill Reformatory in Napanoch. He claims that he was sentenced to serve in the county jail by the Supreme Court of the City of New York, but later moved from Rikers to the Catskill Reformatory. He feels that this move from Rikers is contrary to the court's sentence.

I know that you do have authority to move prisoners to the state prisons to prevent overcrowding; could you please give me the statute citation for this authority so that I might forward it to Mr. Wright. In addition, he claims that he is not allowed to write to his common-law wife of four years, nor is she allowed to visit him. Is this indeed the

state's policy—and does this differ from the policy at Rikers Island?

Thanking you, I am,
Sincerely,

EDWARD I. KOCH.

OFFICE OF THE COMMISSIONER OF
CORRECTION, CITY OF NEW YORK,

New York, N.Y., July 1, 1970.

Hon. EDWARD I. KOCH,
Congressman,
New York, N.Y.

DEAR CONGRESSMAN KOCH: This is in response to your letter of June 8, 1970.

Section 6-g, of the New York State Correction Law provides that in order to relieve overcrowded conditions in the New York City Correction facilities, we may enter into an agreement with the State to house City sentenced inmates in New York State Correction facilities. The New York City Department of Correction has entered into such an agreement with New York State, pursuant to Section 6-g of the Correction Law.

In New York City Correction facilities, inmates are permitted to write to and receive mail from anyone. Upon approval by the Warden of the institution, an inmate may be visited by a common-law spouse if the inmate designates the common-law spouse as one of his or her visitors.

We have no specific information with respect to the policy relating to mail and visitors at New York State Correction institutions. I suggest that you write to the office of the State Commissioner of Correction, Paul D. McGinnis, for such information.

Very truly yours,

GEORGE F. MCGRATH,
Commissioner.

NAPANOCH, N.Y.,

July 4, 1970.

Mr. EDWARD I. KOCH,
Member of Congress,
House of Representatives,
Washington, D.C.

DEAR SIR: Thank you for your prompt response to my letter of May 30th.

I am sending this letter to you hoping that you have made sufficient inquiries concerning my predicament, and that I will discover what your findings were in your reply to this letter of July 4th.

I have been granted a writ of habeas corpus by Justice John H. Pennock, of The Supreme Court of New York State, Ulster, County Special Term July 5, 1970, Calendar No. 21. As the writ is dated June 29, 1970, I expect to be before the bench of Justice Pennock any day now, so any favorable information that you may be able to supply me with at this time will be greatly appreciated.

My application for the above mentioned writ is in conjunction with the contents of my May 30th letter to you. Thank you for your indulgence.

Sincerely,

NATHAN WRIGHT.

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., July 14, 1970.

HON. PAUL D. MCGINNIS,
Commissioner, New York State Department of
Correction, Gov. Alfred E. Smith State
Office Building, Albany, N.Y.

DEAR COMMISSIONER: A prisoner, Nathan Wright, incarcerated at your Catskill Reformatory in Napanoch has complained to me that he is not allowed to write to his common-law wife of four years, nor is she allowed to visit him. It is my understanding from Commissioner McGrath that in the New York City Correction facilities inmates are permitted to write to and receive mail from anyone; and, upon approval by the Warden, an inmate may be visited by a common-law spouse.

I should appreciate receiving from you clarification of the state's policies.

Thanking you, I am,

Sincerely,

EDWARD I. KOCH.

STATE OF NEW YORK,
DEPARTMENT OF CORRECTION,
Albany, N.Y., July 24, 1970.
Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: I have your letter of July 14 with reference to an inmate, Nathan Wright, who was formerly incarcerated at Catskill Reformatory.

Actually this man was returned to the New York City Department of Correction on April 27, 1970, so your question as far as he is concerned is moot.

Yours very truly,

JOHN R. CAIN,
Deputy Commissioner.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., July 27, 1970.
Mr. JOHN R. CAIN,
Department of Correction,
Alfred E. Smith State Office Building,
Albany, N.Y.

DEAR MR. CAIN: I have your letter of July 24th, and I do appreciate your responding. However, I am a bit puzzled over how you can report that Mr. Wright was returned to New York City on April 27th when I have received correspondence from him from the Catskill Reformatory as recently as July 4th.

Again, I would appreciate your looking into this as soon as possible—it may interest you to know that I have also been contacted about this by Mr. Nathan Wright's priest. Even if Mr. Wright has been moved back to New York City I would appreciate your advising me of your policies regarding inmate writing and visitation privileges with respect to common-law spouses.

Thanking you, I am.

Sincerely.

EDWARD I. KOCH.

P.S.—Is it possible, notwithstanding your security arrangements that there is an extra prisoner in your detention center?

STATE OF NEW YORK,
DEPARTMENT OF CORRECTION,
Albany, N.Y., August 6, 1970.
Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: Your letter of July 27 regarding Nathan Wright was received at the beginning of Commissioner Cain's vacation. Unfortunately, a misunderstanding of communications resulted in an erroneous entry on our records regarding Wright's whereabouts. Mr. Wright is still confined in Eastern New York Correctional Facility.

The reason that he has not been permitted contact with his common-law wife is because Wright is still legally married. In cases in which either of the parties involved in a common-law relationship still have legal spouses, permission for contact is withheld until such time as some form of legal separation can be produced.

Yours very truly,

JOSEPH M. RYAN,
Senior Administrative Assistant.

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., August 24, 1970.
Mr. PAUL D. McGINNIS,
Commissioner, State Department of Correction,
State Office Building, Albany, N.Y.

DEAR MR. McGINNIS: I have received word from your office (by letter of August 6th signed by Joseph M. Ryan) that the reason

prisoner Nathan Wright in the Catskill Reformatory is not able to see or write to his common-law wife is because he is still legally married to another woman.

I have been told by Commissioner George F. McGrath that in New York City Correction facilities, "inmates are permitted to write to and receive mail from anyone." Why should the state's policies be any more strict, particularly since many City sentenced prisoners are being incarcerated in state prisons (Mr. Wright is one of them)?

Furthermore, your own pristine regulations regarding visitation privileges seem to be ludicrously misplaced, particularly in view of the want of so many social and educational rehabilitation services that would be really helpful to the prisoners. Your policy is such an absurdity; we are not even talking about conjugal rights for the prisoners, but rather supervised visitations whose opportunities are few enough.

Mr. Wright has lived with his common-law wife for four years. It seems to me that a policy could be established which would make visitation allowances for such cases.

My interest is not only in Mr. Wright, but in all of the prisoners in similar situations. I would urge that you take whatever steps necessary to update your regulations to make these accommodations, as well as allowing prisoners to write and receive mail from anyone.

Sincerely,

EDWARD I. KOCH.

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., August 25, 1970.
PAUL D. McGINNIS,
Commissioner, State Department of Correction,
State Office Building, Albany, N.Y.

DEAR COMMISSIONER: I have received word from your office (by letter of August 6th signed by Joseph M. Ryan) that the reason prisoner Nathan Wright in the Catskill Reformatory is not able to see or write to his common-law wife is because he is still legally married to another woman.

I have been told by Commissioner George F. McGrath that in New York City Correction facilities, "Inmates are permitted to write to and receive mail from anyone." Why should the state's policies be any more strict, particularly since many City sentenced prisoners are being incarcerated in state prisons (Mr. Wright is one of them)?

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Mr. Wright has lived with his common-law wife for four years. It seems to me that a policy could be established which would make visitation allowances for such cases.

My interest is not only in Mr. Wright, but in all of the prisoners in similar situations. I would urge you to take whatever steps necessary to update your regulations to make these accommodations, as well as allowing prisoners to write to and receive mail from anyone.

Sincerely,

EDWARD I. KOCH.

STATE OF NEW YORK,
DEPARTMENT OF CORRECTION,
Albany, N.Y., September 9, 1970.
Hon. EDWARD I. KOCH,
Member of Congress,
Washington, D.C.

DEAR CONGRESSMAN KOCH: I have your letter of August 25, 1970 censuring our rules and regulations, relating to visitations and

correspondence particularly as applied to common-law marriages.

As you know, the State of New York outlawed common-law marriages by Chapter 606 of the Laws of 1933, effective April 27, 1933. In a recent case involving the question of common-law marriages, the Court of Appeals said: "There can be little doubt that the public policy of this State has been to withhold recognition of common-law marriages and it is unassailable that in its broad powers to regulate society, the State has the power to set standards and procedures to control such a basic institution as marriage." (People v. Ernest Allen, decided July 2, 1970.) Your recommendation would encourage such illicit relationship and lead to the grievous situation of having a married inmate who is on parole jeopardize his parole status by consorting with a woman not his wife.

With reference to Nathan Wright and other New York City prisoners similarly situated, we advised Commissioner George F. McGrath that if he will authorize such females to be placed on the City Inmates' Visiting List, we will honor his designation.

Very truly yours,

MANUEL T. MURCIA,
Counsel.

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., September 15, 1970.

PAUL McGINNIS,
Commissioner of Correction, State of New York, The Governor Alfred E. Smith State Office Building, Albany, N.Y.

DEAR COMMISSIONER: I refer to our earlier correspondence and the most recent letter which I received from your Counsel, Manuel T. Murcia, Esq., dated September 9. I asked you to review your policy in this matter. Your pristine regulations regarding visitation privileges seem to be ludicrously misplaced, particularly in view of the lack of so many psychological and educational rehabilitation services that would really be helpful to the prisoners. Your policy can only be described as an absurdity: we are not even talking about conjugal rights for prisoners, but rather supervised visitations whose opportunities are few enough.

It is sad to note that New York, the Empire State, which prides itself on leading in the social fields finds itself today far behind the state of Mississippi which not only permits visits of this nature but in addition also provides conjugal visits by wives of both lawful and "common law."

I await your reply.

Sincerely,

EDWARD I. KOCH.

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., September 15, 1970.
Hon. JOHN R. DUNNE,
Garden City, N.Y.

DEAR JOHN: You will recall in our chance meeting at Columbus Circle that I mentioned to you the outrageous situation prevailing in state prisons concerning visits to prisoners by women whom they consider to be their wives but to whom they are not necessarily legally married.

I have received a letter from Manuel T. Murcia which is so outrageous that I call it to your attention with the hope that you will take all measures necessary to see to it that this situation is immediately remedied. I trust that Commissioner McGrath will provide the letter of authorization so as to protect city prisoners delivered into the custody of the state but it will take your intercession to provide such relief to state prisoners.

It is sad to note that New York, the Empire State, which prides itself on leading in the social fields finds itself today far behind the state of Mississippi which not only permits visits of this nature but in addition

also provides conjugal visits by wives both lawful and "common law."

I await your response.

Sincerely,

EDWARD I. KOCH.

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., September 15, 1970.

ROBERT R. DOUGLASS.

Counsel to the Governor, The Executive Chamber, Capital, Albany, N.Y.

DEAR BOB: I am enclosing correspondence which I have had with Commissioners McGinnis and McGrath and with Manuel T. Murcia, Counsel to the Commissioner McGinnis on the subject of permitting visits to prisoners by women whom the prisoners consider to be their wives although not necessarily legally married to them. It appears now that such privilege may be granted to city prisoners held in custody in state institutions.

It is sad to note that New York, the Empire State, which prides itself on leading in the social fields finds itself today far behind the state of Mississippi which not only permits visits of this nature but in addition also provides conjugal visits by wives both lawful and "common law."

I await your reply.

Sincerely,

EDWARD I. KOCH.

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., September 15, 1970.

GEORGE MCGRATH,
Commissioner of Correction, City of New York, New York, N.Y.

DEAR GEORGE: You have received a letter from Manuel T. Murcia, a copy of which I am enclosing for your convenience, on the subject of permitting prisoners sent to State correctional institutions by the City to have as visitors women with whom they have lived who are not necessarily their lawful wives. This subject came up in connection with one such prisoner, Nathan Wright, but obviously it affects many more.

I am certain, knowing you to be the compassionate person that you are, that you will immediately provide the necessary letter of authorization not only for Mr. Wright but for all other prisoners so situated. The callousness of Commissioner Paul D. McGinnis and his Counsel, Manuel T. Murcia, exhibited not only at the hearing which I conducted on May 23, 1970 but in correspondence which I have had with them continues to evidence itself.

Sincerely,

EDWARD I. KOCH.

OFFICE OF THE COMMISSIONER OF CORRECTION, CITY OF NEW YORK, New York, N.Y., September 21, 1970.

HON. EDWARD I. KOCH,
Representative in Congress, Longworth Office Building, Washington, D.C.

DEAR CONGRESSMAN KOCH: In reference to your letter of September 15, 1970 regarding visitation privileges for City prisoners housed in State correctional facilities, please be advised that under our rules members of the immediate family who are 16 years of age or over may visit an inmate of any of our institutions. Common-law wives or husbands are classified as members of the immediate family. In addition, any person, 16 years of age or over, who is not a member of the immediate family, may be permitted to visit an inmate, provided that no member of the immediate family objects to the visit.

Pursuant to your request, we are sending to Mr. Manuel T. Murcia, Counsel to the State Department of Correction, a letter of authorization for common-law wives to visit City prisoners held in State facilities.

Sincerely yours,

GEORGE F. MCGRATH,
Commissioner.

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., September 15, 1970.
MANUEL T. MURCIA, Esq.,
Counsel to Commissioner Paul D. McGinnis,
State of New York, Department of Correction,
Alfred E. Smith State Office Building, Albany, N.Y.

DEAR MR. MURCIA: I have your letter. I am astounded at your reply and would like further clarification. Is it presently the parole procedure that if a parolee lives with a woman not his wife that his parole status is thereby jeopardized?

I was, to say the least, shocked by the implication of your letter that you are not able, as counsel to the Department of Correction, to distinguish between a state policy and statute of not recognizing "common law" marriages affecting rights relating to alimony and inheritance and the denial to an inmate the right to see a woman visitor he considers to be his wife although not legally married to him.

