made. I believe it is a fair record. The Senator from Kansas, of course, regrets that he could not contact each Senator personally, but I had hoped to have the resolution acted on before 4 p.m. today. I shall advise General Manor and Colonel Simons that we do appreciate their efforts and that we may be able to express it officially at some other time.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 30, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of House Concurrent Resolution 786, as amended, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 2 o'clock and 31 minutes p.m.) the Senate adjourned until Monday, November 30, 1970, at 12 meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 25, 1970:

U.S. DISTRICT COURTS

William C. Frey, of Arizona, to be a U.S. district judge for the district of Arizona.

John Feikens, of Michigan, to be a U.S. district judge for the eastern district of Michigan.

Philip Pratt, of Michigan, to be a U.S. district judge for the eastern district of Michigan.

Jose V. Toledo, of Puerto Rico, to be a U.S. district judge for the District of Puerto Rico.

Owen D. Cox, of Texas, to be a U.S. district judge for the southern district of Texas.

Robert M. Hill of Texas, to be a U.S. district judge for the northern district of Texas.

William M. Steger, of Texas, to be a U.S. district judge for the eastern district of Texas.

John H. Wood, Jr., of Texas, to be a U.S. district judge for the western district of Texas.

HOUSE OF REPRESENTATIVES—*Wednesday, November 25, 1970*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be thankful unto Him and bless His name. For the Lord is good. Psalm 100: 4, 5.

O Lord, our God, we bow in Thy presence with hearts overflowing with gratitude because Thou hast been so wonderfully good to us. Thy mercies come with the morning light, they stay with us through the day and the evening hours and continue to be ours during the night. So we lift our hearts unto Thee in thanksgiving and love.

We thank Thee for food and clothing and shelter: for homes where love dwells, for churches where we can worship as we desire, for our Nation flying the flag of freedom and for the opportunity to serve our people in these Halls of Congress.

As Thou didst lead our fathers to found on these shores a free nation, so lead us in this day to keep our country great in spirit, good in purpose, and genuine in seeking for peace in our world, peace in our land, and peace in our own hearts.

In gratitude we pledge our love and our loyalty anew to Thee and to our country, in the spirit of Christ, our Lord. 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 agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2543. An act to prohibit the movement in interstate or foreign commerce of horses which are "sored," and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3867) entitled "An act to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes," agreed to conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NELSON, Mr. YARBOROUGH, Mr. PELL, Mr. KENNEDY, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. STEVENSON, Mr. MURPHY, Mr. JAVITS, Mr. PROUTY, Mr. DOMINICK, and Mr. SCHWEIKER to be the conferees on the part of the Senate.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO FILE CERTAIN REPORTS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight tonight to file certain reports.

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

There was no objection.

SPECIAL ORDER ON RAIL PASSENGER SERVICE ACT OF 1970

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

Mr. ADAMS. Mr. Speaker, I have this day forwarded to all of the Members an invitation to participate in a special order on Tuesday, December 1, 1970, regarding the Rail Passenger Service Act of 1970.

As we are all aware, this act creates a private corporation which will be required to operate the rail passenger system of the United States over a designated rail passenger system.

The preliminary designation of this system by the Secretary of Transportation is required by statute to be made on Monday, November 30. I thought it appropriate, therefore, to ask for a special order on Tuesday, December 1, 1970, so that the Members could discuss the provisions of the statute and the preliminary designation of the system in order that Members will be aware of the status of this project and in particular would be aware that comments on the designation of the Secretary must be made within 30 days from the date of the original designation.

I invite all of my colleagues to join in this discussion at the close of business on Tuesday, December 1, 1970.

PROVIDING 4-YEAR TERMS FOR MEMBERS OF THE HOUSE

(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 have introduced two resolutions today to amend the Constitution to provide 4-year terms for Members of the House. Of course, this is not original but is being brought to your attention while the time and effort spent in the recent campaign is still fresh in your minds.

Under the proposals, half of the membership would be elected during the presidential years and the other half during off-year elections. The only difference between the two resolutions is that one spells out the action to be taken in some detail while the other provides for the details to later be supplied by legislation. Both contain provisions to meet fears in the other body that a Member of the House would offer himself for Senate membership while still having 2 years to serve in the House in the event of his defeat.

Some Members spend more time on public relations and reelection campaigns than others. But regardless of the time spent it could be used for legislative duties and service to constituents. In my opinion, 2-year terms are unfair to us and those we represent. Now, of course, most of us would not personally benefit by this proposal. If adopted during the 92d Congress there would still be a period of years before the amendment could be ratified by the required number of States.

It does seem a desirable change in our basic law and I hope you will consider joining me in January in reintroducing these or similar proposals and in urging committee action.

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. 369]

Abbitt	Ford, William D.	O'Neal, Ga.
Adair	Fraser	Ottinger
Anderson, Tenn.	Fulton, Tenn.	Pettis
Annunzio	Gallagher	Poage
Arends	Gettys	Powell
Ashley	Gilbert	Price, Ill.
Aspinall	Goldwater	Price, Tex.
Baring	Gray	Purcell
Berry	Green, Oreg.	Quie
Biaggi	Griffiths	Reifel
Blatnik	Hall	Rhodes
Bolling	Hanley	Rooney, Pa.
Bow	Hansen, Wash.	Rosenthal
Brock	Hawkins	Rostenkowski
Buchanan	Hays	Roudebush
Burton, Utah	Hébert	Roybal
Button	Hungate	Ruth
Camp	Hutchinson	Schadeberg
Carter	Ichord	Scherle
Celler	Jarman	Scheuer
Clark	Jones, Tenn.	Sebelius
Clay	King	Skubitz
Collier	Kuykendall	Smith, Iowa
Collins, Tex.	Landrum	Staggers
Colmer	Langen	Steele
Conyers	Lowenstein	Steiger, Ariz.
Corbett	McCulloch	Stokes
Cowger	McEwen	Stubblefield
Cunningham	McFall	Teague, Tex.
Daddario	McKneally	Thompson, N.J.
Dennis	McMillan	Tiernan
Dingell	May	Udall
Donohue	Melcher	Watson
Dowdy	Meskill	Weicker
Dulski	Minshall	Whitehurst
Dwyer	Morgan	Williams
Edwards, La.	Morton	Wold
Esch	Murphy, Ill.	Wolff
Eshleman	Murphy, N.Y.	Wyatt
Evins, Tenn.	Nedzi	Wydler
Farbstein	Obey	Zwach
Flynt	O'Konski	

The SPEAKER. On this rollcall 308 Members have answered to their names, a quorum.

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

SPECIAL REQUEST

Mr. WAGGONNER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

Mr. WAGGONNER. Mr. Speaker, I yield back the balance of my time.

Mr. GROSS. Mr. Speaker, I did not hear the request.

The SPEAKER. The gentleman from Louisiana asked unanimous consent to address the House for 1 minute and to revise and extend his remarks.

Mr. GROSS. Mr. Speaker, reserving the right to object, the House came in early, at 11 o'clock, to transact the business, which is the highway bill. Reluctantly, I will object to any requests to now proceed. Having had one round of 1-minute speeches in the House, I will object to a continuation of it at this time. Reluctantly I do so. I therefore object.

The SPEAKER. Does the gentleman withdraw his request at this time?

Mr. WAGGONNER. No, Mr. Speaker, I prefer the request and the objection to stand.

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

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Iowa objects, and the Chair presumes that applies to all such requests.

All Members have heard what the gentleman from Iowa has said. He objects to unanimous-consent requests at this time.

PARLIAMENTARY INQUIRY

Mr. STRATTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from New York will state his parliamentary inquiry.

Mr. STRATTON. I had intended to request 1 minute to speak on a resolution to indicate the support of some Members of this House of the effort to rescue our prisoners of war. Would it be in order to make that request and then see whether the gentleman from Iowa wants to object to that request?

The SPEAKER. The gentleman from Iowa has said that he would object to all similar requests. Does the Chair understand the gentleman from Iowa correctly?

Mr. GROSS. The Chair understands the gentleman from Iowa perfectly.

The SPEAKER. Does the gentleman from Iowa mean to object to requests of Members to extend their remarks in the RECORD?

Mr. GROSS. No, Mr. Speaker, I would not object to that request.

The SPEAKER. Or to obtain 1 minute to speak and to yield back the balance of the time?

Mr. GROSS. I would not object to that, Mr. Speaker.

PARLIAMENTARY INQUIRY

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Louisiana will state his parliamentary inquiry.

Mr. WAGGONNER. Does not the record show that that was my request, that I asked unanimous consent to address the House for 1 minute, to revise and extend my remarks, and then I yielded back the balance of my time? Was that not my original request?

The SPEAKER. In fairness to the gentleman from Iowa, the chair does not believe the latter part of the statement was heard by him, but that is the request now, and without objection, it is so ordered.

Mr. WAGGONNER. Mr. Speaker, a further parliamentary inquiry——

The SPEAKER. The time of the gentleman has expired.

Mr. WAGGONNER. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry. The Chair is trying to help.

Mr. WAGGONNER. In fairness to the gentleman from Louisiana, that was my initial request; was it not?

The SPEAKER. The Chair understood the gentleman was going to do that. The Chair will receive requests of Members to extend their remarks and requests for 1-minute speeches, the Members yielding back the balance of their time.

ECONOMY OUT OF CONTROL— THE PRESIDENT FINETUNES

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

Mr. LEGGETT. Mr. Speaker, on October 14—a little over a month ago—Dr. Paul McCracken, the Chairman of the Council of Economic Advisers, said:

> The next major move is certainly going to be upward.

The next day, he told reporters he was seeing signs of "latent strengths."

On the 19th, he informed us that—

> Now we face a new period during which stronger gains in output . . . and further gains against inflation are all evident and already in the picture.

As we now know, he was dead wrong. As he was saying this, industrial production was falling 2.3 percent during the month of October, equivalent to an annual decline rate of more than 27 percent. Consumer prices were rising 0.6 percent, equivalent to an annual inflation rate of 7.2 percent.

Gentlemen, our economy is a disaster. Yesterday, I took a special order in which I discussed in detail the state of the economy. I am continuing it this afternoon, and I am going to develop what I see as the urgent need for wage and price controls. I would welcome any comment, support, opposition, criticisms, or suggestions anyone would like to offer.

I hope I can interest enough of you in showing up so that we can have a dialog that may be useful to all of us.

PARLIAMENTARY INQUIRY

Mr. JACOBS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. JACOBS. Can the Chair state for the House the amount of time consumed in the most recent quorum call and which Member demanded the recent quorum call?

The SPEAKER. The Chair cannot state the time consumed by the House on the quorum call, but the Chair is sure every Member is pretty well acquainted with the time required.

WHY A DOUBLE STANDARD?

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

Mr. WAGGONNER. Mr. Speaker, the issue of busing in this country is becoming ridiculous. When a situation arises in the northern part of our country the busing of schoolchildren is stopped and there is not a great deal said. Now let us go south, if the same problem occurs, and the same remedy taken, then there is the accusation that there is strictly a matter of racism.

Mr. Speaker, why a double standard? I will include a speech and several ar-

ticles pertaining to this matter in the RECORD today.

POT IS NOT ALWAYS GRASS AND NEITHER IS GRASS

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

Mr. WYLIE. Mr. Speaker, sometimes you can get in trouble with the best of intentions. On Monday, I lauded the Ohio State University football team and its great coach, Woody Hayes.

During the talk I said:

I wish to extend my congratulations to the Michigan Wolverines who came to Ohio State prepared to do battle, and indeed they did, but on the grass they went to pot and we prevailed.

It was not long before a student in my district wanted to know if I implied the Wolverines were smoking pot.

According to a reference from a book entitled "A Hog on Ice and Other Curious Expressions," by Charles Earle Funk, Litt D., "gone to pot" is an expression "we use to mean ruined; destroyed; disintegrated. But the earliest English usage, which goes back at least to the 16th century, seems to have been literal, actually gone to the pot, chopped up into pieces, as meat, for stewing in a pot. And Edmund Hickeringill, in his "History of Whiggism," in 1682, wrote:

Poor Thorp, Lord Chief Justice, went to Pot, in plain English, he was Hang'd.

I simply meant to say that the Wolverines, who are accustomed to playing on artificial turf, in a colloquialism in common use when I was a student at Ohio State "went to pot." According to Roget's Thesaurus, "went to pot" means went down the drain, wasted away, wear away, or as Roget's further states in the words of Shakespeare—fall "into the sere, the yellow leaf," sere meaning withered. That is what I meant. The Wolverines, under the withering attack of the Ohio State Buckeyes, wore away and lost the game to the No. 1 football team in the Nation—Ohio State.

THE ATTEMPT TO RESCUE POW'S

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

Mr. BLACKBURN. Mr. Speaker, all proud Americans stand with the administration—from President Richard Nixon, through Secretary of Defense Melvin Laird, and down to and including the gallant men who actually participated—in the attempt to rescue American prisoners of war in North Vietnam.