I have written to Commissioner McGrath urging that he immediately authorize women having that relationship to prisoners to be placed on the New York City inmates visiting list, so that you will at the very least permit prisoners sent to you by New York City that privilege.

I am writing to Governor Rockefeller's counsel, Robert Douglas and Senator John Dunne urging that they take whatever measures are necessary to see to it that state prisoners are similarly treated.

It is sad to note that New York, the Empire State, which prides itself on leading in the social fields finds itself today far behind the state of Mississippi which not only permits visits of this nature but in addition also provides conjugal visits by wives both lawful and "common law."

I await your reply to my question.

Sincerely,

EDWARD I. KOCH.

STATE OF NEW YORK,
DEPARTMENT OF CORRECTION,
Albany, N.Y., September 23, 1970.

HON. EDWARD I. KOCH,
House of Representatives,
Longworth Office Building,
Washington, D.C.

DEAR CONGRESSMAN KOCH: I have your letter of September 15, addressed to Commissioner Paul McGinnis, and a letter of the same date addressed to Mr. Manuel T. Murcia, Counsel.

First, although Mr. Joseph M. Ryan, Senior Administrative Assistant, has already apologized to you for erroneous information contained in our letter of July 24, in view of your continued castigation of the Department, please accept this as a formal letter of apology for the fact that a temporary employee made an entry on the wrong card.

I note your P.S. "Is it possible notwithstanding your security arrangements that there is an extra prisoner in your detention center?" My only reply is that anything is possible.

With my letter of July 24, had I known that he was still confined in the Eastern New York Correction Facility, I would have sent to you a copy of my letter to Mr. Wright under date of June 5, 1970, copy attached, which I believe is fully self-explanatory.

Our agreement with the City of New York is that we will permit visitation and correspondence privileges with any one certified by the New York City Department of Correction. In the absence of any such advice from the City Department of Correction, we attempt to apply the rules of the State Department of Correction to those cases. The simple facts of this case, and which is apparently your only complaint, is that this Department is making an attempt to recognize the sanctity of marriage, and not to encourage promiscuity.

In several of your letters you have characterized our regulations as "pristine." If you are using one definition of the word as being primitive, then, of course, you are entirely in error. If you are using another definition of the word which states extremely pure, untouched, unspoiled, I can only regret that our rules are not pure enough.

Your allegation that our "visitation privileges seem to be ludicrously misplaced," leads me to wonder just what is wrong. How can an elected Congressman from the 17th District of the State of New York find anything to incite laughter or ridicule in the sincere efforts of a Department to carry out its obligations to the unfortunate people who have been committed to our care?

You also allege that our "policy can only be described as an absurdity;" just the opposite is true. We have tried to base our rules and regulations on reason, truth, and a rational application of the attitude of society in this quickly changing world.

I hesitate to even comment on the paragraph of your letter to Mr. Murcia in which you state: "I was, to say the least, shocked by the implication of your letter that you are not able, as counsel to the Department of Correction, to distinguish between a state policy and a statute of not recognizing 'common law' marriages affecting rights relating to alimony and inheritance and the denial to an inmate the right to see a woman visitor he considers to be his wife although not legally married to him." I do not know of any employee of the Department of Correction, least of all our very able counsel, who does not readily recognize this difference.

In both of your letters to Mr. Murcia and to Commissioner McGinnis you write: "It is sad to note that New York, the Empire State, which prides itself on leading in the social fields finds itself today far behind the state of Mississippi which not only permits visits of this nature but in addition also provides conjugal visits by wives both lawful and 'common law'." Again, when a Congressman representing the 17th District of New York could form such an opinion of one of the outstanding Departments of Correction in the nation, I would believe that he is entitled to a full and complete reply which I have attempted to give to you by this letter.

I certainly want to thank you for your interest in the New York State Department of Correction, and I trust that when you become more familiar with its obligations, your opinion might change. We do not claim to be perfect, but we are trying to be better.

Along these lines, and for your information, I am sending to you a copy of our regulations covering the Designation and Classification of Institutions. We believe that just the removal of the words "prison" and "reformatory" and calling all of our institutions "Correctional Facilities" is a small step in the right direction.

I am also enclosing copy of regulations promulgated by Commissioner McGinnis, and which will be effective October 19, 1970, covering Procedures for Implementing Standards of Inmate Behavior and for Granting Good Behavior Allowances, and a copy of the regulations covering Special Housing Units.

Again, thank you for your interest in this Department, and assuring you of our continued cooperation, I am

Yours very truly,

JOHN R. CAIN,
Acting Commissioner

STATE OF NEW YORK,
DEPARTMENT OF CORRECTION,
Albany, N.Y., September 24, 1970.
HON. EDWARD I. KOCH,
House of Representatives,
Longworth Office Building,
Washington, D.C.

DEAR CONGRESSMAN KOCH: Supplementing my letter of September 23, I respect-

fully submit a copy of a letter received today from the Division of Law Enforcement Assistance in the State of Mississippi.

Apparently the officials in the State of Mississippi are not as sure as you are that New York State is far behind the State of Mississippi in correctional matters.

Yours very truly,
JOHN R. CAIN,
Acting Commissioner.

STATE OF MISSISSIPPI,
OFFICE OF THE GOVERNOR,
Jackson, Miss., September 21, 1970.
DEPUTY COMMISSIONER CAIN,
Department of Corrections, Governor Alfred
E. Smith Senate Office Building, Albany,
N.Y.

DEAR MR. CAIN: This letter is to confirm our telephone conversation of September 14, with reference to visiting your state and studying your Department of Corrections.

Senator James Molpus, Chairman of the Legislative Penal Study Committee and I plan to leave Jackson October 25 for Albany. We will meet with you and your staff on Monday, the 26th of October for a briefing. The rest of our visit will be spent visiting various institutions of your system.

We will look forward to seeing New York's Department of Corrections. I will be in contact with you at a later date as to specific times for a meeting on Monday. Looking forward to meeting and talking with you, I am.

Sincerely,
KENNETH W. FAIRLY,
Executive Director.
JEANNINE TOWNSEND,
Planning and Research Assistant.

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., September 28, 1970.
MANUEL T. MURCIA,
Department of Correction, State of New York,
Albany, N.Y.

DEAR MR. MURCIA: I have received word from Commissioner McGrath that he has authorized you to permit common-law wives to visit city prisoners held in State facilities.

I would appreciate receiving your letter advising me of the date that you issue the appropriate regulation.

Sincerely,
EDWARD I. KOCH.

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., September 28, 1970.
ROBERT DOUGLASS,
Office of the Governor, State of New York,
Albany, N.Y.

DEAR BOB: I am surprised that I have not received a response to my letter to you of September 15.

Since writing, I have received two letters, one from Commissioner George McGrath which is really splendid and I enclose a copy for your information.

The second letter is from Acting Commissioner John R. Cain. The letter reinforces my feelings that there should be a complete investigation into the State Corrections system. The letter, a copy of which I enclose is so silly as not to require a reply on my part. It should, however, merit an investigation on your part of not only the conditions in the institutions but also of the caliber of the people in charge of them.

It is most distressing after prison matters receive public attention as a result of some riot that in fact little is done by those responsible for correcting the injustices. I hope you will give this matter your attention.

Sincerely,
EDWARD I. KOCH.

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., September 28, 1970.
HON. JOHN R. DUNNE,
Garden City, N.Y.

DEAR JOHN: I am surprised that I have not received a response to my letter to you of September 15.

Since writing, I have received two letters, one from Commissioner George McGrath which is really splendid and I enclose a copy for your information.

The second letter is from Acting Commissioner John R. Cain. The letter reinforces my feelings that there should be a complete investigation into the State corrections system. The letter, a copy of which I enclose, is so silly as not to require a reply on my part. It should, however, merit an investigation on your part of not only the conditions in the institutions but also of the caliber of people in charge of them.

It is most distressing after prison matters receive public attention as a result of some riot that in fact little is done by those responsible for correcting the injustices. I hope you will give this matter your attention.

Sincerely,

EDWARD I. KOCH.

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., September 28, 1970.

MR. NATHAN WRIGHT,
No. 309, Box R,
Napanoock, N.Y.

DEAR MR. WRIGHT: You will be pleased to know that, as a result of your request and my taking the matter up with the State and City Correction officials, a new policy has been established with respect to City prisoners held in State institutions. The City Correction Commissioner has authorized the State to allow common law wives of City prisoners held in State institutions to visit them.

I know that you will shortly be leaving the institution and so this new policy will not affect you to any great extent. But it is a legacy which you have left your fellow prisoners.

Sincerely,

EDWARD I. KOCH.

PORNOGRAPHY: THE THREAT AND THE SOLUTION

(Mr. STEED asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

MR. STEED. Mr. Speaker, we are all aware of the increasing concern of the public at the spread of pornographic literature, especially through the mails. This has come about largely as the result of court decisions.

Postmaster General Winton M. Blount has been in the forefront of efforts to deal with this problem because of the responsibility of his Department. He has become an authority on this issue, and his address given Monday, September 28, to the Nashville Area Chamber of Commerce is an able contribution. I share his conclusions and hope they will be further implemented.

The address follows:

REMARKS BY POSTMASTER GENERAL WINTON M. BLOUNT, NASHVILLE AREA CHAMBER OF COMMERCE, NASHVILLE, TENN., SEPTEMBER 28, 1970

This is a time of paradox in the United States. It is a time of great opportunity, and a time of grave concern.

We have within our grasp a future of peace and prosperity with justice and freedom for all. But all about us we see the limits of our freedoms being tested.

We see militants of the left and right claiming absolute freedom where framers of our constitution intended relative freedom.

And today you can work your way through the Bill of Rights and at almost any point find those rights abused.

How we respond to these abuses will have a lot to do with the kind of country we pass on to our children.

How we respond to these abuses will help determine whether they shall inherit a nation that is strong, free and at peace with itself, or a nation crippled by its own moral ambiguity and characterized by a greater concern for its appetites than for its integrity.

One of the most time-consuming and certainly the most unpleasant part of my job involves dealing with one of those abuses—the problem of pornography.

The sea of obscenity that floods America from within the nation and from without is a truly disturbing example of an open society under attack.

Most disturbing of all is the fact that this attack is predicated on our First Amendment freedoms.

The First Amendment to the Constitution, as you know, is one of the keystones of America's structure of ordered liberty. The amendment says, in part, that "Congress shall make no law . . . abridging the freedom of speech or of the press . . ."

Under the cover of this amendment, the dirt merchants have erected a multi-million dollar empire dedicated to human degradation.

We are now testing whether that empire will stand or if it will be destroyed.

The post office is a primary force in the struggle to see it destroyed.

The law forbids the use of the mails for conveying obscene materials. The mere existence of the law, however, has not prevented pornographers from making extensive use of the mails for this purpose.

The number of dealers in mail-order pornography has increased in recent years to something over four hundred; of that number, however, only about twenty at any one time are considered major dealers. These are big-league operators, who use direct-mail advertising on a scale comparable to the nation's large mail-order houses.

These mailers commonly send two and three million advertising pieces into American homes during an advertising campaign, frequently with little or no discrimination as to the recipient.

As a consequence, our children are often subjected to pictures and printed matter of the most vile sort.

As a parent and a grandparent, I find that unacceptable, and I find particularly unacceptable the use of the postal system for this purpose.

But there is another dimension to the matter. In any discussion of the problem of pornography, the effect of pornography on the young always seems to emerge as the central issue. Certainly it is of critical concern. But, personally, I am deeply concerned about the effect of pornography on any human being, and on the civilization of which each human being is a member.

If we consider for a moment those values which underlie our American institutions, we find that what America is all about can be summed up in two words: human dignity.

We seek freedom for our people because freedom is the condition most conducive to human dignity. We seek security for the same reason.

We seek prosperity, because prosperity is the condition most conducive to human dignity; because poverty crushes the human spirit.

September 29, 1970

At our best we honor diversity—because the right to be what he chooses, to act and live as he chooses are all vital to the dignity of the human being.

But what do we mean by "human dignity"? What is it that gives these two words so much importance to us here in America?

Let me tell you in this manner: In the story of Creation, the Bible says: "And the Lord God formed man of the dust of the ground, and breathed into his nostrils the breath of life; and man became a living soul."

As a people we believe that each man has a spark of divinity within him; we accept the sanctity of the human spirit and of the human body. And as we preserve and sustain these, we preserve and sustain human dignity.

As we violate these for sensation or for profit, we act against the dignity of man, and we act against all that we have suffered and struggled to build for more than two centuries on this continent.

Pornography is not simply a threat to the best interests of our children.

It is an act of violence against the human spirit.

With disturbing frequency, however, it is being argued that pornography ought to be legalized.

What are the arguments of those who favor such a course?

One of the most important—the one we pay perhaps the greatest attention to—is the argument that censorship of pornography violates the First Amendment's prohibition against interference with freedom of speech and of the press.

If this prohibition were absolute, the argument would be sound.

But it is not absolute.

It was Justice Holmes who pointed out that the first amendment would not protect a man who falsely shouted fire in a crowded theater, for such an act created the sort of clear and present danger that Congress has the right to prevent. In a different way, but to the same effect, we have laws against libel which make freedom of the press relative.

The argument that pornography cannot be censored without destroying our civil liberties is, it seems to me, fundamentally wrong.

There is the argument that we cannot be sure pornography has an effect on children.

If we are to take this seriously, then we must ask if any book—if any picture—has an effect on children; indeed, such a position questions the effect of education itself, for education asks that a child respond to what he is exposed to. And how shall a child respond to a photograph of, for example, a human being, without clothing, bound helplessly, and being beaten with whips to the apparent gratification of all involved.