This attempt, even though unsuccessful, must stand as one of the brighter spots in U.S. history. It proves to the world, particularly Hanoi, and to our fighting forces that we do care. It proves our resolve that these men shall be freed and returned to their families and loved ones.

As Secretary Laird pointed out, the United States has offered North Vietnam the most generous prisoner exchange in all of history—at a ratio of some 20 to 1 North Vietnamese prisoners for American and South Vietnamese. This offer has been turned down. We have now served notice on Hanoi that we have not given up and that we will use all other available and appropriate means to free our men.

It also proves to Hanoi our capability to penetrate its defenses in the pursuit of military missions, a fact that should cause the government of North Vietnam to reassess its position.

Mr. Speaker, this daring and resourceful action on the part of dedicated men has rekindled in me a pride in being an American. I know of no honor too high to be bestowed upon these men whose actions went so far beyond the call of duty.

May God bless them. May their future efforts meet with success.

RESIGNATION FROM THE COMMITTEE ON EDUCATION AND LABOR AND COMMITTEE ON INTERNAL SECURITY

The SPEAKER laid before the House the following resignation from the Committee on Education and Labor and the Committee on Internal Security:

WASHINGTON, D.C., *November 25, 1970.*

Hon. JOHN W. MCCORMACK,
Speaker of the House, Capitol.

DEAR MR. SPEAKER: It has been a privilege and an honor to work with the members of the Committees on Education and ninetieth and ninety-first Congresses. My association with these colleagues will always remain a pleasant and rewarding experience in my memory.

However, I am submitting my resignation from the Committee on Education and Labor and the Committee on Internal Security, effective today.

Sincerely,

WILLIAM J. SCHERLE,
Member of Congress.

ELECTION TO COMMITTEE ON APPROPRIATIONS

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1277

Resolution providing for the election of a member to the Committee on Appropriations.

Resolved, That William J. Scherle of Iowa be, and he is hereby, elected a member of the standing committee of the House of Representatives on Appropriations.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TO HELP SMALL BUSINESS AND COMBAT INFLATION

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency be discharged from further consideration of the bill (H.R. 19828) to help small business and combat inflation and ask for immediate consideration of the bill.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 19828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SMALL BUSINESS ADMINISTRATION

SEC. 101. Paragraph (4) of section 4(c) of the Small Business Act is amended—

(1) by striking out "$1,900,000,000" and inserting in lieu thereof "$2,200,000,000";

(2) by striking out "$300,000,000" and inserting in lieu thereof "$500,000,000"; and

(3) by striking out "$200,000,000" and inserting in lieu thereof "$300,000,000".

TITLE II—AUTHORIZATION FOR PRESIDENT TO STABILIZE PRICES, RENTS, WAGES, AND SALARIES

SEC. 201. Section 206 of the Economic Stabilization Act of 1970 (84 Stat. 799–800; Public Law 91–379) is amended by striking out "February 28, 1971," and inserting in lieu thereof "March 31, 1971,"; and by striking out "March 1, 1971," and inserting in lieu thereof "April 1. 1971,".

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.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3373. An act for the relief of Giuseppe Delina;

H.R. 4670. An act for the relief of Ok Yon (Mrs. Charles G.) Kirsch;

H.R. 6951. An act to enact the Interstate Agreement on Detainers into law;

H.R. 14543. An act for the relief of Mrs. Rolando C. Dayao;

HR. 15216. An act 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;

H.R. 15767. An act for the relief of Mrs. Maria Zahaniacz (nee Bojkiwska).

H.R. 15922. An act for the relief of Somporn (Leeta Noi) Bell;

H.R. 16857. An act for the relief of Soon Ho Yoo;

H.R. 17431. An act for the relief of Jacqueline and Barbara Andrews;

H.R. 17508. An act for the relief of Jung Yung Mi and Jung Ae Ri; and

H.R. 17912. An act for the relief of Jin Soo Park and Moon Mi Park.

The message also announced that the Senate had passed with amendment in which the concurrence of the House is requested, a joint resolution of the House of the following title:

H.J. Res. 1117. Joint resolution to establish a Joint Committee on the Environment.

FEDERAL AID HIGHWAY ACT OF 1970

Mr. KLUCZYNSKI. 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. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

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. 19504, with Mr. HOLIFIELD in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Pursuant to the rule, general debate will continue for not to exceed 3 hours, 2 hours to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Public Works, and 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The Chair recognizes the gentleman from Illinois, Mr. KLUCZYNSKI.

Mr. KLUCZYNSKI. Mr. Chairman, I yield to the gentleman from New York (Mr. STRATTON), to speak out of order.

The CHAIRMAN. The gentleman will have to make a unanimous-consent request for that purpose.

Mr. STRATTON. Mr. Chairman, I take this time to advise the House——

The CHAIRMAN. The gentleman must make a unanimous-consent request.

Mr. STRATTON. Mr. Chairman, I thought the Chair was stating that. I ask unanimous consent.

The CHAIRMAN. The Chair was stating what the gentleman should do to get recognition for that particular purpose.

Mr. STRATTON. Mr. Chairman, I ask unanimous consent to speak out of order.

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

Mr. LEGGETT. Mr. Chairman, I object.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Maryland (Mr. FALLON), the chairman of the House Public Works Committee and the father of the Interstate Highway System.

Mr. FALLON. Mr. Chairman, I appear before the House today in support of H.R. 19504, the Federal-Aid Highway Act of 1970, reported by the Committee on Public Works.

We have come a long way in improving transportation in this country, but we still have a long way to go. We have improved as no nation in the world has ever done our long distance communication lines. We have made it possible for every citizen to travel the length and breadth of this country by more than one means of transportation. We have enabled industry to move its products so that all the people of the country can avail themselves of the best the country has to offer at reasonable costs.

The major part of this great transportation progress is a result of the Federal-aid highway program in general and particularly the Interstate System. When the Committee on Public Works recommended to the Congress in 1956 a program to construct a network of high capacity, limited access highways across this country east to west, and north to south, we all believed that this was the solution to the major element of our ground transportation problem. We were correct in the greater sense and the 72 percent of that system now open to traffic has proven to the entire country the wisdom of that decision by the Congress almost 15 years ago.

The completion of the Interstate System is now in sight. There are still some troublesome elements remaining and the costs of the system have increased considerably. Costs for everything have risen in a similar manner, however, and this should not be a deterrent to finishing the job we started out to do. The savings in lives alone, estimated to be 8,000 annually when the system is completed, should spur us on to its rapid completion. How many other programs can produce such a tangible benefit as life itself.

As the completion of the Interstate System draws near it is necessary to examine what has been postponed during the period of major financial concentration on this overall national system, what steps must be taken to bring this backlog up to date, and what steps are required to meet the highway needs of the future.

The committee has delved into these problems at great length in its deliberations on the Federal-Aid Act this year. The Chairman of the Subcommittee on Roads, JOHN KLUCZYNSKI of Illinois will expand on these actions when he describes the bill.

The outstanding fact, however, is quite simple. There is still a staggering need for highways. The 1970 national highway needs report submitted to the Congress this year indicates the total highway need for all types of roads at $320 billion for the period from 1970 to 1985—the next 15 years. Of this amount $166 billion is required for the primary, secondary, and urban systems alone. This $166 billion is more than three times the Federal funds spent on all Federal-aid highway work over the past 15 years including all of the Interstate System.

We are about to enter into a period of transition in highway construction in which the emphasis will lie on those highway needs of a more regional and local nature, but still extremely important in a national sense. It is imperative that the groundwork for this transition be laid now and that the people of this country have the assurance that the Congress will continue to provide them with the highway system they require at all levels. H.R. 19504 does this very thing. It provides for the completion of the Interstate System, it provides for more detailed factual studies required, many of which are now under way, and it provides for changing the matching ratio on all Federal-aid highway systems—except the Interstate—to 70 percent Federal and 30 percent State beginning with the 1974 fiscal year.

H.R. 19504 is without doubt the most significant piece of highway legislation to come before the Congress since the 1956 Highway Act creating the Interstate System. There is no Member of this House whose district will not only benefit from this legislation but will require the legislation for its own well being.

The Subcommittee on Roads has worked hard and long on this legislation. I congratulate the Chairman JOHN KLUCZYNSKI and his committee for the splendid job they have done, and I thank them for the American people. I would also like to extend my thanks and praise particularly to those committee members from the other side of the aisle who have contributed unceasingly in the formation of this legislation. The committee has put together a bill with bipartisan effort acting at its best. This is the way the Committee on Public Works has always operated.

Mr. Chairman, I urgently support the immediate passage of H.R. 19504 as reported to this body so that the Federal-Aid Highway Act of 1970 can become law. The other body has already passed their version of this legislation in S. 4418 and it contains many positions different than H.R. 19504. It is imperative that conferees iron out the difference in these bills in the short time remaining in this session of the Congress.

The Federal-Aid Highway Acts since 1956 have included important provisions to protect and enhance our environment. The Federal-Aid Highway Act of 1968, for example, included a provision for the preservation of parklands. The Secretary of Transportation is forbidden to approve the use of publicly owned parklands for highway projects unless there is "no feasible and prudent alternative," and if such lands must be used, all possible planning must be instituted to minimize harm to such lands. Section 24 of that act requires the State highway departments before submitting proposals for highway locations to consider the social effects, environmental impact, and consistency with the goals and objectives of urban planning promulgated by the community of such locations, in addition to consideration of the economic impact of such locations.

At the urging of this committee, the Federal Highway Administration has undertaken numerous activities to assure the compatibility of the highway and its environment. I believe we ought to note a few of these efforts.

1. ENVIRONMENTAL DEVELOPMENT DIVISION

Almost 2 years ago, an Environmental Development Division was created in the Bureau of Public Roads. It is a multidisciplinary group, staffed with architects, city planners, landscape architects, sociologists, economists, appraisers, engineers, and others. This division is concerned with the following elements:

Consideration of social, economic, and environmental factors, with special emphasis on those factors significant to a highway decision;

Optimum utilization of the joint development potential of a highway project and its environment, including multiple use of the highway right-of-way;

Use of multidisciplinary design groups as staff advisers to agencies and jurisdictions responsible for highway and community programs;

Use of intergovernmental policy groups in a comprehensive highway project planning process, to develop integrated and coordinated highway and environmental plans and programs; and

Use of citizen and unofficial groups as community and neighborhood advisers to agencies and jurisdictions responsible for highway and community programs.

2. ENVIRONMENTAL DESIGN GROUP

In order to better recognize and integrate economic, social and environmental factors, design concept teams were established. Major design concept team efforts are being made in such places as Baltimore, Chicago, Boston, New York, and Phoenix. A number of highway departments, additionally, have established an internal multidisciplinary staff capability involving the environmental design approach. The objective of all of these efforts is to make sure that adequate attention is given to preservation and enhancement of the quality of the environment, and related social and economic factors. Substantial dollar resources are involved.

3. JOINT DEVELOPMENT AND MULTIPLE USE

More than 4 years ago, the idea of joint development and multiple use was initiated. The objective of these programs is to make double and triple use of highway rights-of-way and highway dollars, establishing uses compatible and complementary to the transportation corridor. It also assists communities in the attainment of their other stated goals. It restores taxable property and provides services of all kinds to communities. Over 500 requests from almost every State and the District of Columbia for the permissive joint use of highway land for nonhighway purposes have been processed. This program alone offers fantastic opportunities for preserving and enhancing the community environment.

4. METROPOLITAN DEVELOPMENT AND INTERGOVERNMENTAL REVIEW

Based upon a long-time tradition of intergovernmental cooperation, the Federal Highway Administration was one of the first to fully implement the Intergovernmental Cooperation Act of 1968 and its predecessor legislation. The objective is to conform highway projects with environmental and metropolitan development. Environmental elements are an important segment of these activities. This activity has been extended to nonmetropolitan and rural areas as well.

5. ACQUISITION IN LIMITED VERTICAL DIMENSION

In an increasing number of instances, the Federal Highway Administration is encouraging acquisitions in limited vertical dimension, either above or below a resource that is sought to be preserved. This could leave a park, open space, stream, wildlife area, battlefield, or similar resource intact.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. FALLON. I will be glad to yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, in the gentleman's statement he made reference to the fact that the 70–30 formula would start in 1974. I think the RECORD should show June 30 in 1973, as it is included in the House bill. Is that correct?

Mr. FALLON. Mr. Chairman, I thank the gentleman from California for that correction.

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

Mr. Chairman, I want to endorse the statement of my chairman, GEORGE FALLON, of Maryland, with respect to H.R. 19504.

The committee has developed here a bill which is unquestionably the most important piece of highway legislation which has come before this body since 1956. I want to assure the membership of this body that the subcommittee on roads realized early in the game the magnitude of the decisions which had to be made this year. They then proceeded in a most painstaking and deliberate manner to hear all views, determine the facts, and write this historic legislation. I have never in all my years here in the Congress ever observed a subcommittee so dedicated to doing a job completely and to doing it right.

The subcommittee held extensive hearings lasting for 3 months and listened to private citizens, interested organizations, and Federal agencies. No bill has ever had a fairer hearing nor been as open to the public to present their views—and believe me we heard them all.

Following the hearings the subcommittee met in executive session over a period of 2 months. Every member of the committee was given a chance to express his opinions on the bill and to take all the time he needed. This bill has been thoroughly analyzed and represents a complete consensus of thinking in the committee.

The program it proposes and the plan of action which it contemplates for future highway development is both a challenge and a necessity for the people of this great Nation of ours.

The bill itself is comprehensive and includes not only monetary authorizations for various types of highways but extremely important policy positions on current portions of the program such as beautification, safety, and urban transportation. In fact we feel the subject of safety to be so important we have devoted an entire title to that subject—title II of the bill.

Various members of the committee will follow me and speak on different segments of the bill so that you may have the benefit of their thinking on some of these issues.

The first significant item in the bill is the authorization to complete the Interstate System. In the Federal-Aid Highway Act of 1968 we authorized funds to complete the Interstate System by 1974. We also, however, added 1,500 miles to the system, the funding of which was not included in that bill. The new cost estimate received this year for completing the entire 42,500 miles is about $70 billion compared to about $56 billion in 1968 for the 41,000 mile system. A number of factors besides the 1,500 miles caused this price increase such as: increases in construction, right of way, and engineering costs; design changes; safety improvements, and additional lanes.

The completion date has therefore been extended to fiscal 1978 in the reported bill with the authorizations maintained at the $4 billion annual rate until the final year when it drops to three and a half billion.

Authorizations for the primary and secondary systems and their urban extensions commonly called the ABC system have been retained at the previous level of $1.1 billion for fiscal 1972 and 1973. Additional authorizations for the primary and secondary system in rural areas in the amount of $125 million for 1972 and 1973, and for the topics program in the amount of $200 million in 1972 and 1973 are also the same as in previous years.

A new authorization has been added in this bill for an entirely new urban system at $200 million for 1972 and 1973. This will be explained in more detail by one of the committee members.

The routine authorizations for those highways normally taken from the general fund are approximately the same as in the past years and are as follows for 1972 and 1973:

Forest highways, $33,000,000; public lands highway, $16,000,000; forest development roads and trails, $170,000,000; public land development roads and trails, $5,000,000; park roads and trails, $30,000,000; parkways, $11,000,000—plus single authorizations of $25 million for Palisades Parkway and $65 million for Baltimore-Washington Parkway—Indian reservation roads and bridges, $30,000,000.

Because some of the smaller States are nearing completion of the Interstate System and need larger sums for economical contracts a sum of $55 million of interstate authorizations has been added for 1972 and 1973 so that none of these States will receive less than one-half of 1 percent of the $4 billion annual authorization.

I would like to mention now one of the most important sections of this entire bill and one which will provide the first real step in the transition to a post-interstate program. Section 108 provides that starting in fiscal year 1974 all Federal-aid highway programs, other than the interstate program, will be financed 70 percent with Federal funds and 30 percent State funds. This will have the effect of returning money to the States for use on some of their local highways and also to release State funds for much needed maintenance programs. As you all know the present matching ratio is 50–50.

I might add at this point that under the present projections of highway trust fund income it will be possible to make this change without reducing the size of the total Federal-aid highway program or in any way endangering the solvency of the trust fund. Also there

would be no necessity for any new taxes into the trust fund other than the extension of the trust fund in its present form.

A next most important section of the bill dealing with the future highway program is section 121. This section provides for making the studies and getting the factual data together by January 1, 1972, so that all the information will be available to make decisions as to program size in that vital year of 1974.

The section provides for a new study of needs from 1975 to 1990, a functional classification study of 1990 highways, a realinement of the Federal-aid systems and submission of the individual State findings to the Congress along with those of the Secretary. This will provide Congress with the information it needs to proceed.

We have a number of items which are in a smaller vein than those I have mentioned, but nevertheless important within themselves. For example, we have formalized the reorganization of the Federal Highway Administration already put into effect by the Secretary which has now eliminated the Bureau of Public Roads. We have also set up training programs in highway construction work which is primarily aimed at aiding minority employment and we have made our semiannual sense of Congress resolution to the administration to stop cutting back on highway funds that belong to the States.

The bill provides for completing the Interstate System in the District of Columbia, all of which was authorized in the 1968 act. Contrary to what some people might say this is not setting a precedent for this kind of action in other States, nor is it an attempt to substitute congressional action for sound engineering judgment. The committee has heard the testimony and received the reports of the District of Columbia and the Department of Transportation over the past few years and is only acting within the responsibilities of the Congress toward the District of Columbia. I hope this body will support this section as it has been reported as you did in 1968, because I assure you gentlemen it is the only way your Nation's Capital will ever have an adequate transportation system.

As I mentioned previously other members of the committee will now present views on some of the other significant sections of the bill such as safety, beautification, and urban transportation.

At this time I would like, however, to compliment the members of the Subcommittee on Roads and the exceptionally fine staff which has done a real championship job on this difficult legislation. I especially would like to compliment those on the other side of the aisle for their splendid attendance at all our meetings and all of their diligent efforts. The ranking minority members, Mr. CRAMER and Mr. HARSHA have done an outstanding job and I am proud of them.

Thank you, Mr. Chairman.

Mr. Chairman, two other elements not covered specifically by the reported bill should be emphasized at this time to indicate our intent on these matters.

First of all, we would hope that here and now we can make clear, once and for all, just what the intent of the law is with respect to driver education and specifically, the inclusion of commercial driving schools within the driver education program.

We do not know whether driver education is actually as valuable an aid to accident reduction as has popularly been believed. The question does exist, and it is a valid question, but until we are more certain one way or the other we are prepared to maintain it as one of the required standards. We do not regard driver education as the exclusive province of the public school system, however. We did affirmatively intend in 1966 and we do affirmatively intend today, that States should regulate commercial driving schools, that regulated commercial driving schools should be actively encouraged by the National Highway Safety Bureau standard to participate in the program, that both the States and the Bureau should seek ongoing programs and demonstration programs in which the commercial driving school would be an active contractual participant, and that both the National Bureau and the State Governors, acting through their designated safety directors, should divorce themselves from the totally academic approach to this standard that has obtained thus far.

Second, the Comptroller General, in a report dated June 30, 1970, suggested matters relating to the deterioration of pavement surfaces on the Interstate System which the Congress might wish to consider in its deliberations on the funding of the Interstate System.

The issue arose from the review by the GAO of the Bureau of Public Roads' administrative determination to permit an overplay of additional pavement material on segments of the Interstate System completed during the early years of the program. The GAO expressed concern about stage construction of pavement surfaces as being an evasion of the maintenance responsibility of the States.

The Bureau of Public Roads in 1962 issued an instructional memorandum which permitted the construction of the Interstate System to be accomplished to the ultimate design at the time of initial construction, or to be done in "stages" of construction in which the initial design could be a part of the ultimate design and leave completion to the ultimate design to a later construction stage. The use of stage construction has long been recognized as an established engineering practice in highway building; and the construction of the pavement surface using overlays as a later stage of construction, bringing the pavement thickness to an ultimate design selected at the time of project approval, is not contrary to the intent of Congress that Federal-aid funds not be used for maintenance purposes, even though there may be some contribution to normal maintenance through this process. The issue is not one of substance, and a precise separation of the costs represented cannot reasonably be expected or required.

The Comptroller's report also discussed the Bureau of Public Roads' policy of permitting the States to construct, with FAI financing, an added overlay of pavement surface on certain completed segments of the Interstate System constructed, or approved for construction, prior to October 1963—when title 23 was amended to require design adequacy for a 20-year period. Prior to this amendment the system was being designed for the types of volumes of traffic anticipated by the year 1975. The report suggests the Congress may wish to address itself to the fact that these overlays, intended to add to the basic structural design of the highway, at the same time relieve the State of a portion of its maintenance responsibilities.

In the letter from the Secretary of Transportation to the General Accounting Office, appendix II to the Comptroller's report, response to this matter is made as follows:

> We do no believe that it is practical or necessary as you suggest, to measure and separately pay for small quantities of material of variable thickness that constitute a leveling course or wedge between a theoretical base of additional overlay layer and the top surface of existing pavement. The purpose of the leveling course is to provide a plane surface on which to place the overlay layer, not to rejuvenate or protect the existing surface.
>
> It has, therefore, been the practice in the highway construction program to include the small quantity of the leveling course in the total quantity for the overlay layer using the same type or class of funds.

The committee concurs in the Secretary's response that the overlays placed for the purpose of upgrading the original design to meet 20-year traffic requirements is not an evasion of the State's maintenance responsibility.

The Comptroller's report further suggests that there be requirement for overlay standards, uniformly applied in all States, and that design methods be established to give greater assurance that the proper amount of overlay is placed in all States.

The Secretary in responding to this suggestion stated:

> The pavement rating system developed as a part of the AASHO Road Test at Ottawa, Illinois, in the early 1960's is being used satisfactorily in most areas today. Refinements in the system, no doubt, will come with further usage and experience.
>
> The Bureau of Public Roads (BPR), the State highway departments and other highway interests are continuously seeking to further develop and refine criteria for the design of both flexible and rigid-type pavement structures. Currently, however, the BPR has determined that the criteria outlined in the AASHO Interim Design Guides for Flexible and Rigid Pavement Structures are the most reliable available.
>
> It, therefore, uses those criteria to measure the proposed designs submitted by State highway departments for initial pavement structure thickness and to measure the thickness of any additional pavement overlay layers. By application of those common criteria in the process of approving Federal-aid projects. the BPR obtains equivalence among the States that accommodate the conditions that prevail on individual projects.
>
> The fact that different thicknesses of design for overlays occur in different States, and in different areas of a State, does not necessarily mean that the design criteria are not being applied uniformly. The differences result from dissimilarities in the supporting soils, pavement materials available,

climate, traffic forecasts, and in other similar factors that enter into the design considerations.

We, therefore, believe that the provisions of the overlay program are applied uniformly throughout the States by the BPR.

The committee agrees that for the purpose of this overlay program the Bureau of Public Roads has endeavored reasonably to apply the criteria uniformly among the States, and believes that further refinement in design criteria and procedures will come with time and greater experience. For the problem being considered there is not need that these refinements be determined immediately.

In general it should be stated the actions of the Bureau in carrying out their responsibilities in this phase of the program have been made with the knowledge of the committee and with concurrence in the objectives sought.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. CRAMER).

Mr. DON H. CLAUSEN Mr. Chairman, will the gentleman yield?

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

Mr. DON H. CLAUSEN. Mr. Chairman, I wish to take only a brief moment to say a few words about the gentleman now in the well, Mr. CRAMER of Florida, inasmuch as this may be the last opportunity he may have to present the point of view not only of himself as the ranking Republican of our committee but that of the Republican Membership of the House. I think it is appropriate that we also acknowledge the work of our chairman, the gentleman from Maryland, Mr. FALLON. I would like to direct my comments to both gentlemen, and specifically to the gentleman about to address the House. I believe that these two men have done more for highways, transportation, and economic development in the United States than any other two people in the country, and I believe they are deserving of the plaudits and the commendation of every Member on the floor here today. I ask you to join me in giving them the recognition they so richly deserve. They have been the champions of building a better America. They are truly great Americans and history will be very kind to them as 200 million Americans enjoy the fruits of their labors and leadership. I am proud to call them my friends.

Mr. CRAMER. I thank the gentleman. As usual, he overgilded the lily, but I do appreciate his kind remarks. I am proud to be here for the purpose of discussing briefly one of the most significant of the Federal Aid to Highway Acts.

I guess when a man comes to the Congress, which I had the privilege of doing some 16 years ago, he hopes that in his service he will have an opportunity to render or be involved in something really meaningful as it relates to the growth and development of his country, as it relates to the well-being of the people of that country, and as it relates to the long-range future development of the country. I guess if there is one area in which I have had the privilege of being involved it has been in the highway program. Every time I have the opportunity of riding over those interstate highways throughout the country, which are about two-thirds completed, I am proud of the fact that I have had the privilege of serving with such an outstanding committee as the Committee on Public Works and such great leaders in this field in the development of our country as GEORGE FALLON, the chairman of our committee, JOHN C. KLUCZYNSKI of Illinois, chairman of the subcommittee, and, of couse, BILL HARSHA, DON CLAUSEN, and others serving on that subcommittee.

I remember, back in 1954, we had some other people on the committee. I see present ED EDMONDSON, with whom I had the privilege of coming here, and KEN GRAY and some others, some 16 years ago.

It is true that our highway program was in a horse and buggy stage. It is true further that the Eisenhower administration came up with a long-range study, the Clay report, proposing a program, and the Democrat-controlled Congress acceded to it, enacted into law a program which probably had more vision, more foresight than any other, and I believe it will have more economic and long-range good impact on America than any other I can remember as a Member of the Congress.

I am talking about the whole country. This is the greatest public works program in the history of the world, the Interstate and Defense Highway System that started some 16 years ago.

So in 1956 this program came into being. I do not believe many of us foresaw the impact it would have, and what it would mean to the growth of America and what new growth and new development would occur, and what new hope it would offer to our country.