This example, if you will believe me, is relatively innocuous in comparison to much of the smut that is pushed on people in this country. I am far from being a prude, and I don't want to be hypocritical about that. But I have seen things in this job that would make the most sophisticated people sick to their stomach.

And yet we're told we can't be sure this has any effect on children. Who's going to swallow that? Who's going to risk swallowing that?

Childhood is a constant testing of what is fantasy and what is reality; it is a time when values are established. Are we willing to accept, in the service of some dubious argument about the limits of civil liberty, the argument that we cannot be sure pornography has an effect on children, and the logical extension of that argument, that it therefore ought not to be prohibited?

There is the position that if we legalize

pornography, it will soon lose its interest for people, and eventually the traffic will end.

Well, one of the members of the President's Commission on Obscenity and Pornography is the Reverend Winfrey Link from over in Hermitage, and Reverend Link's comment about pornography being eliminated through availability was this: he said, "I don't run an open sewer through my yard and think that after a month the germs won't bother me any more."

I think that's pretty much to the point.

And then, of course, we have the argument that there is no evidence that pornography has an adverse effect on adults, and even if it could be shown to have such an effect, adults have a right to abuse themselves in this manner if they choose.

Let's examine that argument.

I think it is false on both counts.

While it is difficult to establish a cause and effect relationship between an anti-social act and an avid interest in pornography, it is possible to suggest that an inclination toward anti-social behavior may be reinforced and even encouraged by pornography.

Cases in the files of the Post Office Department provide sufficient instances of people acting out in fact the fantasies of the pornography they have collected, of people engaging children in unnatural acts, or seducing children into this behavior, to justify a concern that there is some relationship between pornography and anti-social behavior.

There is a significant risk, I believe, that some people may be led by curiosity to purchase this material, then to purchase material showing even more bizarre behavior, until finally they are led to commit the same behavior.

Now, is it true that these people have the right to subject themselves to these ill effects if they choose?

I don't think so.

Such a position supposes that these effects are kept within the individual. This is not the case.

The evidence suggests that people can become addicted to pornography just as others become addicted to alcohol or drugs. And just as the alcoholic and the junkie are capable of anti-social behavior beyond their own will, so is the person hooked on pornography.

Some have seriously argued that pornography may have a beneficial effect. This is the theory of catharsis, and it maintains that pornography provides a harmless outlet for sexual energy which might otherwise be expended in some objectionable manner.

The logic of this position would require that sex crimes should go down as the availability of pornography goes up. All the evidence available indicates that this doesn't happen.

I find that reassuring. I am not a psychologist. Neither am I indifferent to the fact that there are a lot of lonely people in this society.

But is the human condition so mean, and the resources of our culture so limited that the only therapy we can provide for repressed and lonely people is pornography?

As I am sure most of you know, Denmark has lifted certain restrictions on pornography. This has had a dual effect on the United States. It has on one hand substantially increased the flow of pornographic material coming into the country.

And it has, at the same time, increased the pressure from proponents of the legalization of pornography in America. Those who argue for legalization make the case that the legalization of pornography has produced a drop in the sex crime rate in Denmark.

Of course it has.

Pornography used to be a crime there and now it isn't. Therefore the crime rate dropped. Statutory rape used to be a crime;

now it isn't. So this contributed to the drop in the crime rate. If they legalize burglary, it will drop some more. They'll have the same number of burglaries, but these won't be crimes anymore.

We have gone to Denmark and talked to the authorities there and the real sex crime rate has not dropped. Period.

But this is the sort of reasoning we see applied to the matter. It seems to me that we have a very great deal at stake here and I think we had better stop thinking with our glands and start using some sense about these problems.

If I read the President correctly, this Administration is not going to legalize pornography. Whether the courts will do it is a different question. We hope they won't. In the past decade, some of our courts have been persuaded that the virtual impossibility of defining pornography precisely is sufficient reason for granting absolute license.

But there are few, if any, precise definitions in Western jurisprudence. What mathematical formula identifies a "fair preponderance" of the evidence in a civil suit? At what precisely defined point is guilt established beyond any "reasonable" doubt? And what is a reasonable doubt? What is an unreasonable doubt?

There is a problem here, certainly. We are giving fallible men the responsibility for making judgments that go to the heart of our democratic freedoms, and one man's smut may be another man's art.

But it is difficult to suppose that by weighing the content of a work and the apparent intent of the creator and the purveyor of that work that we cannot tell what is pornography and what is not. And where we cannot tell, then let the presumption be in favor of the contested work, and we will still be adequately protected.

I know what the First Amendment to the Constitution says, but I think we read our Constitution selectively. I recommend reading the whole thing right from the beginning which establishes the purpose of that Constitution.

It says, We the people of the United States . . . in order to promote the general welfare . . . do ordain and establish this Constitution. . . . If there is anything conducive to the general welfare in a graphic representation of the most repulsive filth imaginable, I confess it escapes me. It apparently doesn't escape some of our courts, unfortunately.

I am not overly optimistic about our ability to deal conclusively with this problem. For one thing, even with courts firmly disposed to eliminate this problem, there is the sheer overwhelming fact that our court system is too overburdened to deal effectively with these matters.

This fact alone contributes to the proliferation of pornography.

And for another thing, pornography is a business. It's a very big business, and like some businesses it puts a premium on survival at any cost.

So we have to find a way to reduce the profits of that business and to make it impossible for them to operate at any price.

In the Post Office Department we have put a great deal of effort into this, and I think we are having some success.

We have more than four hundred dealers under investigation. In the fiscal year just ended we indicted sixty dealers and ten more dealers were indicted in the first two months of this current fiscal year.

So far, we have gotten some fourteen convictions.

On the sixteenth of this month, we won a major victory in this battle when the Ninth Circuit Court of Appeals in Los Angeles upheld the conviction of Marvin Miller. Mr. Miller is a major dealer in pornographic materials and enjoyed the distinction of being singled out for the attention of a national

magazine recently. In February, 1969, he was sentenced to five years imprisonment and a fine of \$7,500 for himself and \$15,000 for his company. The appeals court which upheld this conviction has reversed pornography convictions in the past. We hope and we believe that we are seeing a new attitude here on this matter.

In the last six months of 1969, we had approximately 178,000 complaints from postal patrons about receipt of pornographic material. In the first six months of 1970, these were down to roughly 105,000.

The President has put the full weight of his office into this battle. He has asked Congress to make it a Federal crime to put pornography into the hands of anyone eighteen years old or under; to make it a federal crime to exploit a prurient interest in sex through advertising; and to broaden the ability of the homeowner to prevent sexually-oriented advertising material from entering his home through the mail.

Now the Congress has begun to respond; it has passed legislation that will enable homeowners to protect themselves from unwanted sex-oriented advertising, and it is, we hope, to enact the remainder of the President's legislative requests in this area.

But with everything, the deciding factor in this matter is going to be the American public.

If the people decide against pornography, we can do away with it.

If we endorse stringent laws;

If we elect and appoint discerning judges;

And if, above all, we refuse to patronize the pornographer, then

We can put him out of business.

Movies show violence because it shows a profit. They show cheap sex because it shows a profit.

It is the same with all media.

If it isn't profitable, it doesn't play.

I'm not suggesting a witch-hunt. I'm sure there are a lot of heavy breathing crusaders waiting in the wings for the call to arise. I'm always a little suspicious of those people, and psychiatrists frequently find them interesting. I think we can do this job without bringing the lunatics and the smear artists out of the woodwork. At bottom, the answer rests on a very simple foundation, and that is taste.

It is still considered sophisticated in some quarters to scoff at American culture, but for a young nation we have contributed greatly.

Whitman, Robinson, Masters, Sandburg, Frost, Marianne Moore, and T. S. Eliot are all American poets.

Clemens and Melville and Fitzgerald were American writers.

Whistler and Cassatt, Eakins and Pollock and Ben Shahn are American painters.

Copeland and Gershwin are American composers. Blues and jazz are American contributions to music. The greatest symphony orchestra in the world is an American orchestra.

We have virtually stamped out polio.

Our cancer research is among the most advanced in the world.

We have gone to the moon.

These are the things that reflect America. This is the heritage we must pass on. There is no room in America for the commercial degradation of the human spirit.

There is no room in America for those who use our freedoms to destroy the very habits of mind and spirit that give meaning to these freedoms.

It is true, as the poet said, that

Not only under ground are the brains of man / Eaten by maggots.

Shall we then pay allegiance to those things we have in common with any animal?

Or shall we hold ourselves above the animals, where God placed us, and pay allegiance to that spark of divinity in each of

us—the spark of divinity that this nation was founded to protect and to exalt?

Ladies and gentlemen, in the awful balance between human degradation and human dignity, let us put ourselves down on the side of dignity as our people have always done.

PUBLIC SUPPORT NEEDED FOR U.S. POW'S

(Mr. DON H. CLAUSEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, many people are now convinced that only a massive public outcry will compel North Vietnam to extend to the American servicemen they hold captive, the rights afforded them under the Geneva Convention on Protection of Prisoners of War, which it signed in 1957. North Vietnam has repeatedly said that its government is sensitive and responsive to public opinion in this country and I feel the time has come to "put their feet to the fire" and just see how sensitive they really are.

The few American POW's who have escaped and returned have reported that our men are being isolated, beaten, and mentally tortured in North Vietnam, hung by their wrists in Laos, led around like animals or summarily shot in South Vietnam. In addition, they are deprived of all contact with the outside world, they cannot receive mail or packages and, in most instances, their families and loved ones do not even know if they are dead or alive. By any civilized standards, this is inhuman treatment and the kind of torture that outrages all sense of humanitarianism.

For the first time in modern history, the International Red Cross has been denied any and all contact with prisoners of war. The International Control Commission is not permitted to inspect the prisons or facilities in which these men are being confined. Our Government's requests for the names of the POW's they hold have been repeatedly ignored. The wives of these men have personally appealed to Hanoi's representatives in Paris and time after time, been scoffed at or put off. And, once again, the U.N. has proved totally ineffective and without a voice on such a humanitarian cause as this.

Clearly, we, as people, can no longer afford to stand aside and pay no attention to what is happening with respect to these young Americans and their families. Regardless of how we feel about the war in Vietnam, the fact remains that nearly 1,400 American servicemen listed as "missing in action" in Vietnam over the past 5 years, are being subjected to unspeakable indignities and human suffering.

I have met with the wives of some of these men, I have cosponsored a resolution expressing the sense of the Congress on this question, and I have written letters appealing for humane treatment for these men. I have appealed to my constituents for public support. I intend also to do everything possible to insure that these brave men languishing in

Communist prison camps are not forgotten here at home.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The phenomenal growth rate of the American economy is exemplified by the projection that over the next 10 years the gross national product will increase \$500 billion which is more than the entire growth of our economy in the first 160 years.

CRACKDOWN ON SMUGGLING IMPORTANT TOOL IN FIGHT AGAINST DRUGS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, it is sad but true that oftentimes criminals can stay one step ahead of the law in the pursuit of their illegal activities. So, it gives me a great deal of pleasure to learn that there are law enforcement officers as quick witted and ingenious as some criminals are.

A story in yesterday's Washington Star detailed the efforts of the U.S. Bureau of Customs to curb illegal drug traffic into Dulles International Airport. These drug smugglers are dealing in cargoes worth millions on the black market, and often mean death for those who buy their wares. As chairman of this body's Select Committee on Crime, I have learned all too well the difficulties of ending drug smuggling. Yet this traffic in death must stop, if we are to save the children of America.

I commend the Bureau of Customs and its many dedicated agents for the difficult job they do. I wish Commissioner Ambrose, who testified before our committee's heroin hearings in New York, continued success. Let us as Congressmen remember the difficult job facing the Bureau of Customs and provide the bureau with the necessary manpower to do this vital job.

So that my colleagues may share the information in the Star article, Mr. Speaker, I include it in the RECORD at this point:

DRUG SMUGGLING IS AN ART, SO IS STOPPING

(By Walter Taylor)

"My first official directive to you, Mr. Ambrose, is to make this (anti-smuggling of narcotics) program the first order of business in the Bureau of Customs."—Treasury Secretary David M. Kennedy at swearing-in ceremonies for Commissioner of Customs Myles J. Ambrose, August 5, 1969.

On Christmas Eve last year, an attractive 19-year-old woman with a pronounced British accent appeared at an air cargo terminal at Washington's Dulles International to claim a holiday package that had arrived there from England.

Inside the carton were two ceramic jars, one containing cheese and the other plum

pudding, and a paper box filled with liquor candies.

Of considerable interest to agents of the Bureau of Customs was the less traditional Christmas fare they discovered concealed in the cheese and pudding—about 5 pounds of hashish.

In that month, inspectors checking luggage of passengers on a late afternoon flight into Dulles made what stands as the current record for a hashish seizure at the airport.

"WEIRDO"

Inside what was described as a "weirdo" fibreglass statue that one agent thought weighed more than it should have, investigators found 38 pounds of the hallucinogenic weed, worth more than \$150,000.

More recently, customs agents at Dulles have made three sizable narcotics seizures, the latest early this month when two South Americans allegedly attempted to smuggle nearly 30 pounds of marijuana into the country in false compartments of a suitcase.

On Aug. 23, a 31-year-old former Catholic priest was arrested and charged with smuggling after customs agents said they found some 9.5 pounds of hashish taped in chunks to various parts of his body. He pleaded guilty Friday.

And a few days later four Washington area young people were arrested when they tried to claim an ice chest shipped to the airport from Jamaica. Hidden in the insulation of the cooler were 15 pounds of marijuana, investigators said.

These are just 5 of more than 185 seizures in the Washington area made by agents of the Customs Bureau since July of last year, just a month before Treasury Secretary David M. Kennedy admonished his new customs chief to make as his "first order of business" a crackdown on narcotics smuggling.

There is no official breakdown of the statistics, but officials at the bureau say a vast number of the seizures have involved illegal drugs and almost all have taken place at Dulles.