We look forward now to: Where do we go after completion of the 42,500-mile Interstate System in America? What will we do in the future with respect to all types of transportation—air, water, and mass transportation?

We have the problems of the big cities, relating to transportation. They are all tied in. If we do not ship the goods in America, if we do not accommodate the moving people in America, America will be stymied and will be stultified, and it will die.

So we are talking about growth and the future of this great country of ours as it relates to the movement of people, to the freedom of the people and to their everyday needs.

It has been a great honor and a privilege to work with such outstanding people, and to see what has happened in this program since 1956.

It was also a privilege in 1968 to join with my colleagues in drafting the meaningful 1968 Highway Act, which is probably one of the most compassionate pieces of legislation to come before this Congress in a long time.

Why is that? It is because we recognized there are problems of the large metropolitan areas relating to the relocation of people and the problems of the people, relating to moving the people in order to accommodate highways, relating to long-range planning, and relating to beautification of the highways in the large metropolitan areas.

So a compassionate Congress passed a great and meaningful relocation program, the best which was ever put on the books, in 1968, and an improvement of it is further contained in this legislation.

I say to my colleagues, using hindsight, had I had a choice of being on a committee and being involved in a program which meant something to the future, using that hindsight I would have chosen exactly where I was, working on this program with the great Committee on Public Works of the House of Representatives.

This bill in 1970 is again one of the most significant relating to highways since the 1956 act. It is significant because we are talking about the breaking of new ground. I was one who insisted on that, and the chairman of our subcommittee, Mr. KLUCZYNSKI, agreed that we had to do more this year, in looking forward to the real impact this highway program could make on the future of our country, more than just a 2-year additional authorization of the same program. There were too many problems facing this highway program in America to stop there.

I was determined, as was the gentleman from Illinois (Mr. KLUCZYNSKI) and other members of the committee, to break new ground. Incidentally, I had to break with my administration, the Republican administration, the present administration, in order to do so, but I felt we could not wait 2 more years.

Yes, we are breaking new ground. I congratulate the committee for the areas in which it is doing so. For instance, we say we have to do something about urban congested areas in America in addition to the present program and in addition to the interstate program in the urban areas. We have to recognize they are congested. We have to do something about it. We have to coordinate with the mass transit program and in particular the highway oriented mass transit program written into this legislation.

The new ground broken is a new urban system, to be started with $200 million authorization, knowing full well we have to meet this challenge in the coming few years.

In our whole safety program we know that more has to be done. We have to do something with regard to an indepth study of the problems relating to alcoholism.

We did it in this legislation. We did it 2 years ago, and we are doing it in this instance. I hope it will be meaningful, because it is a basic problem that we have with regard to safety.

Mr. Chairman, the second problem relates to highway construction itself. If we do not do something about the bad safety problems we have on construction projects throughout America, we will not solve the problem. Money has been written into this measure with regard to actual safety in construction for the first time in an effort to get something done about it.

The distinguished gentleman from California (Mr. DON H. CLAUSEN) and I have been working on this concept for

years. Mr. CLAUSEN has been the leader with regard to what do we do about rural America and trying to build a better rural America. We have an urban council in this country. I was one of the Republican House leaders who insisted at the White House that if we have to have an urban council, then we also have to have a rural council.

The distinguished Senator from South Dakota (Mr. MUNDT) and I insisted on this one point so that there has been established 5 or 6 or maybe 8 months ago a rural council. Part of this problem has to be resolved in the highway construction program in America, as that is the most meaningful and direct way to prevent the continued outmigration from the rural areas and inmigration into the urban areas. If something is not done about it, we will not have resolved the big city and ghetto problems, and rural America will be faced with this problem in the future. Rural America, we believe, stands for what is good in America. We have to help to bring this about, and we do it here with a new program calling for $125 million for the development of rural roads. We are going into a 70 Federal-30 State participation program in 1970 for this fiscal year for the first time. We full well recognize that we have not done the job we should have done on the ABC system and other areas which has to be done now that the Interstate System is hopefully on its way to completion. We are breaking new ground, I say to my colleagues on the Committee on Public Works and in the House generally who have accepted the leadership of this committee. I do not know of any one program that has had better acceptance by the House of Representatives with more confidence shown in its committee activities and recommendations to this full body than the Committee on Public Works. I am proud of that and of the fact that we bring to you a bill like this today.

I think when we look back 14 years to the beginning of the interstate program and we realize what it has done, and I feel when we look back 14 or 15 years from now to see what we have done here this year in breaking new ground, we will say to the people of America that we feel we have done what is best in the interests of our country for its development and have broken some new ground today to make a better America and to make a better life for all of its people.

Mr. Chairman, at this point in the RECORD, I should like to include an analysis of the important provisions contained in H.R. 19504. The analysis follows:

HIGHLIGHTS OF H.R. 19504, AS FAVORABLY REPORTED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION ON OCTOBER 2, 1970

TITLE I—FEDERAL-AID HIGHWAY ACT OF 1970

1. *New authorizations for highway construction*

(a) Interstate System (Sec. 102):

[In millions of dollars]

Section 102	17,275
Section 105(13)	110
Total	17,385

Authorizations are extended for an additional four years through 1978, with the annual authorizations for each fiscal year being as follows: 1974, 4 billion (increased from $2.225 billion); 1975, 4 billion; 1976, 4 billion; 1977, 4 billion; 1978, 3.5 billion.

The 1970 Interstate System Cost Estimate shows that completion of the 42,500 mile system will cost $69.87 billion as compared to the 1968 estimate of $56.5 billion, or an increase of $13.37 billion. These costs are shown in the table below:

COMPARISON OF THE 1968 AND THE 1970 ESTIMATES

[In millions of dollars]

Item	1968 Total cost	1968 Federal share	1970 Total cost	1970 Federal share
1. Interstate mileage in State estimates:				
1968 estimate (40,969 miles)	54,234	48,538		
1970 estimate (42,495 miles)			67,213	60,031
2. Remaining system mileage:				
1968 estimate: Held for final measurement (31 miles)	310	280		
1970 estimate: Held for final measurement (5 miles)			50	45
Subtotal	54,544	48,818	67,263	60,076
3. State highway planning and research	790	704	985	879
4. Public Roads administration and research	663	663	870	870
5. Contingencies	503	455	752	675
Grand total	56,500	50,640	69,870	62,500

The Federal share of the interest cost is $11.86 billion. The 1970 estimate is based upon 1968 unit prices, and if the average annual unit price escalation of 5 percent in recent years continues until the System is completed, the Federal share of the cost of the System will be increased by about $5.415 billion, for a total additional cost of $17.275 billion in excess of the sums now authorized to be appropriated. Section 102 of H.R. 19504 as reported authorizes the appropriation of the additional sum of $17.275 billion over the 5-year period from 1974 through 1978, as follows: The authorizations for fiscal year 1974 are increased from $2.225 billion to $4 billion, and authorizations of $4 billion for each of the fiscal years 1975, 1976, and 1977 and $3.5 billion for fiscal year 1978 are added.

States that have advanced the construction of the Interstate System will receive decreasing shares of Interstate authorizations for 1972 and 1973 from apportionments made in accordance with the 1970 Interstate System cost estimate. Under such apportionments nine States would receive less than ½ of 1% of the total nationwide apportionment. Section 105(13) provides that each State that would be apportioned less than ½% shall have its apportionment increased to ½%, or approximately $20 million, for each of the fiscal years 1972 and 1973. The nine States that would so benefit are as follows:

REVISED TABLE 5, H. DOC. 91-317

ESTIMATED FEDERAL-AID AND STATE MATCHING FUNDS TO COMPLETE THE SYSTEM AND APPORTIONMENT FACTORS FOR DISTRIBUTION OF 1972 AND 1973 FISCAL YEAR AUTHORIZATIONS

[Dollar amounts in thousands]

State	Estimated Federal-aid and State matching funds required to complete system	Estimated Federal share of funds required to complete system	Apportionment factors (percent)
Alabama	$430,365	$387,329	1.866
Arizona	409,242	385,997	1.860
Arkansas	112,822	101,540	.489
California	1,701,931	1,557,097	7.502
Colorado	374,235	341,265	1.644
Connecticut	601,756	541,580	2.609
Delaware	49,504	44,554	.215
Florida	587,893	529,104	2.549
Georgia	430,877	387,789	1.868
Idaho	78,735	72,688	.350
Illinois	1,547,126	1,392,413	6.709
Indiana	325,245	292,721	+1.410
Iowa	283,574	255,217	1.230
Kansas	242,204	217,984	1.050
Kentucky	324,075	291,668	1.405
Louisiana	696,549	626,894	3.020
Maine	112,744	101,470	.489
Maryland	758,079	682,271	3.287
Massachusetts	808,660	727,794	3.507
Michigan	864,136	777,722	3.747
Minnesota	415,725	374,153	1.803
Mississippi	193,939	174,545	.841
Missouri	468,219	421,397	2.030
Montana	261,709	238,679	1.150
Nebraska	58,338	52,504	.253
Nevada	89,520	85,044	.410
New Hampshire	104,455	94,010	.453
New Jersey	601,432	541,289	2.608
New Mexico	202,546	187,274	.902
New York	1,627,323	1,464,591	7.056
North Carolina	397,916	358,124	1.726
North Dakota	55,275	49,748	.240
Ohio	733,968	660,571	3.183
Oklahoma	168,203	151,383	.729
Oregon	499,130	469,497	2.219
Pennsylvania	1,139,371	1,025,434	4.941
Rhode Island	240,996	216,986	1.045
South Carolina	165,770	149,193	.718
South Dakota	108,765	98,987	.477
Tennessee	275,576	248,018	1.195
Texas	919,731	827,758	3.988
Utah	303,716	286,283	1.379
Vermont	121,662	109,496	.528
Virginia	590,221	534,829	2.577
Washington	680,616	616,842	2.972
West Virginia	702,784	632,506	3.047
Wisconsin	210,804	189,724	.914
Wyoming	161,461	149,400	.720
District of Columbia	418,821	376,939	1.816
Hawaii	293,604	264,244	1.273
Total	22,951,348	20,755,455	100.000

INTERSTATE APPORTIONMENT TO PROVIDE A MINIMUM APPORTIONMENT FACTOR OF 0.500 PERCENT IN ANY STATE

[In thousands of dollars]

State	Apportionment based on revised table 5 factors	Additional apportionment based on 0.500 percent minimum factor	Apportionment based on inclusion of 0.500 percent minimum factor
Arkansas	19,168	432	19,600
Delaware	8,428	11,172	19,600
Idaho	13,720	5,880	19,600
Maine	19,169	431	19,600
Nebraska	9,918	9,682	19,600
Nevada	16,072	3,528	19,600
New Hampshire	17,758	1,842	19,600
North Dakota	9,408	10,192	19,600
South Dakota	18,698	902	19,600
Total	132,339	44,061	176,400

Note: The above amounts are based on a total $4,000,000,000 authorization reduced by a 2-percent administrative reserve.

Three additional Interstate System cost estimates are authorized, with the last to be submitted to the Congress in January, 1976.

(b) *New Authorizations for ABC Program and Other Highways* (Sec. 105.): Authorizations for each of the fiscal years 1972 and 1973 for the ABC program are continued at

the same level as for fiscal year 1971, as follows:

[In millions of dollars]

Federal-aid primary and secondary and their urban extensions	1,100
Federal-aid primary and secondary systems in rural areas	125
Federal-aid urban system	200
Traffic operations projects in urban areas (Topics)	200

Note: Additional construction money is included in the safety provisions under Title II for spot improvement elimination of high accident safety hazards.

Funds are authorized for several classes of public domain roads for each of the fiscal years 1972 and 1973 in the same amounts as now authorized for fiscal year 1971, except that an additional $25 million is authorized for construction of the Palisades Parkway in the District of Columbia, and $65 million for reconstructing a portion of the Baltimore-Washington Parkway. The definition of Indian reservation roads and bridges has been revised so as to include State Indian reservations (Sec. 131).

2. Federal-aid urban system (Sec. 106)

Section 106 authorizes the establishment of a new Federal-aid urban system in urbanized areas having a population of 50,000 or more. The selection of routes on the system, the selection of projects to be constructed, and the determination of specifications for such projects shall be made by the State highway departments and the appropriate local road officials in cooperation with each other.

Not to exceed 50% of funds apportioned for extensions of Federal-aid primary and secondary systems in urban areas and for TOPICS may be expended on the Federal-aid urban system in addition to the $200 million annual authorization specifically for the system, thus, providing a total of $437.5 million that could be expended upon the Federal-aid urban system for each of the fiscal years 1972 and 1973.

Federal-aid urban funds will be apportioned to the states upon the basis of population in urbanized areas, and the Federal share of the cost of projects is the same as that for the ABC program (50%, plus the sliding scale in public lands states).

3. Prohibition of impoundment of apportionments and diversion of funds (Sec. 107)

Section 107 would reenact, with minor modifications, the provision contained in the Federal-Aid Highway Act of 1968 expressing the sense of Congress that apportioned Federal-aid highway funds should not be impounded or withheld from obligation. This section further provides that no funds authorized to be appropriated from the Highway Trust Fund shall be expended by any Federal agency other than the Federal Highway Administration unless such expenditures are specifically identified in an appropriation act and are to meet obligations attributable to the construction of highways or highway planning, research, or development.