VARIETY OF REASONS

These same officials cite a variety of reasons for the bureau's increasing success—40 percent more seizures in fiscal 1970 than in fiscal 1969.

Some credit Ambrose, at 44 the youngest man ever to hold the office of commissioner. Ambrose came to the bureau after 15 years of law enforcement experience as assistant to the Secretary of Treasury for law enforcement during the Eisenhower administration, as an administrative assistant to the U.S. attorney for the Southern District of New York and as executive director of the Waterfront Commission of New York Harbor.

One of his first acts as commissioner was to increase the strength of the bureau by nearly 10 percent by hiring an additional 1,000 agents, port investigators and inspectors to join in the fight against narcotics trafficking.

In May, in the first official notice of its kind, Ambrose asked indulgence of travellers to the United States, warning of a "grave danger from drug abuse" facing this nation.

"The U.S. Customs is charged with the responsibility of keeping illicit narcotics, marijuana and dangerous drugs from being smuggled into our country," he said. "We ask your understanding and cooperation . . . to help combat this serious problem."

Others in the department think the recent appointment of Harold F. Smith, a veteran of more than 33 years of government investigative work, to the post of assistant commissioner of customs for investigations has had much to do with the bureau's recent successes.

Smith, who supervises the enforcement and investigative activities of more than 900 enforcement officers in the bureau's five domestic and two overseas regions, was de-

scribed by one of his men recently as "the J. Edgar Hoover of the Customs Bureau."

INNOVATIVE TECHNIQUES

Ambrose and Smith, however, credit their men and innovative investigative techniques being tried at a number of bureau facilities. The commissioner cites one additional factor:

"More amateurs are shipping drugs into the country," he said in a recent interview. "Our people are trained to catch professionals, so it's relatively easy to catch amateurs."

"More novices are shipping, more of them are getting caught and the bureau is getting pretty good publicity because of it," he said.

The bureau is experimenting with a number of electronic devices to detect drug smugglers at some air and sea ports in other parts of the country, Ambrose said, but at Dulles it relies strictly on its inspectors and investigators.

Basically, the bureau is concerned with passengers on overseas flights terminating at Dulles and commercial cargo that is shipped to the airport for business firms and private individuals in the Washington area.

The number of international passengers using Dulles increased from 213,656 in fiscal 1969 to 263,818 during fiscal 1970, according to statistics of the Federal Aviation Administration.

Over all passenger traffic—on international and domestic flights—totalled 2.2 million last year, a 66 percent gain from 1967.

In a long line of air cargo terminals at the airport, a small crew of inspectors process more than 1,000 packages that arrive each month. According to Fred Huber, supervisor of inspections at Dulles, about two-thirds of these are opened and meticulously examined.

YEARS OF EXPERIENCE

"After years of experience—you're not infallible of course—you know when to open four boxes or six boxes" of a commercial shipment. "It's a sixth sense that you develop over the years."

Shipments to individuals are given particularly close attention. "We take a look into each and every one," Huber said as he stopped to squeeze the foam rubber seat on a Japanese motorcycle awaiting pickup in one of the barn-sized, corrugated-steel warehouses.

Despite this close inspection of personal packages, Huber said, smugglers still attempt to slip contraband items through. One agent, Tom Cash, explained the smuggler's scheming:

"I am a smuggler. I play the odds. I wait until 5 o'clock when it's a good bet there's a lot of people in here to pick things up. I figure the inspector won't want to hold everybody up, and he won't look too closely."

It's actually not such a good bet.

Fred Cornetta, another agent, stood by a sign in the passenger terminal that reads: "Patience, please—A few extra minutes to clear customs is a small price to pay to help us keep drugs away from your child."

Cornetta, who recently was transferred from a customs checkpoint on the Canadian border, is in charge of investigations at the airport. He is a soft-spoken man, educated at Georgetown University here. His face and voice hardens when he speaks of narcotics.

LIKE A DISEASE

"It's like a disease. It's like a cancer. We have to be worried about other things out here, people trying to avoid (paying) duty, that sort of thing, but all the time you're trying to cut out the cancer. That's what you're shooting at primarily."

Both he and Cash liken their jobs to others in the law enforcement field. "Fred and I try to approach law enforcement on a gentleman's level," said Cash.

"A lot of people expect to run up against some ignorant callous type who knocks them up against the wall and says, 'I can search

you any time I want so I think I will.' But it's not like that here."

"We try to be courteous all the time. If we have to arrest somebody it can be done in a gentlemanly fashion, in private so nobody has to be embarrassed about it."

Cornetta, a veteran of eight years with the bureau following a five-year tour with the Bureau of Narcotics and two years as a security officer with the State Department, soon will become the first resident agent at Dulles. He will supervise the 40-odd inspectors and port investigators presently assigned to the sprawling, federally owned facility.

One day recently Cornetta, Cash and Huber stood talking near the new customs wing of the airport when the first passengers of a flight from Frankfurt, Germany, began trickling past Immigration Department screening stations to claim their luggage.

MINGLES WITH THROG

Cornetta walked away from the others and began mingling with the throng of passengers. Cash stationed himself near one customs checkpoint. Huber made his way to another.

A kinky-haired youth in a corduroy sports jacket and totting a haversack caught Cornetta's eye.

The agent nodded to a port investigator and the young man found himself channelled into a line of passengers at a secondary screening station, one of nearly a dozen long tables near one end of a long corridor.

Another young man, a bulging camera case hanging from his shoulder, was routed to another station. A portly, older man wearing a bow tie and struggling with an overstuffed suitcase was directed to a third.

For each passenger who passed on to a customs checkpoint where an inspector would carefully go through each piece of his luggage, a half dozen others claimed their suitcases and paper sacks of souvenirs from a conveyor belt and moved unhampered from the corridor into the huge airport lobby beyond.

At the checking station each passenger was asked to open his luggage. An inspector rifled carefully through each bag, occasionally unzipping an electric razor case or peeking into the battery chamber of a transistor.

The young man with the kinky hair had a difficult time unloading his knapsack but the inspector stood by patiently, acknowledging with a smile the small pile of dirty underwear the youth pulled from the top of the bag.

COUNTER MAN GIVES CUE

The inspector's expression changed somewhat, however, when the youth extracted a quart-sized soda bottle containing a number of dry, leafy twigs. On cue from the counter man, Cornetta and Cash ambled toward the young man as did a plant quarantine inspector who had been standing nearby.

The bottle, it turned out, contained four sprigs of heather.

Although Cornetta and Cash insist physical appearance does not determine whether passengers are routed through the checkpoints, virtually every young person on the flight was asked to open his luggage for inspection.

Couples with small children and large assortments of baggage generally were passed without displaying their belongings.

Only the man with the heather was detained for more than a few minutes. When the youth balked briefly after an inspector asked him to remove the wrappings from a candy bar in his knapsack, he was escorted into a private office nearby to be searched. He was released a short time later.

"Once you start on somebody, all lights are green," explained Cornetta as he watched the youth disappear into the office with Cash.

A few minutes later, Cornetta and Huber left the terminal and headed for a jumbo 747 passenger jet parked far out on a runway.

Inside the aircraft, the agents wandered down the long aisles peering under seats and occasionally lifting the edge of a seat cover. The giant aircraft, Cornetta said, presents "a whole new concept of flight; we have to develop new concepts of searching it."

He motioned toward the front of the plane. "A regular plane is bad enough; look at this thing—it's like a ship."

The two agents explained that it is necessary to search all planes that have terminated overseas flights at Dulles and are continuing to other stateside airports. Contraband could be concealed on the plane, they said, while passengers or crew members were clearing customs inside the terminal. The cargo could then be retrieved without fear of detection, they said.

"NOBODY'S IMMUNE"

"Nobody's immune from bringing things in," Cornetta said. "We've arrested airline personnel; we've even arrested an ambassador."

He stopped, attracted by a loose panel in the ceiling of the plane.

"Look at that. You could hide just about anything in a place like that . . . Or there . . . or there," he said, pointing to a row of overhead compartments in the plane. Cornetta climbed onto a seat, pried loose the ceiling panel and peered inside. Nothing.

Back at the terminal, Cash and about a dozen inspectors were beginning to process another planeload of passengers. Six overseas flights were expected at the airport within the next four hours. The checks, the sur-reptitious nods, the inspections and the searches would go on.

INTRODUCTION OF PUBLIC EMPLOYEE RELATIONS ACT

(Mr. CLAY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLAY. Mr. Speaker, today Mr. WALDIE and myself are joined by 33 of our House colleagues in introducing the National Public Employees Relations Act. For years public employees have been granted the dubious distinction of being denied the fundamental right of every American worker to organize, bargain collectively, and to be protected from unfair labor practices.

Federal, State, and local government employees have been dependent upon Government bureaucrats, State legislatures, and Congress to provide them with adequate incomes and decent working conditions, which have been afforded to their nongovernmental brothers for over a generation.

The National Public Employee Relations Act would remedy this situation by defining the rights of public employees, providing for union dues deductions by Government employers, and defining unfair labor practices by both public employers and employees.

The recent strikes of the postal workers and teachers are examples of the harvest we reap when workers are denied the right to organize and effectively represent and defend their own interests. In the absence of a true collective bargaining framework in which employees and employers can iron out their differences, those differences are taken to the streets rather than the bargaining table.

With the exception of the Iron Curtain countries, every nation in the world affords the protections to labor unions

that are denied to Federal, State, and local government employees. These protections are granted to every working American through the National Labor Relations Board and in the Federal courts, and the National Public Employees Relations Act would provide the means to cover Federal, State, and local government employees.

The National Public Employees Relations Act would define the rights of public employees, establish a procedure for choosing labor representatives of public employees through elections, and provide additional procedures for the resolution of unfair labor practice complaints by either management or labor. The collective bargaining framework established by the bill contemplates the possibility of binding agreements for the arbitration of unresolved grievances and disputed interpretations and allows either party to go to court to enforce provisions of such agreements once they have been authoritatively determined. Finally the bill provides for administration of its procedures by a five-man National Public Employee Relations Commission appointed by the President and confirmed by the Senate, and for mediation of disputes by the Federal Mediation and Conciliation Service.

REPORT TO THE PEOPLE OF THE FIRST CONGRESSIONAL DISTRICT OF MARYLAND

(Mr. MORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORTON. Mr. Speaker, it has been my privilege to represent the people of the First District of Maryland during the 88th, 89th, 90th, and 91st Congresses. In order that they can fully understand the extent to which the Federal Government is participating in the improvement and economic development of the district, I should like to take this means of reporting to them on the various projects in which there has been or is to be the granting of Federal funds or action by Federal agencies.

These projects, which either have been initiated, are underway, or have been completed, directly affect many aspects of community life and progress throughout the 12 counties of the First Congressional District. They represent the efforts and cooperation of many individuals. They redound to the credit of many people—town and county officials, employees of the Federal agencies, civic organizations, and, of course, private citizens. My staff and I have devoted time and energy to them all.

The dollars shown are the total Federal expenditures in the counties. They include civilian and military payrolls, retirement and social security benefits, and maintenance and improvements to Government buildings and installations. They also include contracts with and sales to the Federal Government.

This accounts for the vast differences in the level of expenditure in the various counties. For example, the Naval Academy in Anne Arundel accounts for the vast difference between it and other counties. Cecil County is another ex-

ample where defense contracts account for a large share of Government expenditures.

I welcome this opportunity to congratulate and express my appreciation to the many people, both in Government and out, who have helped bring these projects into being.

Mr. Speaker, permit me to add that officials of the Federal Government have been quite fair and equitable in their treatment of our district in these matters. Close examination and comparison with other districts reveals that the First District has fared very well.

Before listing the individual projects, I should like to indicate in another way the extent to which the Federal Government is participating in the economic and physical development of our district. During an average fiscal year of my incumbency, Federal outlays and expenditures in each county have been:

Anne Arundel	\$338,000,000
Calvert	7,000,000
Caroline	13,000,000
Cecil	70,000,000
Dorchester	16,000,000
Kent	12,000,000
Queen Anne's	9,000,000
St. Mary's	58,000,000
Somerset	9,000,000
Talbot	13,000,000
Wicomico	23,000,000
Worcester	12,000,000

Grand total of Federal expenditures in the district overall during an average fiscal year has been a very creditable \$580 million.

Mr. Speaker, each of the federally funded projects in the First District is of great importance to some people and some of them are vital to a great number of people. One which is important to the entire district—to the entire Chesapeake Bay region—and one which came about as a result of legislation I prepared and introduced is the Chesapeake Bay Study, which includes construction of the Hydraulic Model and Technical Center. This \$15 million project is designed to effect short-term improvement and long-range planning for Maryland's greatest asset, the Chesapeake Bay. I am pleased to report that the study is nearing completion, land has been transferred from the State of Maryland to the Federal Government—62 acres at Matapeake, Kent Island—and site preparation for accelerated construction of the Hydraulic Model and Technical Center will begin soon.

Another Federal project of benefit to the entire region which stems directly from legislation I introduced is the Assateague Island National Seashore—a \$16.5 million project to establish a recreational area encompassing conservation and utilization of 19,000 acres for present and future generations. I am pleased to report that 80 percent of the land acquisition has been completed or is in litigation; that day-use facilities are near completion and that 1½ million persons have visited the area during the current season.

The Chesapeake & Delaware Canal project, calling for an ultimate expenditure of \$100 million and designed to improve Maryland's maritime commerce, is another project destined to be of univer-

sal benefit. It is now about 80 percent complete.

Other significant projects, which are being initiated, are now underway or have recently been completed, include:

ENVIRONMENTAL IMPROVEMENTS

GENERAL

Aquatic weed problem—northern bay section.

Anne Arundel County oil spill—Monitor the problem closely and request necessary cleanup on the Federal level.

Black Walnut Point—Dredging.