4. Increased Federal share (Sec. 108)

In anticipation of commencing a transition program in fiscal year 1974, to phase out construction of the nearing completed Interstate System and the next Federal-aid highway program, section 108 provides that the Federal share of the cost of improvement of non-Interstate highways, which is now 50%, shall be increased to 70% with respect to authorizations for fiscal year 1974 and subsequent fiscal years.

5. Emergency relief (Sec. 109)

Section 109 amends the existing emergency relief provisions to provide for up to 100% Federal payment for the cost of repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by a State subsequent to December 31, 1967, because of imminent danger of collapse due to structural deficiencies or physical deterioration.

6. Training programs (Sec. 110)

Section 110 authorizes the expenditures of apportioned Federal-aid highway funds, as a part of construction project costs, to provide continuation of training during seasonal shutdowns of highway construction, for apprenticeship, skill improvement, or other upgrading improvement programs.

The Federal share of the cost of such supplemental training is the same as that for the construction project on which the trainees are employed.

Section 115 authorizes the establishment and operation in the Federal Highway Administration of a National Highway Institute to develop and administer, in cooperation with State highway departments, training programs of instruction for Federal Highway Administration and State and local highway department employees engaged in Federal-aid highway work.

Up to one-half of 1% of all funds, other than Interstate funds, apportioned to each State may be used by the State highway department to pay up to 70% of the cost of tuition and direct educational expenses (not including travel, subsistence, or salaries) for education and training of State and local highway department employees under this section.

The Secretary is further authorized to make grants for research fellowships.

7. Urban highway public transportation (Sec. 111)

Section 111 authorizes the use of Federal-aid highway funds apportioned for urban extensions of the Federal-aid primary and secondary systems, TOPICS, Federal-aid urban system, and the Interstate System for the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers. Such projects may be undertaken in urban areas having populations of 50,000 or more for use by public mass transportation systems operating more vehicles on highways.

To be approved, a project must make unnecessary the construction of a highway project and provide a capacity for the movement of persons at least equal to that which would have been provided by the avoided highway project, and the Federal share of the cost of the public transportation project must not exceed the cost of the avoided highway project; or such a public transportation project may be undertaken if no other feasible or prudent project can provide for the moving of persons by motor vehicles on highways.

8. Construction of replacement housing (Sec. 117)

Section 117 authorizes the use of apportioned Federal-aid highway funds as a part of the cost of construction of any project on any Federal-aid system to pay the cost of constructing new housing, acquiring existing housing, rehabilitating existing housing, and relocating existing housing to be used as replacement housing for individuals and families where a proposed highway project cannot proceed to actual construction because replacement housing is not available and cannot otherwise be made available. Wherever possible the State highway departments shall utilize the services of State or local governmental housing agencies in carrying out this authority.

9. Future Federal-aid highway program (Sec. 121)

The Secretary of Transportation is required to make the necessary studies, in cooperation with the State highway departments, and to include in the highway needs report, to be submitted to Congress in January, 1972, specific recommendations for the functional realignment of the Federal-aid system and for a continuing Federal-aid highway program for the period 1976–1990.

10. Highway beautification (Sec. 122)

The following sums are authorized to be appropriated from the general funds of the Treasury for carrying out outdoor advertising and junkyard control.

[In millions of dollars]

Advertising control:	
Fiscal year:	
1971	27.0
1972	20.5
Junkyard control:	
Fiscal year:	
1971	2.0
1972	2.0
Administrative expenses:	
Fiscal year:	
1971	1.5
1972	1.5

(Sec. 123): A Commission on Highway Beautification is established to study existing Federal and State statutes, regulations, policies and practices governing control of outdoor advertising and junkyards in areas adjacent to the Federal-aid system and to recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will best serve the public interest.

The commission shall be comprised of 13 members, including 4 members of the Senate Committee on Public Works, 4 members of the House Committee on Public Works, 4 persons to be appointed by the President (who are not officers or employees of the United States), and one person elected by a majority of the other 12 who shall be the Chairman of the commission. Within one year after enactment of this section, the commission is required to submit its report to the President and the Congress, and the Commission shall cease to exist six months after the submission of its report.

11. Elimination of segments of the Interstate System not to be constructed (Sec. 124)

The Secretary of Transportation has informed the Congress that approximately 124 miles of the designated Interstate System are the subject of substantial local controversies relative to the location, design or construction of such routes, and, in some instances, the controversies may not be resolved in time for the routes to be constructed as a part of the current program.

Section 124 requires the Secretary on December 31, 1973, to remove from designation as a part of the Interstate System every segment thereof for which a State has not established a schedule for the expenditure of funds for completion of construction within the period of availability of funds authorized to be appropriated for the Interstate System, and with respect to which the State has not provided the Secretary with satisfactory assurances that such schedule will be met.

Any mileage removed from designation under authority of this provision and funds that could have been used to pay the cost of construction of such mileage will not be eligible for allocation to any State under the authority of section 103(d)(2) (the Howard-Cramer Amendment) and presumably will not otherwise be available for designation of a new route, either in the same State or in any other State, if the December 31, 1973, deadline for establishment of a schedule and submission of assurances has been passed.

Substitutions may however, be made prior to that date.

12. Economic growth center development highways (Sec. 127)

$100 million is authorized for each of the fiscal years 1972 and 1973 for demonstration

projects for the construction, reconstruction and improvement of development highways to promote the development of economic growth centers, and surrounding areas, for the purpose of revitalizing and diversifying the economy of rural areas and smaller communities, enhancing and dispersing industrial growth, encouraging more balanced population patterns, to check, and where possible, to reverse migratory trends from rural and smaller communities, and improving living conditions and the quality of the environment.

Such development highway projects are to be initiated by the application of State highway departments for service of economic growth centers which have been selected by the governor of the State and approved by the Secretary of Transportation. Such economic growth center may not have a population in excess of 100,000.

The Federal share of the cost of such projects is 70%.

13. District of Columbia interstate highways (Sec. 129)

The Federal-Aid Highway Act of 1968 directed the Secretary of Transportation and the government of the District of Columbia to construct all routes on the Interstate System within the District of Columbia as set forth in the 1968 Interstate cost estimate, and specifically directed that construction of four projects be undertaken within 30 days, and that certain studies be made of other portions of the system.

Section 129 directs that within 30 days after enactment of H.R. 19504, that work be commenced for construction of the east leg of the inner loop and the North Central and Northeast Freeways, which were the subject of studies under provisions of the Federal Aid Highway Act of 1968.

Section 129 further repeals the authorization and direction contained in the 1968 Act for construction of the south leg of the inner loop and removes the south leg project from designation as a part of the Interstate System. The Secretary of Transportation and the government of the District of Columbia are further directed to study the north leg of the inner loop and to submit a report to Congress within 12 months.

14. Other provisions

Title I of the bill contains a number of other provisions, some of which are technical changes or are limited in their application. These provisions include the establishment of a Virgin Islands highway program, authority for construction of the Darien Gap Highway, reorganization of the office of the Federal Highway Administrator, increased authorizations for bridges on Federal dams, authority to negotiate with Canada for the improvement of the Alaska Highway, bridge alteration progress payments, payment of engineering costs on the basis of an agreed percentage of actual construction costs, minimization of toll collection stops on toll roads that are a part of the Interstate System, and authority to amend an agreement relative to the Richmond-Petersburg Turnpike.

TITLE II—HIGHWAY SAFETY ACT OF 1970

15. Federal Highway Traffic Safety Administration (pg. 47)

Section 202 provides statutory authority for completion of reorganization of the National Highway Safety Bureau, which has already been undertaken administratively by Secretary Volpe. This section establishes within the Department of Transportation a National Highway Traffic Safety Administration and provides authority and responsibility for specific provisions of the Highway Safety Act of 1966 to be carried out by this new Administration and by the Federal Highway Administration. The Federal Highway Administration is responsible for administering the State and local community highway safety programs and research pertaining to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian safety. All other provisions of the Highway Safety Act of 1966 are to be carried out by the National Highway Traffic Safety Administration.

16. Highway safety authorizations

Authorizations for appropriations to carry out section 402, title 23, United States Code, relating to State and local highway community safety programs are as follows:

	Fiscal year—	
	1972	1973
National Highway Traffic Safety Administration (from the general fund)	$75,000,000	$100,000,000
Federal Highway Administration:		
From highway trust fund	15,000,000	15,000,000
From general fund	15,000,000	15,000,000
Total	105,000,000	130,000,000

For carrying out section 403, title 23, United States Code, relating to highway safety research and development:

	Fiscal year—	
	1972	1973
Federal Highway Traffic Safety Administration (from the general fund)	$30,000,000	$45,000,000
Federal Highway Administration (from the general fund)	10,000,000	10,000,000
Total	40,000,000	55,000,000

Remaining unused authorization for section 402 of $175.0 million is repealed.

17. Demonstration projects

Section 203 authorizes demonstration projects (to be carried out by the National Highway Traffic Safety Administration) for (1) alcohol safety action programs, including multidisciplinary crash investigation teams, and (2) demonstration projects relating to enforcement of motor vehicle and traffic laws. Not to exceed 52 projects (one in each State and the District of Columbia and Puerto Rico) may be undertaken under each of these two categories to be completed by June 30, 1974. Progress reports to be submitted by close of each fiscal year.

There is authorized to be appropriated for the 4-year period ending June 30, 1974, out of the Highway Trust Fund, the following sums to carry out these demonstration projects:

	Millions
Alcohol safety action programs	$171.600
Associated multidisciplinary crash investigation teams	35.200
Enforcement of motor vehicle and traffic laws	75.000
Total	281.800

18. State highway safety agency

Section 204 would require that each State carry out the State and local community highway safety program through a State highway safety agency which shall have adequate powers and be fully equipped and organized to carry out the program to the satisfaction of the Secretary. A State may designate an existing State agency as the State highway safety agency.

19. Spot improvement program

Section 205 authorizes the appropriation of $200 million for each of the fiscal years 1972 and 1973 for the purpose of spot improvement projects to eliminate or reduce the hazards of safety at specific locations on the Federal-aid primary or secondary systems or their extensions in urban areas which have high accident rates or highway accident potential.

20. Bridge construction and replacement (Sec. 206)

To eliminate the hazards of bridges which are unsafe because of structural deficiencies, physical or functional obsolescence not more than 10% and not less than 5% (unless the Secretary determines that the 5% exceeds the needs of the State) of all sums appropriated for the ABC program for fiscal year 1972 and subsequent fiscal years shall be used to pay the Federal share of the cost of projects for the replacement or reconstruction of bridges that cross waterways and are on either the Federal-aid primary system or Federal-aid secondary system.

21. Elimination of railway grade crossings (Sec. 207)

Existing law provides that up to 10% of all Federal-aid highway funds apportioned to a State may be used to pay 100% of the cost of construction of projects for the elimination of railway-highway grade hazards. Section 207 would amend this provision to require that not less than 5% of the ABC and topics funds apportioned to each State shall be used for such purposes unless the Secretary determines that a lesser amount will meet the needs of the State.

(Right of way costs shared at 50/50.)

22. Rail crossing hazard elimination—demonstration project

Section 208 authorizes the appropriation of $9 million from the Highway Trust Fund and $22 million from the general fund of the Treasury to carry out two demonstration projects for the elimination of highway-railroad grade crossing hazards.

One project will involve the total elimination of public highway crossings of the route of the high speed ground transportation projects between the District of Columbia and Boston, Massachusetts. The second demonstration project to be carried out under this section, which project is to be in Greenwood, South Carolina, involves the elimination of some crossings by relocation of a railroad and the protection of other crossings by protection devices. A total of $4 million of Federal funds is authorized for the Greenwood, South Carolina project, with $2 million to be appropriated from the Highway Trust Fund and $2 million from general funds of the Treasury. The remaining authorizations are for the high speed ground transportation project between Washington, D.C. and Boston, Massachusetts.

TITLE III

This title is to consist of amendments to the Highway Revenue Act of 1956 as ordered reported by the Committee on Ways and Means. Title III extends the Highway Trust Fund for five years until October 1, 1978.

(See Report pp. 34–44 at p. 42.)

Attached hereto are lists of authorizations for appropriations from the general funds of the Treasury and from the Highway Trust Fund as contained in H.R. 19504. The total new authorizations contained in this bill are $22,752,861,000.