Calvert Cliffs powerplant—Monitored project closely. Met with scientists, professional people, State and Federal agencies, to assure that no detrimental effects will result.

Cambridge deepwater port—Arrange Federal maintenance.

Cambridge Hospital—Land from dredged material transfer to hospital—pending.

Cecil County—Spoil disposal areas, negotiated minimum local damage and inconvenience.

Chesapeake Bay—Initiated algae study for northern bay region.

Chesapeake Bay Basin study—Construction of hydraulic model. Site selection made at Matapeake. Land transferred from State.

Chester River—Maintenance dredging completed.

Chincoteague Bay—Pocomoke River Canal project—5-year study complete.

Choptank River—Relocation of navigation devices.

Church Creek—Dredging project.

Columbia storm erosion and sediment control—Amount: \$280,000. For demonstration and quantitative evaluation of storm water erosion and sediment control practices in a developing urban area.

Crisfield Harbor project—Dredging.

Bellevue—Small boat harbor.

Deal Island beach erosion—Stabilization assistance.

Dogwood Harbor—Dikes are under construction to contain the dredged material. Dredging to start soon.

Elk River—Dredging.

Ewell channel project—Dredging.

Ewell—Navigational aids, fog horn, and light.

Farm Creek—Assistance in arranging seawall through State cooperation.

Fishing Creek channel project—Dredging.

Honga River and Tar Bay—Dredging.

Kent Narrows—Maintenance dredging complete.

Maryland water resources aid—Legislation authorizing hydrological study of Delmarva Peninsula.

Mount Vernon-Websters Cove project—Lighted navigational aid.

Muddy Hook Cove project—Dredging, \$39,900.

Ocean City—Sinepuxent Bay and Ocean City harbor and inlet dredging, \$75,456.

Ocean City channel project—Maintenance dredging, two wrecked vessels removed.

Oxford beach erosion—First on east coast.

Pocomoke Sound project—Dredging.

Pond Creek area project—Preserved for wildfowl—originally planned for dredged material disposal.

Poplar, Jefferson, and Coaches Island project—Working for transfer ownership of property to Smithsonian Institution, making area eligible for Federal assistance on beach erosion control.

Rock Hall project—Stone jetty repair making harbor useful.

Rhodes Point project—Small boat harbor.

Rumbley project—Harbor.

St. Catherine's Sound—Placement of navigational aids, installation of new lights.

St. Catherine's Sound—Maintenance dredging scheduled.

St. Jerome's Creek project—Maintenance dredging.

Sinepuxent Bay, Upper and Lower—Maintenance dredging complete.

Susquehanna River project—Channel dredging to Havre de Grace.

Susquehanna River debris—\$14,000 study authorized for permanent correction of problem.

Town House Creek project—Added navigational aids.

Tred Avon River project—Dredging, \$322,900—pending.

Tyler Cove project—Dredging, \$24,100.

Tylerton project—Dredging, small boat harbor.

Upper Thorough—Repair stone breakwater.

Weems Creek project—Working with Corps of Engineers regarding siltation from soil erosion due to construction projects.

Wells Cove project—Establish breakwater study, \$17,000.

Wicomico River project—Dredging, \$137,608.

Worcester County—Coastal stabilization study. Three-year program: \$115,000—complete.

Susquehanna River compact—Presently before Congress for Federal approval.

ENVIRONMENTAL IMPROVEMENTS

WATERSHED PROJECTS

Aydelotte watershed project—Wicomico County.

Big and Little Elk Creeks watershed project—Cecil County.

Coonfoot watershed project—\$154,800 total cost; \$104,600 Federal; soil drainage, Worcester County.

Corsica watershed project, Queen Anne's County.

Dividing Creek watershed project—Wicomico County.

Franklyn Branch watershed project—\$164,520 total; \$112,560 Federal grant, Worcester County.

Goldsboro watershed project—Caroline County.

King's Creek watershed project—Somerset County—application pending.

Long March watershed project—Queen Anne's County.

Marshyhope watershed project—Caroline County.

Marumsco watershed project—Somerset County—application pending.

Middletown watershed project—Dorchester County.

Ninepin Branch watershed project—Worcester County.

Passerdyke watershed project—Wicomico County.

Rehobeth watershed project—Somerset County—application pending.

St. Marys watershed project—Project approved and out of committee.

Shingle Landing watershed project—Worcester County.

Timmonstown Branch watershed project—Worcester County.

Turkey Branch watershed project—Somerset County—application pending.

Upper Choptank watershed—Soil drainage program; 18 percent in Caroline County. Total cost: \$4,908,150.

Upper Manokin watershed project—Somerset County.

ENVIRONMENTAL IMPROVEMENTS

WATER AND SEWAGE PROJECTS

Betterton water and sewage project—\$454,000.

Broadwater wastewater treatment plant.

Cambridge water and sewage project—Grant: \$140,000. Modifications to existing sewage treatment plant to provide secondary treatment.

Cambridge—Sewer facilities and other small projects. Grant: \$174,250.

Cecilton water and sewage project—Grant: \$441,000.

Centerville water and sewage project—Total: \$120,600. Grant: \$30,150.

Charlestown water and sewage project—Awaiting legislation.

Chesapeake Beach water and sewage system—\$765,430.

Chestertown sewage project—Total: \$672,400. Grant: \$47,700.

Crisfield sewage project—\$1.2 million.

Denton sewage project—Total: \$483,500. Grant: \$112,120.

Easton water and sewage—Expansion now underway.

Edgewater water and sewage project—Bonds issued for construction of centralized system.

Elkton sewage project—\$485,032.

Fairlee water and sewage project—\$133,460.

Franklin Manor and Cape Anne water and sewage project—Total: \$827,444. Previous amount of \$33,000 for construction of two pumping stations and secondary sewage treatment plant.

Frenchtown-Rumbley water and sewage project—\$104,100.

Fruitland water and sewage project—\$805,000.

Galena sewage project—Total: \$160,000. Grant: \$43,000.

Hebron Sewage Treatment Plant.

Hurlock sewage disposal system—Total: \$928,000.

Kennedyville water and sewage project—Total: \$93,400.

Lexington Park water and sewage project—Construction grant for intercepting sewer system.

Millington sewage project—Total: \$179,200. Grant: \$14,500.

Neavitt Harbor project—\$31,000.

Newark water and sewage project—\$362,000.

North Beach water and sewage system.

North East Sanitary District sewage project—Total: \$613,000. Grant: \$148,250.

Ocean City water and sewage project—Cost: \$3,700,000. Completed.

Perryville water project—Total: \$660,000—town to pay half, no application has been filed.

Port Deposit sewage treatment project—Total: \$475,100. Grant: \$141,000.

Preston sewage project—Total: \$93,500. Grant: \$22,500.

Prince Frederick water and sewage project—\$665,000.

Queenstown water and sewage project—\$700,000.

Rock Hall sewage disposal project—\$774,900—pending.

Rose Haven water and sewage system.

St. Michaels—Worked with community to get pilot program for sewage treatment plant. Result, oyster taking areas left open that would have been otherwise closed.

Secretary sewage project—Total: \$608,800. Grant: \$154,000—under construction.

Snow Hill sewage project—Total: \$347,900. Grant: \$86,600.

Sudlersville water and sewage project—\$365,000.

Willards water and sewage project—\$956,600.

Worton water and sewage project—\$553,100.

COMMUNITY IMPROVEMENTS

PUBLIC HOUSING PROJECTS

Annapolis housing project—Preliminary loan: \$50,000. Construction of 250 new units—200 units especially designed for the elderly.

Annapolis housing project—Grant: \$232,000. For modernization of low-rent housing. Construction of a day-care center, enlargement of existing community building, rewiring units, and painting.

Bow Street housing project—Complete.

Cambridge public housing project—\$2 million Federal loan.

Cambridge Urban renewal—\$1,137,000 Federal grant.

Crisfield public housing project: \$729,189 Federal loan.

Crisfield housing project: Total: \$3,735,322—200 units completed.

Easton housing project—Getting underway.

Elkton urban renewal—\$66,353 survey and planning grant.

Elkton Courthouse—\$187,642 Federal grant for expansion and renovation, \$1,595,083 total cost.

Hughesville housing development—\$50,427.

Hurlock housing project—Development of low income housing project—underway.

Queen Anne housing project—Worked with OEO group to fund housing study. Assisted in setting up housing group. Worked with FHA for private construction loans. Assisted in getting additional help for faster handling of applications.

St. Michael's Housing Authority—Project under construction.

Salisbury urban renewal—\$1,010,102 total; \$866,983 Federal.

COMMUNITY IMPROVEMENTS

PARKS

Annapolis parks—Grant: \$20,563. Park beautification, Harbor Park, Memorial Park, and Paca Gardens.

Anne Arundel County Park—Grant: \$17,950; acquisition of 17.96 acres of land for recreational park.

Elkton Park—Grant: \$13,003. Purchase of additional 6 acres next to existing 18-acre park.

Leonards Mill Park—Obtained necessary funds for park.

Long Wharf Park—Grant: \$51,500. Development of 5 acres of the 15 acres of park.

Pocomoke Cypress Park—Grant: \$4,815. Development of 7-acre park.

St. Clement's Shores Park—Grant: \$15,344 for development.

Snow Hill, Byrd Park—Grant: \$11,770 for development of 27 acres.

COMMUNITY IMPROVEMENTS

GENERAL

Assist independent telephone company in obtaining Federal loan for modernization and line extension.

Berlin Health Center—\$35,000 Federal share.

Blackbird control—Federal assistance from the Department of Interior to find solution.

Blackwater Game Refuge—Visitors facility expansion.

Brice House—Historic recognition for national historic landmark.

Chase-Lloyd House—Received national historic landmark.

Chesapeake College—Guidance for Federal assistance.

Court House Point—Recreational pond.

Crisfield—Radar station—surplus property—arranged facility to be turned over for local school.

Crisfield—Weather equipment—Somers Cove Marina.

Denton—Diversion of farmland to golf course and country club; \$151,190 Federal loan.

Eastern Neck National Wildlife Refuge—Funding.

Easton—Talbot County Health Center, \$300,000 total; \$100,000 Federal.

Easton—Memorial Hospital expansion: \$4,340,800 total; \$625,000 Federal share.

Easton—St. Michael's railroad crossings—Successful in having signs removed alleviating traffic hazard.

Easton railroad bridge—Successful in having hazardous bridge removed.

Easton—Airport resurfacing runways: \$242,900 total; \$121,450 Federal grant. Completed.

Elk Neck—Mosquito control project.

Elk Neck State Park—Swimming area permit expedited.

Flood insurance—Now available in Ocean City for property owners to pay regular rates. Government will pay additional amount.

Friendship International Airport—Retention of existing schedules and addition of supplemental services.

Great Mills High School Recreation Center—Grant: \$13,722 for development of 3 acres.

Greene's Freehold—Restoration grant: \$47,500 plus \$140,000.

Impacted school assistance—\$280,000 per year.

Knapps Narrows—Purchase of Coast Guard site.

London Town Public House—Received national historic landmark. Restoration grant: \$90,255.

Millington Swim Club—Amount requested: \$63,500. Completed.

Nassawango Country Club—Loan and grant: \$497,100, total project: \$436,600, other funds: \$63,600.

Naval Academy Library and Education Center—Contract award: \$8,923,000.

Ocean City Jetty—Rehabilitation of jetty is required. Cost will be \$300,000. Funding necessary.

Ocean City—Arranged for old Coast Guard station to be turned over to town of Ocean City.

Paca House—Work to receive funding for restoration of historic house.

Patuxent River bridge—Received permit. Now up to the State roads commission.

Pirates Cove, Galesville—Pollution problem in area.

Restoration for fish and wildlife programs—\$114,000.

St. Mary's County—Surplus property of U.S. Naval Test Center—transferred.

St. Mary's County Schools—Grant: \$722,026.

Salisbury-Wicomico Airport—ILS equipment has been approved. Participated in obtaining airport improvement funds.

Salisbury State College—Assisted in establishing the college library as a depository library in the First Congressional District.

Smith Island—Removal of junked cars from island by Navy and fire department.

Tulip Hill—Received national historic landmarks.

GOVERNMENT IMPROVEMENTS

Assateague Island—80 percent land acquired or in litigation; \$3,000,000 has been spent for development of day facilities. Annual visitation 1 1/2 million.

Beach erosion—\$115,000 study complete for the stabilization of Maryland coastline. Study in final stages of review, will be presented to 92d Congress. Estimated Federal share \$30.5 million. Local share \$4 million.

Bainbridge—Wave barracks construction—\$1,091,000.

Centreville—Federal building. Total cost: \$377,000.

Coast Guard move from Tilghman to Dorchester County.

Crisfield—New Coast Guard Station.

Crisfield—Tangier mail route retained and prevented relocation to Onancock.

Crumpton—New post office facility approved.

Hillsboro—Retain post office.

Hurlock—Post office, new facility.

Kent County Board of Education—Grant: \$19,998. For instruction of teachers regarding problems dealing with desegregation.

Kent County—Coast Guard Station complete.

Leonardtown Post Office—Working for door-to-door delivery.

Naval Academy Midshipmen's Store—See that all military academies were furnished the same privileges.

North East—New post office facility: \$61,000.

Ocean City—Coast Guard facility.

Odenton Post Office retained.

Perry Point Hospital—Work to improve facilities and equipment.

Perry Point Hospital—Retention of complete facility for veterans service.

Preston postal facility replacement.

Public schools received Federal assistance in areas where large amount of

Government employees work and areas cannot be taxed.

Public schools in the First Congressional District received Federal assistance through the normal procedures established by the Maryland State Board of Education and Federal Government.

Queenstown—New post office facility. Rhodes Point—Door-to-door postal service delivery.

Ridgely drop zone—U.S. Air Force.

Salisbury—Federal building. Total cost: \$781,520 for land and construction.

Smith Island—Establish door-to-door mail delivery.

ECONOMIC IMPROVEMENTS

GENERAL

Anne Arundel County Economic Opportunity Committee—Continuous grants and assistance.

Anne Arundel County Economic Opportunity Committee—Strongly recommended to Donald Rumsfeld consideration of yearly budget request.

Anne Arundel County Economic Opportunity Committee—Grant: \$61,968. Job placement and follow-up.

Anne Arundel school system—Request for surplus property at Fort George G. Meade for use of county schools.

Bainbridge—Retention of training center.

Baiting regulations—Clarify wording of baiting regulations. House committee report has gone back to Interior.

Bay Country Festival—Arranged Federal participation.

Biological control—Working with experimental station regarding pesticides and insecticides regarding elimination of DDT.

Bloodsworth Island—Commitment from Navy to decrease size of explosives used in target practice.

Business—Government conferences held in Annapolis, Salisbury and Elkton.

Button industry—Effect tariff change favorable to button industry.

Chesapeake Bay Seafood Association—Continue to work on numerous problems such as funding, marketing, identification, mechanization, and other general fishery problems.

Chesapeake Clamchip Corp.—EDA loan.

Choptank River—Oyster harvest. Worked with State to correct pollution problems.

Cordova poultry—Worked for fair treatment with inspection practices.

Crab processing machine—Worked with local developers. Crisfield Maritime Industrial Park—\$1.5 million grant, \$3 million project.

Delmarva Council planning grant: \$87,200.

Delmarva poultry industry—Inspection services changes opposed freight rate decrease—pending general assistance in all aspects.

Dorchester Industrial Development Corp.—Assisted in obtaining loan for starting of business to create jobs.

Elkton Police radio interference—Frequency changed.

Elkton Vocational and Technical Training Center.

Farmers Home Administration—1970—Total: \$6,152,400. Private housing loans 461, Economic Opportunity loans

435, farm operating loans 140, and farm ownership loans 40.

General Cable Corp.—Negotiate for lease of equipment from Navy.

Kent County planning grant: \$27,650. Total: \$41,475.

Maryland tobacco—Included in 5-cent subsidy for export.

Milford Laboratory—Effort to retain Milford Laboratory for continuation of oyster research. Laboratory closed—arrangements made for nucleus group to continue research.

Milk market—Worked for consolidation with Baltimore, Philadelphia, and Washington milk shed.

Ocean City sand dollars project—To be used by the Ocean City Fire Company to put out plastic tokens. Approval received from the Treasury Department to raise money for fire company.

Princess Anne—Custom pet foods—Assisted in establishing new business for creation of jobs: \$710,000.

Perry Point rental increase—Opposed rent increase of 140 percent. Appeal pending.

Salisbury nursing homes—To remove obstacles with Blue Cross-Blue Shield regarding determination if homes were approved for payment of intensive care patients. Would alleviate overcrowding of hospital.

School lunch program—Clarified school lunch program administration favorable to area canners.

Seafood Market News Office retained.

St. Michaels—Flight pattern revised by Dover Air Force Base to alleviate problems caused by noise. Will now fly over bay area.

Sweet corn—Added to school lunch program.

Sweet potatoes—Artificial regulations. Placed on school lunch program. USDA to purchase surplus.

Tag-A-Long Trailers—SBA loan bogged down. Local SBIC concern made the necessary arrangements to accelerate loan. Will increase employment in Centreville area.

University of Maryland—Authorized by Congress to allow university to purchase land and buildings from the Department of the Interior, located in center of campus.

UNREASON ON OUR CAMPUSES

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, at this time of year, as the American people brace themselves against the possibility of renewed violence on the Nation's campuses, I believe it may be helpful for all of us to read and reflect upon a very thoughtful address delivered last May by the retiring chancellor of the State University of New York, Dr. Samuel B. Gould.

All too often these days we gain the impression that almost all of our Nation's college administrators have tended to support student efforts at disruption on the campus or at least to excuse them. Few voices have been heard speaking out from college administrators and college

faculty members to point out what these disruptive actions are threatening to do to the basis of free American education.

Dr. Gould's address is therefore a very welcome voice, almost one crying in wilderness, to point out the profound dangers that are involved in these disruptive tactics, that all too often do seem to be encouraged and fostered by short-sighted faculty members and administrators. Here is a man who knows what he is talking about.

Under leave to extend my remarks, I include the address by Chancellor Gould, delivered on May 28, 1970, at the commencement ceremonies of the Albany Medical College of Union University, in Albany, N.Y.:

THE GROWING ASSAULT ON REASON

(This address was given by Samuel B. Gould, Chancellor, State University of New York, at the Commencement of Albany Medical College, Albany, New York, on May 28, 1970.)

I.

The assertion is made so often and with such vehemence these days that the university is an anachronism. It is charged with having no proper or defined place in our modern world; it still has the decayed aroma of medievalism in spite of the strong countervailing smog of technology; added to all this is a mystifying but heady atmosphere of politicalization.

If even part of this accusation is true, then how much more anachronistic or superfluous is the commencement speaker? Even in the best of times he has been the extra baggage of the ceremonial trip, the suitcase that is always in the way while en route and that doesn't have much of usefulness inside once it is opened. He is cumbersome, heavy, a nuisance even to check in a convenient locker and forget. He is, in short, the one superfluous element in the day's celebration.

You can imagine, therefore, that I approach my task with a certain sense of trepidation. Yet, the past couple of months have been so shattering to intellectual life in America in so many ways that I am deeply grateful for the opportunity to talk briefly with you this afternoon.

II.

I want to talk about only one thing: my sharpening impression that we have entered a period where reason is being challenged, assaulted, and ripped out of more and more of our whole society. To me, it represents the single most fundamental value change of our time.

Some people find this change exhilarating and liberating. Some find it disquieting and alarming. Personally, I have been observing it with a fearful sort of fascination.

As short a time as a decade ago would anyone have believed that a considerable portion of America's intelligent, even brilliant, students and scholars would be banding together to reject reason as the primary path of learning? The number is not large yet, but is enough to question whether the central place of intellect should not now be occupied by instinct, spontaneous feelings, and pleasant sensations. Would anyone have believed that the fuzziest kind of formlessness would be considered preferable to the disciplined analysis, concentrated questioning, and scientific rigor of university life? Would anyone have believed that the search for individuality among students that has been so highly prized and championed by our colleges (even though too rarely achieved), would be supplanted in places by a surge toward individual acts of terror or mob license? Would anyone have believed that some students and younger scholars would jointly be advocating violence or the con-

tinuing threat of violence as the only solution to the problems of higher education or society? Not all students, not even a majority, and not all scholars, only a small portion, but enough of them to bring almost any campus to its knees and keep it there.

Wherever we turn, we can find ample illustrations of the turn away from reason. Think of it: the most highly educated nation in the world is reviving astrology and occultism, and importing obscurantist pundits from exotic corners of the world to give advice. And it is not the poor and absolutely distraught who are doing this, but some of the most highly educated and affluent. Sensitivity institutes are springing up everywhere, in which the emphasis is not on the interaction of minds but on the release of emotions and the encouragement of impulse.

In cultural circles there is the phenomenon of so-called Impossible Art. For example, Claes Oldenburg, a man of considerable talent, digs a grave in Central Park, fills it up again, and calls it art. This may seem amusing and harmless, but a commentator in one of the leading art periodicals, *Art in America*, reported that Impossible Art is causing "a violent upheaval in the art worlds of America and Europe, and attacking the art establishments of dealers, private collectors, galleries, museums, critics, and art historians in much the same way that students are attacking college institutions." The theater seems to concentrate more and more of its efforts on new forms of soul- and body-baring that blunt and numb not only the mind but ultimately the senses as well. In films and books American directors and authors often act like smirking juveniles who have just discovered the titillations of pornography and don't know whether to feel guilty or liberated. In music we find serious musicians discarding their work of creating edifying liquid architecture and toying with random electronic squeaks and roars, while a growing portion of popular music has a decibel volume that not only destroys its occasionally ingenious subtleties and touching lyrics but creates a form of mass catalepsy.

And over the whole scene hangs the miasma of drugs. Millions of persons now escape frequently from the reality, responsibilities, and complexity of life through drugs, preferring to plunge into the lethargic fantasies of their irrational selves. For many current college students, marijuana, "speed," and LSD are the modern equivalents of the 1920's hip flask of bad whiskey. Last year Americans purchased, and presumably consumed, three and one-half billion pep pills, and almost as many tranquilizers. We seem increasingly to prefer the self-imposed chemical pollution of our bodies to the really tough confrontation of our minds with our huge social problems. With growing hypocrisy, we preach the urgent need for greater intelligence, concern for others, and sustained social action; and then we cop out with a trip into personal gratification or self-pity, replacing constructive efforts with freak-outs, rationality with sensations.

This growing number of forms through which the rational instrument of our mind is being pushed aside in the emerging life styles, this rejection of history and disregard of the future leaving only the *now* as life's essential element, this fever pitch of emotionalism, hedonism, and righteousness, however stimulated—these have now become distinguishing features of our society.

III.

As I need hardly tell you, the protagonists in pressing for this new philosophy have been our young people. This is nothing radically new; youth has always been in the forefront of fun, romance, adventure, and challenges to the status quo. What is different about contemporary America though are three things: the size and health of our youth; the location and nature of work of

most of our youth; and, most important, the amount of attention paid to their desires by the rest of society. We have moved into a new society which some of our sociologists call a juvenocracy. It is an age characterized by a remarkable adult preoccupation with young people and a corresponding preoccupation of young people with themselves, their own wishes, and their new sense of power.

Contrary to popular reports, America's population is not getting younger. The median age, in fact, rose from 24 in 1910 to 30 in 1950, dropped slowly to 27.5 in 1968, and has now levelled off at just under 28. By 1980 the median age is expected to rise another six months. What has increased dramatically, however, is the number of America's youth—in the past 10 years the number of persons between 15 and 25 increased from 27 to 39 million, or 44 percent—and the health of this age group. Because of the miracles of modern medicine and scientific research and this nation's public health programs, far fewer young persons are maimed, crippled, or weakened by childhood diseases and deficiencies. They are privileged with greater good health and undisturbed vigor than any previous generation. According to a recent National Health Survey, the chief cause of death of persons between 15 and 25 is no longer tuberculosis or diphtheria or influenza; it is automobile accidents. Fifty-five percent of all youth who die these days are killed by accidents, mainly by automobiles. America's youth, unlike those of India, Spain, or Brazil, can take healthy exuberance for granted.

Another dramatic change has been the astounding increase in the number of young people in school. Whereas almost two-thirds of America's youth between 15 and 25 were out working at jobs 20 years ago, today 55 percent are in school studying full-time. The college population, for example, has nearly tripled since 1950. Thus, the pursuits, preoccupations, and leisure time of young people have shifted markedly.

But possibly the clearest manifestation of modern juvenocracy is the amount written or said about our youth; that is, the attention paid to them by adults. Our newspapers and periodicals are flooded with stories of the exploits and oddities of the young. Radio and television panels address themselves almost daily to the question of why the new generation thinks and acts as it does. Social scientists turn out studies in inordinate quantities, all purporting to offer keys to the puzzles of alienation, political extremism, the disdain for legal authority, the fascination with drugs, and the so-called sexual revolution. The producers of goods have suddenly discovered that in our young people they have an enormous market, and they now woo them assiduously with huge advertising campaigns. And, a growing number of adults across the nation pay youth the greatest compliment of all by styling virtually everything to their specifications and in their image.

While all this is going on in our society, we witness a strange paradox. At the very time that America is becoming a juvenocracy, many young men and women are complaining with mounting bitterness that they are neglected, misunderstood, and even forgotten as a generation. They claim that modern life depersonalizes them and drains away or represses their freedom and individuality. They argue that the world has given them nothing but botched enterprises, outmoded structures, and imminent chaos and death. A portion of them believe in their hearts that most adults are craftily working to enslave their souls.

To escape, to liberate themselves, an increasing number of young people annually flout the accepted mores of society in what seem to some to be outrageous actions, or they adopt the rhetoric, slogans, and even the tactics of jungle guerrillas or terrorist anar-

chists. A growing proportion maintain that what they believe in their hearts or feel in their bellies has a greater truth than all the piles of evidence, accumulations of facts, or rational arguments that others assemble for their scrutiny. We seem almost to be going back to the days of Galileo, with what youth consider to be revealed truth fighting the findings of modern science.

Our colleges and universities, open to new ideas and relatively defenseless, seem an ideal launching pad for the assaults on society and upon reason itself. Where else can one talk about and practice exhibitionism or anarchism, or any other kind of *ism*, with such impunity? What better place is there for getting maximum attention for one's thrusts against society, democracy, and reason while receiving at the same time maximum protection from the legal authorities and the powerful and sometimes equally irrational counter-forces?

Thus, the modern university has become a staging area and a battleground. It is both the focal point and the mirror for the new characteristics of our society. What a sublime irony! The institution in society that has steadfastly championed freedom of thought as an inviolable right of man finds itself contributing to its own extermination because it can discover no acceptable way to resist the most violent actions that stem from such freedom of thought. The institution that has as its reason for being the advancement of the life of the mind finds itself increasingly used as the base from which reason is being challenged and derided.

IV.

I am sometimes asked whether I think we are experiencing a faddist upheaval among our youth or a fundamental change that will lead to a whole new concept and style of life in America. It is a difficult query to answer. After all, we have had retreats from reason before, both in the history of the world and in the history of the United States. They have come and gone, and the university has survived them. Violence is not a stranger to this land, and confrontation was a vital ingredient in the birth of this nation. Is there anything truly different about today? Are we viewing a peripheral set of circumstances that will not finally upset the major efforts of society or alter its values? Or are we due for a reassessment of all of man's hitherto accepted philosophies?