New authorizations of appropriations from the general fund of the Treasury

	Millions
Forest highways	$66.000
Public lands highways	32.000
Forest development roads and trails	340.000
Public lands development roads and trails	10.000
Park roads and trails	60.000
Parkways	112.000
Indian reservation roads and trails	60.000
Virgin Islands highway program	6.000
Darien Gap Highway	100.000
Bridges on Federal dams	3.761

Billboard control	$47.500
Junkyard control	4.000
Administrative expense for highway beautification	3.000
Highway beautification commission	.800
State and local community safety programs (Highway Safety Act)	205.000
Highway Safety Act research and development	95.000
Rail crossing safety hazard elimination demonstration project	22.000
	1,167.061

New authorizations of appropriations from the highway trust fund

	Millions
Interstate System	$17,385.000
Federal-aid primary and secondary systems and their urban extensions	2,200.000
Federal-aid primary and secondary systems in rural areas	250.000
Federal-aid urban system	400.000
Topics	400.000
Economic growth center development highways	200.000
State and local community safety programs (Highway Safety Act)	30.000
Highway Safety Act demonstration projects:	
Alcohol safety action programs	171.600
Multidisciplinary crash investigating teams	35.200
Enforcement of motor vehicle and traffic laws	75.000
Total, demonstration projects	311.800
Highway spot improvements safety projects	400.000
Rail crossing safety hazard elimination demonstration projects	9.000
Total, new authorizations for appropriations from highway trust fund	21,555.800
New authorizations for appropriations from general funds	1,197.061
Total	22,752.861

Mr. KLUCZYNSKI. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I think it is most appropriate today when we are considering the Federal-Aid Highway Act of 1970, one of the great bills in the history of the highway program and certainly the greatest since the landmark bill of 1956, that we at this time pause for a moment to pay a well-deserved tribute to the father of the Federal-aid highway program, the distinguished chairman of the Committee on Public Works, my friend and colleague, the Honorable GEORGE H. FALLON.

GEORGE FALLON has served with distinction for 26 years in the U.S. House of Representatives. He is the dean of the Maryland delegation. He has established over those years an outstanding record not only in the field of highways, but in all fields which affect not only the public works operation, but the welfare of the citizens of this great country and the State and district he has so ably represented. But beyond his brilliant record as a legislator, I think the great quality of GEORGE FALLON has been the fact that he has been a real leader. I have worked with him as a member of the Public Works Committee for a number of years and I know how he handled the Subcommittee on Roads which I now have the privilege to chair. I have served under him in his capacity as chairman of the Committee on Public Works. GEORGE FALLON has been a fine, decent, considerate man. He has recognized all Members fairly and honestly and has run his committee as a chairman and a man who knows his business. GEORGE FALLON leaves us, but the record he has established is enviable; and, as he leaves us, we say to him, "Farewell and good luck."

In the same vein we must commend a man I have known and with whom we have served in the U.S. House of Representatives, the distinguished Republican from St. Petersburg, Fla., the Honorable WILLIAM C. CRAMER. BILL CRAMER is another man who has distinguished himself as a leader. BILL CRAMER is a brilliant, able lawyer and a very effective legislator. I have seen him develop over the years from his first day with the Public Works Committee. His talents are manifold. His contributions not only to the legislation we are considering today but in all fields covered by the Public Works Committee has been tremendous. BILL CRAMER is another example of what a legislator should be. I salute him today and wish him good luck in the years ahead.

BILL, you are a great man and it has been a pleasure to serve with you during the 14 years I have been a member of our committee. To you and your fine wife and family, Mrs. Kluczynski and I wish you the best.

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

Mr. KLUCZYNSKI. I yield to the distinguished gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I am most pleased that the distinguished chairman of the Subcommittee on Roads, the gentleman from Illinois (Mr. KLUCZYNSKI), has taken this time to salute two able members and leaders of the Committee on Public Works who are today helping to lead the fight for this major piece of legislation.

I have had the great privilege in the House of Representatives of serving with several chairmen of committees and I have been unusually fortunate in that without exception they have been fine men who were able legislators and great Americans.

But, Mr. Chairman, there is no finer chairman, there is no finer Congressman than GEORGE FALLON of Maryland. He has to me been an ideal chairman in practically every respect in the operation and administration of the committee's business. He has taken the lead in selecting fine staff members to be responsible for the staff work of the committee. He has placed trust and confidence in those staff men and has backed them up. He has given a great deal of latitude to his subcommittee chairmen and he has backed up his subcommittee chairmen in their handling of matters. He has been a very able peacemaker and mediator within the committee, a man who has put the good of the Nation and the progress of legislation above narrow personal differences or partisan considerations. In my judgment he has helped to make possible the great record of this committee and of this Congress.

I have counted it one of the real privileges of my life to get to know and work with GEORGE FALLON and to get to know and to admire his lovely wife, and to get to serve with him in the House of Representatives. He will indeed be missed, and the leadership that he has demonstrated in the House of Representatives will be missed in the next Congress.

Mr. Chairman, I am pleased also to join with my able subcommittee chairman, the gentleman from Illinois (Mr. KLUCZYNSKI) in saluting the senior Republican on our committee, the gentleman from Florida (BILL CRAMER). BILL CRAMER is one of the hardest-working Members of the House of Representatives. He is one of the ablest debaters. I do not know of any man who has brought to committee business and to committee consideration any greater mastery of detail, any greater scholarship and workmanship in the preparation and finalizing of the legislation that comes to the floor of the House, than he. He is a man who is tough to meet in debate, either in committee or on the floor of the House, because he is always well prepared, and a master of the English language. I know that he will be sorely missed not only by his colleagues on the other side of the aisle in the conduct of their business on the floor of the House, but by the entire House of Representatives, because of the contributions that he has made.

To him and to his lovely wife, as well as to the chairman of our full committee, and to his lovely wife, I want to extend my very best wishes.

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

Mr. EDMONDSON. I yield to our distinguished majority leader.

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

Mr. Chairman, I cannot pass up the opportunity to join in the sentiments expressed by my colleague, the gentleman from Oklahoma (Mr. EDMONDSON), in what he has said about the distinguished and beloved chairman of the Committee on Public Works, and the outstanding ranking minority member on the committee, the gentleman from Florida.

These are sentiments that are joined in by every Member of the House. These men have made great contributions to our country, and they will be missed. All of us, I know, wish them the richest of life's blessings in the years ahead.

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

Mr. EDMONDSON. I yield to the distinguished gentleman from Minnesota.

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

Mr. Chairman, if I may, I would just like to add my sentiments to those expressed by our distinguished majority leader, and by my fellow colleagues on

the Public Works Committee, the gentleman from Oklahoma (Mr. EDMONDSON), who has made such a fine and glowing statement.

The length of my remarks can in no way be proportional to the service rendered through the Public Works Committee to the country by Chairman FALLON from Baltimore and the gentleman from Florida (Mr. CRAMER). I speak with earnestness and from the heart on behalf of two of the finest men that I have ever served with in Congress. The Nation knew the distinguished gentleman from Baltimore as chairman of the Public Works Committee. For my own part, I have had the pleasure to personally know George FALLON as a good friend for 24 fruitful years.

I not only have served with, but I have sat side by side with GEORGE FALLON, who is now closing his 24 years of service here.

Mr. Chairman, the very first tour that I ever made with the Committee on Public Works involved visiting different parts of the United States with GEORGE FALLON. The tour included the St. Lawrence Seaway, the Midwest, Kansas City, the western part of our country, Salt Lake City, and then the Northwest.

It was a personal privilege to have as my roommate on that tour, the senior member of the committee, the gentleman from Maryland (Mr. FALLON).

What I have gained in experience and knowledge from GEORGE FALLON can in no way be replaced, nor can our friendship. Of paramount importance was the way in which he handled controversial matters, and the respect, concern, and earnestness with which he handled all people. As the gentleman from Oklahoma (Mr. EDMONDSON) expressed so well, his concern was not only for the members of the committee, and other colleagues of the House of Representatives, but was directed to the entire Nation and its future.

His motto would perhaps be an old one, and old truths have a way of being trite in these days of noise, speechifying, and preachifying, but he thought deeds were stronger than words.

His philosophy was to get the job done in the best possible manner no matter what the diversity of opinion or controversies might be. His final judgment, which weighed all points of view, gave evidence of deep reflection and consideration, and that is always good. He was a master craftsman who steered and guided his end product to achieve what was possible.

In addition to giving meaning to the phrase "deeds speak louder than words," he truly showed us that politics, in a broader sense of the word, is the art of the possible.

Mr. Chairman, the leadership he gave to all areas of public works is to his everlasting credit. While most of us require words, GEORGE FALLON needed only his silent presence to give unified, energetic, and creative leadership to the Public Works Committee. This is a truly remarkable feat when you consider that the Public Works Committee includes such fields as area redevelopment, public buildings, rivers and harbors, roads, watershed development, and others.

The leadership he gave to the Public Works Commission created multibillion-dollar public works programs that were so good, they almost could have passed on the suspension calendar or by unanimous consent, GEORGE FALLON can sponsor billion-dollar spending projects at a time when the taxpayers are emotionally and justifiably concerned over the high cost of goods—the high rate of taxes, and the ever-increasing frustrations and problems that come up as a result of serious inflation.

Yet, again and again, he will come up with a multibillion-dollar highway program, a rivers and harbors program, a flood control program, a watershed program and many other programs that will benefit every major area in the United States. My memory also recalls programs of community facilities, programs of economic development assistance, and programs of assistance to municipal districts both large and small. Why we were working on waste treatment control facilities over 15 years ago, but at that time we called it "pollution" and now they call it "quality of life." The language has changed, but the problems are still there.

Mr. Chairman, I apologize for imposing on the time, which is precious because of the family holiday, but I do speak with all the feeling in my heart, not only for my own personal pleasure in being associated with both GEORGE FALLON and BILL CRAMER, but also in recognition of the work these two gentlemen have done while on the Public Works Commission.

If I forgot to mention the ranking minority leader, if I left him out, I did not do so intentionally.

I believe that I have engaged BILL CRAMER in more debate, at times very heated, than any other man on the Public Works Committee. And although I have more than one lump on my head to prove that point, we have remained good friends. Whenever we have agreed, we stuck together. The gentleman has contributed greatly by being an antagonist as well as a protagonist. I think out of that combined conflict, we came out with good propositions and propositions that have been repeatedly sustained and upheld on the floor of the House by record-breaking majorities. In closing it is with the deepest appreciation and with words inadequate to the occasion that I express my thanks for a job well done by Chairman FALLON. But my thanks is a small one when compared to the thanks the country is able to give, and will be able to give, because of what GEORGE FALLON has given it.

GEORGE FALLON, we salute you and your lovely wife and wish you all the best. BILL CRAMER, we also salute you and your lovely wife.

Mr. EDMONDSON. Mr. Chairman, I yield to the gentleman from South Carolina (Mr. DORN).

Mr. DORN. Mr. Chairman, I want, of course, to join my colleagues here today in paying tribute to one of the greatest committee chairmen of all time in the history of the Congress—a man who epitomizes the words of Daniel Webster here in the Hall of the House of Representatives.

Webster said:

> Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also in our day and generation may not perform something worth to be remembered.

My chairman is truly a man who has promoted and developed the resources of our land, a man who will be leaving something in his day and time to be remembered.

I was not a member of the gentleman's great committee when the Interstate Highway System was first received and adopted by the Congress. Had I known Chairman FALLON at that time as I do today, I would then have supported the Interstate System as energetically as I do now.

The Interstate System today is a tribute to the chairman. He is deservedly called the "father of the Interstate System," and not only the Interstate Highway System, but so many other public works, such as Appalachia development and other programs of economic development. So much worthwhile, lasting legislation for the development of this Nation and for the protection of its environment has come from this great committee, under the gentleman's outstanding and superb leadership, that he will be remembered down the corridors of time.

Mr. Chairman, I am honored to have had a small part in these great programs for our country. In my own congressional district there is a $1 billion project—$1 billion in one congressional district, which could not have been possible without the leadership of the distinguished gentleman from Maryland and the distinguished minority leader of our committee, the gentleman from Florida (Mr. CRAMER).

Of course, my people shall forever be grateful for this great development, this investment in tomorrow.

My chairman epitomizes something that really is a lesson to all committee chairmen. I do not remember a time when he ever brought to the floor of the House a piece of legislation that was controversial in the extreme and which split the House down the middle. He hammered out legislation in committee, where it should be compromised and put together, and then he presented it on the floor. In most instances it was adopted almost unanimously. This, Mr. Chairman, is the art of government. It is the art of political leadership at its finest.

I could not let this opportunity pass without paying tribute to this great American, this man who will mean so much to all of us in the areas of pure water and pure air down through the years to come. The things that young people are talking about today, when they come to our offices, the chairman and, I might say, my great colleague from Florida (Mr. CRAMER) were thinking about and doing something about years ago.

I have the very highest regard for my distinguished minority leader on this great committee. He is a man with ut-

most integrity and character. His word is his bond. He is an outstanding legal scholar, with a solid grasp on all the issues that come before him. His clarity of intellect and his integrity have earned the respect of all his colleagues. I am going to miss these gentlemen and our association here, but I will always remember their outstanding leadership. I could not let this opportunity slip by without paying tribute to these two great Americans, two great Members of the greatest and most deliberative body in the world.

Mr. EDMONDSON. Mr. Chairman, I know it would be premature at this time to ask permission that all Members may extend their remarks on the subject of the service of these two gentlemen. I believe the chairman of our committee will obtain that permission when we get back into the House.