I wish I had a clear answer to these questions. I can only say that, although a review of history provides a modicum of reassurance, I am very uneasy about what may happen. Many of you may recall the etching by Goya with the inscription, "The sleep of reason brings forth monsters."

One major reason for my unease is that so many new elements now contribute to the difficulty of maintaining rational, peaceful, humane forms of civilization. The speed at which change now takes place and our growing inability to adjust to such change are only two such elements. Science and technology advance with such rapidity that humanistic considerations inevitably lag behind. An increasing number of young persons look at much of this scientific and technological change with suspicion, distaste, and sometimes with utter revulsion—even while they promptly adopt its penicillin and computers, its jet planes and birth control pills. As they see it, the use of reason has led only to increased ugliness and tragedy—to the despoiling of our natural resources, to mass killings, to the increasingly manipulative patterns by which men deal with each other. Much of what reason has created must be torn down, they feel. And reason itself has to be pulled off its pedestal.

I can understand this new distrust of reason. But I find it hard to accept the view that the path to a better life lies in disruption and destruction and in the elevation of feelings to a position of primacy in regulating our individual and social behavior. This country

has ample legal, governmental, and social instruments, at hand, through which more rapid social change can occur, through which more humane, life-regarding patterns can be evolved. That these instruments have not been used more effectively is not the fault of the instruments so much as it is the fault of the men using them. And it is the fault of the men using them. And it is the fault of adults and youth alike. Youth has no monopoly on idealism and adults are not the only hypocrites in society. We have all contributed to many of our society's well-publicized shortcomings, just as we have all contributed to many of our society's less talked about but internationally envied successes.

One of our successes, for all its imperfections and tribulations, has been and still is the American university. It is not too much to say that America's colleges and universities represent a triumph. They have done what no one thought could be done—expanded in quantity while at the same time growing in quality. America's colleges have educated four times as large a percentage of young people as any nation in the world, while rising to undisputed scholarly eminence in dozens of fields of inquiry, from poetry to space engineering, from sociology to biochemistry.

The American university will continue to exist, no matter how much it is transformed in structure, governance, or academic style, so long as it insists upon the central role of thought and reason. If the university surrenders its belief in reason, or if forces in society compel it to give up reason as its central activity, the university will decline and lose its point for being there. Ecstasy, sensitivity, pleasure, political debate, and emotional exercise can be gained from numerous other activities and institutions in society.

Whether our colleges and universities will continue to move ahead or, indeed, survive depends largely on whether we can find enough persons and devise adequate ways to keep alive the enterprise of intellectual inquiry. I can assure you that this is not easy to do in these times of fierce political controversy, intense moral fervor, and sensational cultural change. In case you think I am some kind of academic Jeremiah, I would point out that dozens of American colleges and universities are already close to a breakdown of teaching and objective inquiry—including a few of our very best.

Yet our society and our universities *must* keep alive the march of reason, the quest for truth, the pursuit of more beauty and greater justice for men. We need to gather up our courage, to reassemble and reassert our principles, to halt the retreat from reason. To do this takes fortitude, understanding, a degree of discriminating judgment, and a sense of humor that is not overabundant, either inside or outside our campuses today.

Somehow we must learn to distinguish between youthful derision and justifiable rage, between the cruelly pelting, factually untrue, and deliberately provocative hall of verbal and other abuse, and the criticism that is borne out in fact. We must be prepared to act humanely but vigorously when minor episodes of hooliganism turn into ugly and vicious displays of wanton violence. We must learn to delineate between massive impatience for constructive change and raw passion for destruction. I say this knowing that most persons at our universities face these tests with a minimum of experience in such matters and a maximum of distaste for confronting them.

The skills and creative abilities for stemming the flight from reason and for revamping our society to meet the new needs of the hour and of the future are all around us, waiting to be used. You graduates have your full share of them. You need only take full

cognizance of the current historical trends and face them with flexibility but with an unshakable will, with patience but with vigorous courage, with determination but with characteristic American cheerfulness. Otherwise, the society you will soon be ministering to will increasingly be surrendering to no more than expressions of feeling unbuttressed by rationality.

Reason, like the colleges and universities that seek to foster it, is a fragile sword, sharp but slender, and double-edged. But it is still man's best weapon. I beg each of you to help prevent the mounting heat of dogmas, politics, and passions from melting it down. And I would ask you also never to forget the absolutely vital role that institutions such as this Medical College play in the sustenance and encouragement of the curiosity, precision, and power of the human mind.

Good luck. May each of you have rewarding careers and lives of service to others.

GENERAL LEAVE TO EXTEND ON MILITARY PROCUREMENT AU- THORIZATION CONFERENCE RE- PORT

Mr. MATSUNAGA. Mr. Speaker, on behalf of the chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. RIVERS) I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the adoption by the House today of the conference report on the military procurement authorization for fiscal year 1971, H.R. 17123.

The SPEAKER pro tempore (Mr. STRATTON). Is there objection to the request of the gentleman from Hawaii?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SCHEUER (at the request of Mr. BINGHAM), for today, on account of illness.

Mr. OLSEN (at the request of Mr. UDALL), for today and September 28, on account of official business.

Mr. SHIPLEY (at the request of Mr. ALBERT), for today and September 28, 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:

Mr. DULSKI, for 15 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. ZION) and to revise and extend their remarks and include extraneous matter:)

Mrs. HECKLER of Massachusetts, for 5 minutes, today.

Mr. RIEGLE, for 15 minutes, today.

Mr. RIEGLE, for 15 minutes, on September 30.

(The following Members (at the request of Mr. MATSUNAGA), to revise and extend their remarks and to include extraneous matter to:)

Mr. RARICK, today, for 10 minutes.
Mr. DIGGS, today, for 10 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KOCH, to include extraneous material with his statement today when the House is in the Committee of the Whole.

Mr. WYDLER, immediately prior to the passage of H.R. 18126 today.

Mr. HOLIFIELD during general debate on the conference report on H.R. 17123, Military Procurement and Reserve Strength, and to include extraneous matter.

Mr. YATES in three instances and to include extraneous matter.

Mr. PEPPER prior to the vote on the conference report on H.R. 17123.

(The following Members (at the request of Mr. ZION: and to include extraneous matter:)

Mr. HUNT.

Mr. SHRIVER in three instances.

Mr. GROVER.

Mr. DON H. CLAUSEN.

Mr. ERLENBORN.

Mr. WYMAN in two instances.

Mr. CARTER.

Mr. DERWINSKI.

Mr. FINDLEY.

Mr. McDADE.

Mr. BROTMAN in two instances.

Mr. MILLER of Ohio in four instances.

Mr. WOLD.

Mr. BRAY in two instances.

Mr. DELLENBACK.

Mr. MORTON.

Mr. CONTE.

Mr. SCHMITZ in two instances.

Mr. HECKLER of Massachusetts.

Mr. ASHBROOK in two instances.

Mr. BELL of California.

Mr. SCHWENGEL in two instances.

Mr. STEIGER of Arizona.

Mr. COLLIER in five instances.

(The following Members (at the request of Mr. MATSUNAGA), and to include extraneous matter:)

Mr. DINGELL in four instances.

Mr. CAREY in two instances.

Mr. THOMPSON of New Jersey in two instances.

Mr. ROGERS of Colorado.

Mr. COLMER in three instances.

Mr. ANDERSON of California in two instances.

Mr. CLARK.

Mr. FRASER in four instances.

Mr. PEPPER.

Mr. SULLIVAN in three instances.

Mr. HAWKINS in two instances.

Mr. MAHON in two instances.

Mr. RARICK in two instances.

Mr. BURLISON of Missouri.

Mr. STOKES in two instances.

Mr. PURCELL in two instances.

Mr. ABBITT.

Mr. COHELAN in two instances.

Mr. WOLFF in two instances.

Mr. DULSKI in five instances.

Mr. OLSEN in two instances.

Mr. PRYOR of Arkansas in two instances.

Mr. VANIK.

Mr. DENT in four instances.

Mr. BROWN of California.
Mr. MONAGAN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 752. An act to authorize the conveyance of all right, title, and interest of the United States reserved or retained in certain lands heretofore conveyed to the State of Maine; to the Committee on Armed Services.

S. 2461. An act to amend the Randolph-Sheppard Act for the blind so as to make certain improvements therein, and for other purposes; to the Committee on Education and Labor.

S. 3425. An act to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes; to the Committee on Government Operations.

S. 3795. An act to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war; to the Committee on Veterans' Affairs.

S. 4187. An act to authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands; to the Committee on Armed Services.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 14373. An act to authorize the Secretary of the Navy to convey to the city of Portsmouth, State of Virginia, certain lands situated within the Crawford urban renewal project (Va-53) in the city of Portsmouth, in exchange for certain lands situated within the proposed Southside neighborhood development project.

ADJOURNMENT

Mr. MATSUNAGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until tomorrow, September 30, 1970, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2411. A letter from the Executive Director, Federal Communications Commission, transmitting a report of the backlog of applications and hearing cases in the Commission as of August 31, 1970, pursuant to section 5(e) of the Communications Act as amended; to the Committee on Interstate and Foreign Commerce.

2412. A letter from the Administrator of General Services, transmitting a report of claims settled during fiscal year 1970 by the Administration under the Military Personnel and Civilian Employees' Claims Act of

1964, pursuant to section 3(e) of the act; to the Committee on the Judiciary.

2413. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated September 23, 1969, submitting a report, together with accompanying papers and an illustration, on Goleta, Calif., and vicinity, Santa Barbara County South-Coastal Streams, Calif., in partial response to an item in section 209 of the Flood Control Act of 1962 (H. Doc. 91-392); to the Committee on Public Works and ordered to be printed with an illustration.

2414. A letter from the Secretary of Health, Education, and Welfare, transmitting the preliminary report concerning current information on the health consequences of using marihuana, pursuant to title V, Public Law 91-296; to the Committee on Interstate and Foreign Commerce.

2415. A letter from the Secretary of the Treasury, transmitting a report of operations by Federal departments and establishments in connection with the bonding of officers and employees for the fiscal year ended June 30, 1970, pursuant to section 14(c) of the act of August 9, 1955 (6 U.S.C. 14); to the Committee on Post Office and Civil Service.

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. HALEY: Committee on Interior and Insular Affairs. H.R. 19000. A bill to amend the act of April 24, 1961, authorizing the use of judgment funds of the Nez Perce Tribe (Rept. No. 91-1498). Referred to the Committee of the Whole House and the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. S. 3116. An act to authorize each of the Five Civilized Tribes of Oklahoma to popularly elect their principal officer, and for other purposes; with amendments (Rept. No. 91-1499). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Select Committee on Small Business. Report on the impact of credit cards on small business (Rept. No. 91-1500). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Colorado: Committee on the Judiciary. H.R. 15008. A bill to establish the Plymouth-Provincetown Celebration Commission; with amendments (Rept. No. 91-1501). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Colorado: Committee on the Judiciary. S. 4247. An act to amend the Bankruptcy Act, sections 2, 14, 15, 17, 38, and 58, to permit the discharge of debts in a subsequent proceeding after denial of discharge for specified reasons in an earlier proceeding, to authorize courts of bankruptcy to determine the dischargeability or nondischargeability of provable debts, and to provide additional grounds for the revocation of discharges (Rept. No. 91-1502). Referred to the Committee of the Whole House on the State of the Union.

Mr. NICHOLS: Committee on Armed Services. H.R. 12650. A bill to amend title 10 of the United States Code to allow wounded members of the Armed Forces to inform their families of such injuries by telephone at Government expense; with amendments (Rept. No. 91-1517). Referred to the Committee of the Whole House on the State of the Union.

Mr. RIVERS: Committee on Armed Services. H.R. 18359. A bill to authorize the show-

ing in the United States of documentary films depicting the careers of General of the Armies John J. Pershing, General of the Army H. H. Arnold, General of the Army Omar N. Bradley, General of the Army Dwight D. Eisenhower, General of the Army Douglas MacArthur, General of the Army George C. Marshall, General Lyman L. Lemnitzer, General George S. Patton, Jr., General Joseph Stillwell, General Mark W. Clark, and General James A. Van Fleet (Rept. No. 91-1518). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. S. 1628. An act granting the consent of Congress to the Western Interstate Nuclear Compact, and related purposes (Rept. No. 91-1519). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 2175. A bill to amend title 18 of the United States Code to authorize the Attorney General to admit to residential community treatment centers persons who are placed on probation, released on parole, or mandatorily released; with amendments (Rept. No. 91-1520). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAREY: Committee on Interior and Insular Affairs. S. 2314. An act to amend section 4 of the Revised Organic Act of the Virgin Islands relating to voting age (Rept. No. 91-1521). Referred to the House Calendar.

Mr. RIVERS: Committee on Armed Services. H.R. 15216. A bill to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and to provide transportation and other services to the Boy Scouts of America in connection with the World Jamboree of Boy Scouts to be held in Japan in 1971, and for other purposes; with amendments (Rept. No. 91-1522). Referred to the Committee of the Whole House on the State of the Union.

Mr. GALLAGHER: Committee on Foreign Affairs. House Joint Resolution 1162. Joint resolution to amend Public Law 403, 80th Congress, of January 28, 1948, providing for membership and participation by the United States in the South Pacific Commission (Rept. No. 91-1523). Referred to the Committee of the Whole House on the State of the Union.

Mr. FALLON: Committee on Public Works. S. 3619. An act to revise and expand Federal programs for relief from the effects of major disasters, and for other purposes; with an amendment (Rept. No. 91-1524). Referred to the Committee of the Whole House on the State of the Union.

Mr. GALLAGHER: Committee on Foreign Affairs. House Joint Resolution 1146. Joint resolution authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters in the United States (Rept. No. 91-1525). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 12061. A bill to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes; with an amendment (Rept. No. 91-1526). Referred to the House Calendar.