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

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

Mr. HARSHA. I yield to the gentleman from Indiana such time as he may consume

Mr. BRAY. Mr. Chairman, I am in favor of the Federal Highway Act of 1970 and I certainly will vote for it. However, I believe that Congress must continue to demand that highway funds, collected for the highways, be used for the highways. I especially refer to the Highway Trust Fund established by law in 1956. Congress had refused to raise the Federal gasoline tax for any purpose except for the highways. In a sense, a trust fund was created to receive this gas tax money, and Congress by legislation, provided limitations on the spending of that trust fund.

The past two administrations have attempted to use that trust fund—for other purposes, refusing to spend it for the purpose for which Congress intended. This is a serious matter and must be stopped. The executive department does not have the right to determine that this Highway Trust Fund be used for other purposes. That decision has already been made by law. It must not be tampered with by any branch of Government. The misuse of trust funds is a serious matter. The American people have the right to expect their Government to respect the proper and legal spending of this trust fund.

I have spoken about this matter several times. I do want to give notice to the administration that I will fight the misuse of the Highway Trust Fund as I have during past administrations.

Mr. HARSHA. Mr. Chairman, I wish to join with the distinguished gentleman from Illinois (Mr. KLUCZYNSKI) and others in paying tribute to GEORGE FALLON and BILL CRAMER. Together, these two men have made an outstanding contribution to the committee, the Congress, and the Nation. They have played key roles in all of our deliberations, from legislation creating the Interstate Highway program to the follow-on measure we consider here today but their service is not limited to only that field. They have been leaders in programs designed to build America and contribute to its greatness. They have been in the forefront of the fight against water pollution. Their work deserves the recognition and applause of all Americans.

Throughout my tenure on the Committee, Chairman FALLON has been a fair and forceful leader. He has always been attentive to the needs of the minority. Under his stewardship, partisanship has taken a back seat. Members of the Public Works Committee can be justifiably proud of having served with him, and under him.

I agree with Mr. KLUCZYNSKI that the proposed Federal-Aid Highway Act of 1970 is a landmark proposal, for it sets the stage for the highway program which will serve the Nation's transportation needs for many years to come. It is fitting that this bill be enacted under the leadership of Chairman FALLON, and that of the ranking minority member, my friend and colleague from the State of Florida, WILLIAM C. CRAMER.

When BILL CRAMER, at the urging of President Nixon, announced his candidacy for the U.S. Senate, I was left with mixed feelings. On the one hand, was the realization that I would probably emerge as the ranking minority member on the Public Works Committee in the next session of Congress. On the other, was the sense of personal loss that I felt at his departure and the realization that we on the minority would have to continue without the benefit of his sound judgment and foresight.

Since my appointment to the Public Works Committee following my election to Congress in 1960, BILL CRAMER has been my mentor. In matters concerning the work of the Committee, he has proven a tower of strength, as well as, a resolute champion of sound and constructive legislation.

In fulfilling his leadership role on the committee, he has always been courteous and considerate of the rights and interests of his fellow Members on both sides of the aisle. Few legislators rivaled his ability to get to the heart of the legislative questions we faced.

He has been tireless in his determination to insure that all sides and positions were considered before legislation was reported. He set a high standard of performance and devotion to duty which I, in all sincerity, can only aspire to attain.

His interests range across the spectrum of our Committee's activities and then some. His stamp is on all of our work, and that of the Congress, over the past decade and a half.

BILL CRAMER and GEORGE FALLON will be missed.

Now I should like to say a word, if I may, about this bill we are debating today.

As this body has heard from other Members, this is one of the best highway bills ever proposed. It attempts to meet our highway needs by completing the interstate system, insofar as possible, and moving to a program designed to upgrade our deteriorating primary and secondary highway systems in order to meet transportation needs of the future.

In this legislation we create a new Federal aid urban system to serve major population centers. Its aim is to alleviate congestion in the most congested traffic corridors in order to reduce the cost of movement of both people and goods, and above all, to reduce the number and frequency of accidents and the resultant personal injury and loss of life connected with them.

In phasing out our interstate system, to meet the needs of updating and improving our deteriorating primary and secondary systems, we will move to a new cost-sharing formula based on a 70/30 distribution. This will serve not only to maintain a healthy construction industry during the transition period from the interstate to the next Federal aid highway program, but also it will help to meet the States' critical need for additional money.

We have developed an urban highway public transportation program designed to alleviate the mass transportation problem in our cities, to lessen the necessity for displacing people, to transport more people at less cost, to alleviate the congestion on the highways, to reduce the necessity for building more highways, and to lessen air pollution. Thus we are endeavoring to solve, to some degree at least, our environment problems.

In another effort to meet social problems, we have provided for the construction of replacement housing including it as a cost of construction of a highway project, thereby relieving the hardships suffered by many displaced persons.

We have expanded training periods under the Equal Employment Opportunity provision of the law, to provide a more meaningful and effective program which will enable trainees to receive an uninterrupted period of training in order to permit him to achieve an acceptable level of competence and skill. This will not only reduce the dropout rate but also will assist trainees to become productive, contributing members of society, with the resultant dignity and self-respect one attains by becoming such an individual.

Again, in an effort to resolve some of the social and environmental problems, we established a demonstration program to determine how highways can be used to develop economic growth centers. This provision is designed to revitalize and diversify the economies of rural areas and smaller communities, to relieve congestion in urban areas, to halt migration to them, and to eliminate some of the ghetto and urban problems resulting from mass migration to urban areas. It is designed to encourage more balanced population patterns, to improve the environment and living conditions and the quality of life for all Americans.

As to beautification, we authorize the administration to initiate a demonstration project or two pending the report of a special commission which will study the most effective ways of resolving this problem.

We set the stage for the so-called after 1995 highway system, and provide for a multimillion-dollar highway safety program designed to save millions of lives in the years ahead.

The National Safety Council tells us that highway accidents are killing more than 1,000 persons per week and injuring 40,000 more. The economic loss from such

mishaps come to $200 million every week. The rather extensive safety program authorized here will help to stop this needless killing and reduce the injuries and economic loss which we are suffering.

Mr. Chairman, these are just some of the highlights of this legislation. This is a well thought-out bill and one everybody can support. I hope the House will pass it without any crippling amendments.

Mr. Chairman, in passing the original emergency relief provision, which is contained in the Highway Act of 1968, it was our intention that structures replaced in such cases would meet geometric and construction standards currently required for the type and volume of traffic which such facilities would carry over their design life.

I regret to say that the General Accounting Office has misconstrued our intention. It has questioned the propriety of using Federal emergency relief funds for financing 100 percent of the cost of a four-lane bridge and approaches, built to replace the two-lane Silver Bridge between West Virginia and Ohio which collapsed in December 1967.

The misinterpretation resulted because of a strict interpretation by GAO of the term "comparable facility" as used in the 1968 act. I want to make clear for the record that I believe that decision was wrong.

In any event, the Senate has provided specific language to correct any misunderstanding on this score. Section 13(b) of S. 4418 adds specific language to this effect. Because of its retroactive coverage and the broadened definition of the term "comparable facility," this new subsection confirms, if any confirmation was needed, that 100-percent financing was intended for the Silver Bridge replacement project.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey, a member of the committee (Mr. ROE.)

Mr. ROE. Mr. Chairman, the bill before you, H.R. 19504, has proposed bold new approaches to the continuing problem of transportation in our urban areas.

Our Nation has long since passed from a rural-oriented society to one that is urban centered. Some 70 percent of our population lives in urban areas today and this is expected to increase to 80 percent by 1985. This concentration of people, and hence of trip potential, is and will continue to be one of the greatest challenges for transportation.

Our efforts, obviously, must be concentrated on meeting the challenge of providing adequate transportation for urbanized areas—places of 50,000 or more population—wherein the problems are most critical. In 1968, in urbanized areas, 98 percent of all person-trips and 97 percent of all person-miles of travel were made in either transit buses or private automobiles. In addition, virtually all goods movement was by truck.

By 1990, 70 million additional persons will live and work in the Nation's urbanized areas increasing the population of these areas to about 175 million, or about 70 percent of the total population of the Nation. Travel in most urban areas has been doubling about every 20 to 25 years or at roughly twice the rate of urban population growth. It is estimated that in 1990 urbanized area travel will be about 1.25 trillion person-miles annually, an increase of about 90 percent over current levels.

We cannot know for sure whether our large metropolitan areas will continue to expand to accommodate the additional population, or if this growth can be channeled into new communities such as have been proposed by the National Committee on Urban Growth Policy as a means of meeting the housing need of 100 million new Americans in the next 30 years. If the patterns of growth of the past are not altered we can expect that the future growth will tend to occur along major transportation corridors, and in areas made accessible by high-quality transportation. This will require not only a greatly expanded urban highway program, but will also afford an opportunity, through comprehensive planning, to design and locate future urban systems in harmony with land use development plans and as a means of enhancing the urban environment. We also have the opportunity now to assist in the implementation of a national urban policy by applying the highway program as a creative tool to stimulate desired development.

It is here that our future programs must be developed on a bimodal basis: a combination of freeways and arterials for vehicle trips, complemented with public transportation and, in the largest centers, with rapid-rail transit to accommodate the high volume of commuter trips destined for the city core, as well as for those central city dwellers who seek employment in outlying areas.

We should recognize that highway transportation is in reality multimodal in scope and operation. Highways provide the roadbed for most of the public transportation systems in urban areas and will likely continue to do so in the future, except in the largest metropolitan areas where fixed-rail systems can be effective in relieving traffic congestion, particularly during peak hours. Even here, there must be adequate highway facilities for the user to change modes at the original and/or destination of his trip. Highways also provide vital access to airports and shipping terminals, and interact with the rail network for transshipment of goods.

Because of the rapid rate of development that characterizes urban development today, the transportation needs of urban areas have received greater Federal and State emphasis in the past decade and may need more in the future. Federal highway legislation of the 1960's has been oriented specifically to better adapt the Federal-aid highway program to meet the complex transportation problems of urban areas.

Both the 1968 and 1970 national highway needs reports pointed out that the proper candidates for inclusion in an urban system would be those streets and highways that function as arterials. Most of this arterial mileage is on a Federal-aid system and it accommodates a major portion of the travel in urban areas. About 75 percent of the total travel in urbanized areas takes place on the 19 percent of the mileage which has been classified as arterial. Slightly more than half of this arterial mileage is on Federal-aid systems which accommodate over 52 percent of the total travel in urbanized areas. The remainder of the mileage, functionally classified as arterial but not on a Federal-aid system, amounts to about 9 percent of these streets and highways, yet it carries approximately 23 percent of the total travel. Since it is recognized and generally accepted that the Federal-aid systems should include all of the most important routes it is reasonable—because of the Federal interest in improved transportation—to conclude that many of the arterials not now on a Federal-aid system should comprise a part of the expanded urban system.

Section 106 provides for establishing this new urban system on a national functionally classified basis. It uses the functional classification study submitted by the Department of Transportation to the Congress as a supplement to the 1970 National Highway Needs Report. Specifically, in table 12 of that report the principal arterial system in urbanized areas is specified and consists of 29,851 miles, exclusive of interstate. Of that total 8,525 miles are not now on any Federal-aid system and represent the prime area where these funds are intended. Section 105 of the bill provides $200 million for the urban system for 1972 and 1973. It is the intent in the bill that this be a temporary designation for the system until all of the studies are in hand in 1972. At that time the then designated system will become permanent.

The provisions of section 111 of H.R. 19504 concerning urban highway public transportation would also be a real step forward in meeting the highway transportation crisis and peak-hour congestion problems in urban areas—by encouraging public mass transit by buses.

This section would authorize the use of apportioned funds for extensions of the Federal-aid primary and secondary systems within urban areas, for the Interstate System, and for the new Federal-aid urban system for the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities.

Such type of project would be an alternative to a regular highway project and would require meeting one of two tests: First, no such project would be approved for Federal aid unless it will eliminate the need for constructing a highway project to increase automobile traffic capacity, provide a capacity for movement of persons at least equal to that which would be provided by the avoided project, and will not exceed the Federal share of the cost of the avoided project; second, the project would not be approved unless "no other feasible or prudent highway project" can provide the additional capacity for the move-

ment of persons by motor vehicles on the highway.

Federal-aid highway funds are already participating in a number of transit improvement projects, ranging from exclusive bus lanes and extra median width for rapid transit facilities to a series of special feasibility studies and an urban corridor demonstration program conducted jointly with the Urban Mass Transportation Administration.

The new provision we are here considering will provide a sound legislative base—with adequate safeguards—to further encourage public mass transit by buses as a supplementing role in meeting overall transportation demands in urban areas.

It will not result in any diversion of the highway trust fund for nonhighway purposes. To the contrary, the whole purpose is highway oriented. It will make possible a substantial shift of people from private cars to buses and thereby increase the capacity to move people, remove congestion, and lower travel time and costs for highway users.

The committee therefore feels that this section of the bill will provide substantial benefits to the total transportation program in urban areas.