Mr. NICHOLS: Committee on Armed Services. S. 583. An act to provide for the flying of the American flag over the remains of the U.S.S. *Utah* in honor of the heroic men who were entombed in her hull on December 7, 1941 (Rept. No. 91-1527). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 14301. A bill to implement the Convention on Offenses and

Certain Other Acts Committed on Board Aircraft, and for other purposes (Rept. No. 91-1535). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG: Committee on Rules. House Resolution 1227. Resolution for consideration for H.R. 18679, a bill to amend the Atomic Energy Act of 1954, as amended, to eliminate the requirement for a finding of practical value, and for other purposes (Rept. No. 91-1530). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 1228. Resolution for consideration of H.R. 11547, a bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans (Rept. No. 91-1537). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 1229. Resolution for consideration of H.R. 15560, to amend the Federal Insecticide, Fungicide, Rodenticide Act, as amended (7 U.S.C. 135-135k), to prohibit the importation of certain agricultural commodities to which economic poisons have been applied, and for other purposes (Rept. No. 91-1538). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 1230. Resolution for consideration of H.R. 16408, to amend the joint resolution establishing the American Revolution Bicentennial Commission, as amended (Rept. No. 91-1539). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 1231. Resolution for consideration of H.R. 19444, a bill to authorize for a temporary period the expenditure from the airport and airway trust fund of amounts for the training and salary and expenses of guards to accompany aircraft operated by U.S. air carriers, to raise revenue for such purpose, and to amend section 7275 of the Internal Revenue Code of 1954 with respect to airline tickets and advertising (Rept. No. 91-1540). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE 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. FEIGHAN: Committee on the Judiciary. S. 378. An act for the relief of Peter Rudolf Gross (Rept. No. 91-1481). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 732. An act for the relief of Mrs. Nitmet Weiss (Rept. No. 91-1482). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 737. An act for the relief of Konrad Ludwig Staudinger (Rept. No. 91-1483). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1123. An act for the relief of Ah Mee Locke (Rept. No. 91-1484). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3167. An act for the relief of Kimoko Ann Duke (Rept. No. 91-1485). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3212. An act for the relief of Curtis Nolan Reed (Rept. No. 91-1486). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3263. An act for the relief of Maria Pierotti Lenci (Rept. No. 91-1487). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3265. An act for the relief of Mrs. Anita Ordillas (Rept. No. 91-1488). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3529. An act for the relief of Johnny Mason, Jr. (Johnny Trinidad Mason, Jr.);

with an amendment (Rept. 91-1489). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3600. An act for the relief of Kyung Ae Oh (Rept. No. 91-1490). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3620. An act for the relief of Mrs. Anastasia Pertsovich (Rept. No. 91-1491). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3675. An act for the relief of Ming Chang (Rept. No. 91-1492). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3813. An act for the relief of Kim Julia and Park Tong Op (Rept. No. 91-1493). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3853. An act for the relief of Mrs. Pang Tai Tai (Rept. No. 91-1494). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 3858. An act for the relief of Bruce M. Smith (Rept. No. 91-1495). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 4073. An act for the relief of Joo Lee and Myung Joo Lee (Rept. No. 91-1496). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. Senate Concurrent Resolution 79. Concurrent resolution favoring the suspension of deportation of certain aliens (Rept. No. 91-1497). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 2302. A bill for the relief of Mrs. Rose Thomas (Rept. No. 91-1503). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 11676. A bill for the relief of Philip C. Riley and Donald F. Lane; with an amendment (Rept. No. 91-1504). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 13806. A bill for the relief of Irwin Katz; with an amendment (Rept. No. 91-1505). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. H.R. 15864. A bill for the relief of Robert L. Stevenson; with an amendment (Rept. No. 91-1506). Referred to the Committee of the Whole House.

Mr. HUNGATE: Committee on the Judiciary. H.R. 15865. A bill for the relief of Marion Owen; with an amendment (Rept. No. 91-1507). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. H.R. 16276. A bill for the relief of William E. Carroll; with an amendment (Rept. No. 91-1508). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. H.R. 16502. A bill for the relief of Gary W. Stewart; with an amendment (Rept. No. 91-1509). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 17272. A bill for the relief of certain employees of the Department of Defense; with amendments (Rept. No. 91-1510). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 17853. A bill for the relief of Carlo Bianchi and Company, Inc.; with an amendment (Rept. No. 91-1511). Referred to the Committee of the Whole House.

Mr. SANDMAN: Committee on the Judiciary. S. 878. An act for the relief of James E. Miller (Rept. No. 91-1512). Referred to the Committee of the Whole House.

Mr. SANDMAN: Committee on the Judiciary. S. 882. An act for the relief of Capt.

William O. Hanle (Rept. 91-1513). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. S. 1422. An act for the relief of Donald E. McGonegal (Rept. No. 91-1514). Referred to the Committee of the Whole House.

Mr. DONOHUE: Committee on the Judiciary. S. 2755. An act for the relief of Donald N. O'Callaghan; with amendments (Rept. No. 91-1515). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. S. 3138. An act for the relief of Ruth E. Calvert (Rept. No. 91-1516). Referred to the Committee of the Whole House.

Mr. MAYNE: Committee on the Judiciary. H.R. 14543. A bill for the relief of Mrs. Roldano C. Dayao (Rept. No. 91-1528). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 15767. A bill for the relief of Mrs. Maria Zahaniacz (nee Bojkowska); with an amendment (Rept. No. 91-1529). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 15922. A bill for the relief of Leela Messin Bell; with amendments (Rept. No. 91-1530). Referred to the Committee of the Whole House.

Mr. MAYNE: Committee on the Judiciary. H.R. 16857. A bill for the relief of Soon Ho Yoo; with an amendment (Rept. No. 91-1531). Referred to the Committee of the Whole House.

Mr. MAYNE: Committee on the Judiciary. H.R. 17431. A bill for the relief of Jacqueline and Barbara Andrews; with an amendment (Rept. No. 91-1532). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 17508. A bill for the relief of Jung Yung Mi and Jung Ae Ri; with an amendment (Rept. No. 91-1533). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 17912. A bill for the relief of Jin Soo Park and Moon Mi Park; with an amendment (Rept. No. 91-1534). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 19486. A bill to amend the Social Security Act to provide for medical and hospital care through a system of voluntary health insurance financed in whole for low-income groups, through issuance of certificates, and in part for all other persons through allowance of tax credits, and to provide a system of peer review of utilization, charges, and quality of medical service; to the Committee on Ways and Means.

By Mr. BROTHMAN:

H.R. 19487. A bill to eliminate certain authority of the Administrator of General Services with respect to trade and exchange of real property, and for other purposes; to the Committee on Public Works.

By Mr. BURLISON of Missouri:

H.R. 19488. A bill to regulate trade in drugs and devices by prohibiting the dispensing of drugs or devices by medical practitioners and their participation in profits from the dispensing of such product, except under certain circumstances, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLINS:

H.R. 19489. A bill to protect a person's right of privacy by providing for the designation of sexually oriented advertisements and for the return of any such unrequested advertisements at the expense of the sender; to the Committee on Post Office and Civil Service.

By Mr. CLAY (for himself, Mr. WALDIE, Mr. ADAMS, Mr. ANNUNZIO, Mr. BARRETT, Mr. BIAGGI, Mr. BINGHAM, Mr. BROWN of California, Mr. BURTON of California, Mr. BUTTON, Mr. CAREY, Mrs. CHISHOLM, Mr. CONVERS, Mr. DENT, Mr. DIGGS, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. WILLIAM D. FORD, Mr. HALPERN, Mrs. HANSEN of Washington, Mr. HARRINGTON, Mr. HAWKINS, Mr. HELSTOSKI, Mr. JACOBS, and Mr. LEGGETT):

H.R. 19490. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. CLAY (for himself, Mr. WALDIE, Mr. LOWENSTEIN, Mr. MEEDS, Mr. MIKVA, Mr. MOORHEAD, Mr. REUSS, Mr. SCHEUER, Mr. STOKES, Mr. TIERNAN, and Mr. THOMPSON of New Jersey):

H.R. 19491. A bill; National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. DENT (for himself, Mrs. GREEN of Oregon, and Mr. SAYLOR):

H.R. 19492. A bill to amend the Higher Education Act of 1965, as amended, and for other purposes; to the Committee on Education and Labor.

By Mr. WILLIAM D. FORD:

H.R. 19493. A bill to assure an opportunity for employment to every American seeking work; to the Committee on Education and Labor.

By Mr. LOWENSTEIN:

H.R. 19494. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mrs. MINK (for herself, Mr. BINGHAM, Mr. BUTTON, Mr. COHELAN, Mr. FRASER, Mr. GODE, Mr. HORTON, Mr. KARTH, Mr. KOCH, Mr. MOORHEAD, Mr. MURPHY of New York, Mr. PATTEN, Mr. STOKES, and Mr. TIERNAN):

H.R. 19495. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

By Mr. MINSHALL:

H.R. 19496. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner war; to the Committee on Veterans' Affairs.

By Mr. O'HARA (for himself, Mr. NEDZI, Mr. WILLIAM D. FORD, and Mr. DINGELL):

H.R. 19497. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ST GERMAIN:

H.R. 19498. A bill to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

H.R. 19499. A bill to amend title 5, United States Code, to provide for the continuance of Federal employees group life and accidental death and dismemberment insurance during periods of active duty and active duty for training with the U.S. Armed Forces.

and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 19500. A bill to amend part B of title XVIII of the Social Security Act to include drugs requiring a doctor's prescription, and colostomy irrigation equipment, among the medical expenses with respect to which payment may be made under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. SCHMITZ (for himself, Mr. BENNETT, Mr. CRANE, Mr. DENT, Mr. MCKNEALLY, Mr. RARICK, Mr. ROUSSELOT, Mr. THOMPSON of Georgia, and Mr. ZABLOCKI):

H.R. 19501. A bill to amend title 10 of the United States Code to provide that an abortion in facilities of the uniformed services may be performed only in accordance with the requirements of the law of the State in which the abortion is performed; to the Committee on Armed Services.

By Mr. THOMPSON of New Jersey:

H.R. 19502. A bill to establish an American Folklife Foundation, and for other purposes; to the Committee on House Administration.

By Mr. WOLD:

H.R. 19503. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

By Mr. FALLON (for himself, Mr. BLATNIK, Mr. JONES of Alabama, Mr. KLUCZYNSKI, Mr. WRIGHT, Mr. GRAY, Mr. CLARK, Mr. EDMONDSON, Mr. JOHNSON of California, Mr. DORN, Mr. HENDERSON, Mr. OLSEN, Mr. ROBERTS, Mr. KEE, Mr. HOWARD, Mr. ANDERSON of California, Mr. CAFFERY, Mr. ROE, Mr. CRAMER, Mr. HARSHA, Mr. GROVER, Mr. CLEVELAND, Mr. DON H. CLAUSEN, and Mr. McEWEN):

H.R. 19504. A bill to authorize appropriations 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.

By Mr. FALLON (for himself, Mr. DUNCAN, Mr. SCHADEBERG, Mr. SNYDER, Mr. DENNEY, Mr. ZION, Mr. McDONALD of Michigan, Mr. HAMMERSCHMIDT, and Mr. MILLER of Ohio):

H.R. 19505. A bill to authorize appropriations 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.

By Mr. DORN:

H.R. 19506. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WILLIAM D. FORD:

H.R. 19507. A bill to adjust the pay of employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LENNON:

H.R. 19508. A bill to assure safe and healthful working conditions for working men and women; by providing the means and procedures for establishing and enforcing mandatory safety and health standards; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes; to the Committee on Education and Labor.

By Mr. MOLLOHAN:

H.R. 19509. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital

and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 19510. A bill to amend section 14 of the Natural Gas Act; to the Committee on Interstate and Foreign Commerce.

By Mr. YATRON:

H.R. 19511. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability benefits thereunder; to the Committee on Ways and Means.

By Mr. BELL of California:

H.J. Res. 1386. Joint resolution authorizing the President to proclaim annually the day of November 1 as "National Women in Education Day"; to the Committee on the Judiciary.

By Mr. BENNETT:

H.J. Res. 1387. Joint resolution to establish the Culebra Commission for the purpose of resettling the inhabitants of Culebra; to the Committee on Interior and Insular Affairs.

By Mr. HALPERN:

H. Con. Res. 755. Concurrent resolution expressing the sense of the Congress with respect to an International Convention at the Hague for the purpose of drafting a treaty on unlawful seizure of aircraft; to the Committee on Foreign Affairs.

By Mr. ROBISON of New York (for himself, Mr. HANSEN of Idaho, Mr. BUTTON, Mr. SCHWENGEL, and Mr. PREYER of North Carolina):

H. Con. Res. 756. Concurrent resolution expressing the sense of Congress that U.S. troop withdrawals from Indochina continue on an irreversible basis according to a set schedule; to the Committee on Foreign Affairs.

By Mr. YATES (for himself and Mr. BOB WILSON):

H. Con. Res. 757. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; 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. GIBBONS:

H.R. 19512. A bill for the relief of M. Sgt. George C. Lee, U.S. Air Force; to the Committee on the Judiciary.

By Mr. JARMAN:

H.R. 19513. A bill for the relief of Ronald K. Downie; to the Committee on the Judiciary.

By Mr. RUTH:

H.R. 19514. A bill for the relief of Juanito Bernard Manzano; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 19515. A bill for the relief of Harry Leonard Martin; to the Committee on the Judiciary.

By Mr. WIGGINS:

H.R. 19516. A bill for the relief of Sherry Saunders; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII.

606. The SPEAKER presented a petition of Dr. Harry E. Stockman, Arlington, Mass., relative to certain Air Force procurement tactics, which was referred to the Committee on Armed Services.