Section 117 of the bill takes another significant step toward easing the problem of providing urban facilities. This section expands from the landmark provisions for relocation benefits provided in the 1968 act and gives the States the authority to construct replacement housing as a part of the construction costs on any Federal-aid highway project. The authority covers the cost of constructing new housing, acquiring existing housing, rehabilitating existing housing, and relocating existing housing. The authority becomes available where a proposed project on the Federal-aid system cannot proceed to actual construction because replacement housing is not available or can otherwise be made available.

This provision will certainly help to solve some of the crucial urban problems we have today both in transportation and housing.

There are a number of additional benefits in the relocation process which are contained in a uniform relocation bill already reported out of the Public Works Committee. This bill will be enacted in this session and will include among other things the provision for making up the difference in interest rates which is currently a major problem in relocation.

Mr. Chairman, H.R. 19504 is truly a bill of major benefit to the urban areas of this country and I strongly support its enactment.

Mr. KLUCZYNSKI. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Chairman, the pending Federal aid to highways legislation, H.R. 19504, is probably the most important and necessary piece of legislation which the 91st Congress has considered.

In all our metropolitan and urban centers, mass transportation is getting more critical as the months pass by. Our population this year has passed the 200 million mark and automobiles, trucks, and all methods of transportation have multiplied much faster than our population.

I fully realize that rural communities, and especially small towns, do not have the daily problems of mass transportation that confronts larger centers of population and particularly cities located in the pathway of transcontinental traffic. I commend the Public Works Committee for the long hours of work in preparing this legislation which will authorize their full money request and the additional, approximately $17 billion for the highway trust fund which will greatly aid in relieving our deplorable transportation congestion.

The Calumet industrial region of Indiana, located on the south shore of Lake Michigan and adjacent to approximately 7 million people in the Chicagoland area, today is probably the No. 1 victim of traffic congestion owing to its location in the pathway of the Nation's east and west automobile and truck traffic.

All east and west traffic entering and leaving Chicago passes through the Calumet industrial area of northwest Indiana. This area is the No. 1 congested traffic problem in America. This traffic congestion directly and indirectly curtails transportation effecting all sections of the Nation.

In the Calumet region industrial area we have three major steel mills, all refineries from major oil companies, and approximately 200 other factories and industries, large and small, employing approximately 100,000 workers.

On account of the interstate and local traffic, it is practically impossible for these industrial and defense workers to drive to and from their jobs on account of this traffic congestion. Many workers are delayed on shift changes by over an hour on driving to work on a trip which should take about 10 or 15 minutes.

We have 16 major defense plants in this area which are turning out productions for our Defense Department almost exclusively, and, by reason of this congested traffic condition, our defense production is greatly impeded and curtailed because of too long delayed aid from our Federal Government in aiding the local taxpayers to construct proper access roads and freeways to handle this traffic congestion.

I thank Chairman FALLON and Subcommittee Chairman JOHN KLUCZYNSKI of the House Public Works Committee and all the members of that great committee for the courtesy extended approximately 15 witnesses from my congressional district in holding hearings several months ago to testify before their committee on our deplorable traffic congestion in the industrial Calumet region of Indiana. I think the time has arrived when this Congress begins to concentrate on appropriating all necessary money to relieve some of the long-delayed programs and projects, which are being held up and curtailed, to relieve the Nation's neglected traffic problems.

I hope the Congress today will pass this request made by the Public Works Committee for sufficient money to continue its great programs toward relieving the almost impossible transportation mess in which our highway traffic is enmeshed, especially in large metropolitan areas, along with our interstate and transcontinental traffic.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Mr. Chairman, I rise in support of H.R. 19504, of which I am a sponsor. Other members of the committee and the committee report on the bill pretty well explain this legislation. Therefore, I will simply state briefly that I am a sponsor of the bill, I attended most of the hearings and markup sessions and on balance it is good legislation. I particularly want to commend those staff members of our committee who worked long and hard to draft this legislation. It is unfortunate that this legislation comes to the House at such an inexcusably late date in this session.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Chairman, I rise today to voice my strong support for H.R. 19504, the Federal Aid to Highways Act of 1970.

I would first like to commend the members of both the Public Works Committee and the Ways and Means Committee for their excellent work in reporting this bill.

In my former capacity as a county commissioner in Davidson County, N.C., I learned the importance and the effectiveness of the federally assisted highway program.

I know firsthand the need of local and State governments everywhere for more funds for transportation, since transportation is such a vital element in the success and progress of any community.

I am vitally concerned about the transportation needs of my district, as well as the similar needs of other districts and communities across the country.

While the authority for road construction rests with State government, I want to do my part to encourage the rapid development of commerce and industry which inevitably accompany new transportation systems. I intend to lend my support to this legislation as an expression of my concern and that of my constituents for this issue.

I want to encourage the development and upgrading of primary and secondary roads, which open up undeveloped areas to trade, and thus strengthen the economy of the community, the State, and the Nation.

Because of this concern and this desire, I introduced legislation providing for an increase in the Federal share of funds for these projects from 50 to 70 percent. I am pleased that the distinguished members of the Committee on Public Works have seen fit to incorporate this provision in the final version of this excellent bill.

I believe the proposed increase in Federal participation under this program is fully warranted, because I have seen so many examples of improvement and

progress made within its framework. The tremendous work already accomplished under this program is reason enough for expanding and extending the program.

The highway trust fund has made the dream of a national interstate highway system almost a full reality. But this first responsibility of the fund has been successfully augmented to include construction of badly needed primary and secondary roads throughout the country.

Under this program, we have seen outstanding improvements in the transportation patterns of our large metropolitan areas, making the cities more easily accessible, speeding commuter traffic, and increasing the flow of commerce and services.

We have also seen great achievement in the less populous areas of the country, with many roads built with this fund serving as lifelines for communities throughout America.

This bill extends that trust fund through 1977, and as our Interstate System grows nearer to completion, we will have more and more funds available for construction and improvement of primary and secondary roads, the vital arteries of any prosperous and working society.

No project can be more important than the upgrading of roads serving our small- and intermediate-sized communities, whose very lives depend on adequate transportation. We must guard against letting the American town die of economic starvation. This bill promises to provide that protection.

Again, I commend those who have worked so diligently to fashion this bill, and I urge my colleagues to join me in voting for its passage.

Mr. HARSHA. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DON H. CLAUSEN), a member of the subcommittee.

Mr. DON H. CLAUSEN. I thank the gentleman for yielding this time to me.

Mr. Chairman, while many comments have been made about the retiring members of our committee, the gentleman from Maryland (Mr. FALLON) and the gentleman from Florida (Mr. CRAMER), and on which I have previously asked unanimous consent to revise and extend my remarks, I want to commend the chairman of our subcommittee, the gentleman from Illinois (Mr. KLUCZYNSKI). The gentleman from Ohio (Mr. HARSHA) and I and other members sat during the entire hearings and I think they would agree that the gentleman from Illinois (Mr. KLUCZYNSKI) has been one of the fairest, one of the most patient chairman we could have possibly had and is deserving of our highest commendation and appreciation.

Mr. Chairman, the gentleman from Maryland (Mr. FALLON) has always been most considerate. One of the reasons I believe this committee has been successful is because of his basic attitude toward permitting members of the committee to participate in the deliberations and consideration of legislation. With reference to the gentleman from Florida (Mr. CRAMER), I believe we have temporarily lost one of the finest minds, one of the most articulate spokesmen in the field of transportation that this Congress and this committee has ever had.

Mr. Chairman, I would like to devote a little time to a couple of amendments which I offered in the committee; namely, the changing of the matching formula for primary, secondary, and urban extension roads to a 70–30 percent formula, after June 30, 1973, as well as the provision having to do with the economic growth center development highways.

It is our intent through the economic growth center development highways program to coordinate expertise through demonstrations, grants and projects, so that once we move toward the phasing in of the new formula after June 30, 1973, we will have the kind of experience necessary to coordinate and integrate the transportation system with other forms of economic development programs, both public and private.

Throughout the deliberations of the committee we have done our level best to maintain the kind of balance in our basic allocation formulas for both the urban transportation systems, as well as the rural transportation systems, because in my judgment the country is desperately out of balance when you consider the current population patterns. It has been said so many times, that with 73 percent of the people living on 2 percent of the land, we have a ridiculous and a very unbalanced population pattern that is adding to the inflationary problems of this Nation, because it costs more to provide services and transportation systems in the major metropolitan areas than it does in the sparsely populated areas. But in dealing with this problem our efforts have been to move in the direction of transportation system improvement wherever we could, to clean up the transportation systems in the urban areas, but at the same time by the revising allocation formulas, as far as possible, so that we not only stop the movement of people and the out-migration from rural America, but hopefully reverse it, which I believe is the objective of this committee as we move toward the adoption of the 70–30 formula, and away from the 50–50 formula.

Also needed and included in this bill, in my judgment, was the handling of the problems under the so-called topics program, the traffic operational problems in congested areas. We have recognized this, and, at the same time, intensified and increased the amount of funding for the primary and secondary roads in the sparsely populated areas. We are dangerously overcentralized in this country, and in my judgment what is definitely needed is a new national economic growth policy, that would lead to a more balanced population pattern and distribution, and the way to start is to advance the coordinated, integrated and balanced transportation system program recommendations as envisaged in the revenue allocation revision formulas that are included in this bill.

Mr. Chairman, this is a landmark piece of legislation, and will be coordinated with all forms of transportation, land, sea, and air, so that we realize, at some point in the future, the sort of sound, positive, and economically balanced transportation system finance formulas that must be the trend in the future, if we are to provide the opportunities for our young people, small businesses, and every individual in America looking for a way to participate and get a piece of the action.

While our interstate and defense highway system was developed ostensibly for defense purposes, I would submit that history will record the fact that it contributed more to the economic growth and improvement of our standard of living than any other single program in the history of the country. I believe we need to expand on that approach by giving greater impetus and emphasis to our primary and secondary highways as well as the urban extensions commonly referred to as the A–B–C program.

This country must decentralize for defense purposes, and at the same time provide more opportunity to make a contribution to the gross national product, and I believe that this legislation will permit us to do just that.

Mr. Chairman, I wish to register my strong support for H.R. 19504, the highway bill before us today. It is one of the most comprehensive measures we have approved in many a year. Not only does it contain the usual biannual authorizations for a continuing highway program, but, in addition, it comes to grips with several of the most troublesome and pressing transportation problems facing this country today.

Through the legislative guidelines it provides, I believe we have taken the first long steps toward formulating a highway program which will serve the Nation's needs for many years to come.

With your permission, I would like to discuss with you some of the more salient features of the bill which, as a member of the Committee on Public Works, I had the privilege of helping to formulate.

Understandably, completion of the Interstate System was high on the list of priorities in our deliberations this year. Since its initiation in 1956, upwards of 30,000 miles of the best highways in the world have been built under this program. The Interstate System is now roughly three-fourths complete. With the end in sight, the question confronting the committee was: How can we assure completion with a minimum of disruption and a maximum of dovetailing into a follow-on Federal-aid highway program?

To press for too early a wind-up would likely create a gap between the present and future programs—particularly in those States where Interstate construction was virtually at an end. On the other hand, to stretch out the program, as some have recommended, well into the 1980's in order to place immediate emphasis on other highway needs, was not realistic.

After careful study, the committee settled on a compromise between the two approaches. Feeling that a reasonably early completion date was essential to meet transportation and national defense requirements and to support continued growth and development of the Nation's resources, we chose June 30, 1978, as the

target date. To that end, we provided $17,385 billion in new authorizations to see the program through.

A comparable extension of the highway trust fund is contained in title III of the bill. Thus, I believe we can reasonably expect to see the dream of a national network of superhighways become an operating reality before the end of the decade. Of this, all of us in the Congress can be justifiably proud.

A second major problem with which we came to grips concerned the proposed Federal-State sharing formula for a post-interstate highway program. Over the next 15 years, just keeping abreast of our highway needs will require a vigorous effort and the expenditure of vast sums of money. Some have estimated the cost at upward of $200 billion. Even the most optimistic forecasts indicate that user taxes will generate nowhere near that amount. Indeed, if continued at present levels, revenue forecasts suggest that only about half that amount will be forthcoming.

The foregoing considerations made it obvious to us that a new sharing formula would have to be devised. After weighing all factors, the committee decided that the Federal share payable on Federal-aid primary and secondary and urban systems, and on certain other special programs, should increase from 50 to 70 percent. This cost-sharing percentage, it was felt, would provide the incentive and wherewithal to continue the program at reasonable levels, while assuring State participation to the maximum feasible degree in funding it.

The new sharing formula will take effect beginning June 30, 1973, with authorizations for fiscal year 1974. The committee chose that date deliberately to coincide with the time that many States will be completing Interstate construction. Their apportionments will, consequently, be greatly reduced. The new formula should help to ease the difficulties of transition from the old to a new highway program. For traffic and transportation planning engineers at all kinds of government as well as labor and management engaged in the construction business.

By providing assurances of Congress' intention to fund a continuing highway program, local people can begin making plans for the future and the roadbuilding capabilities built up over the past 15 years can be maintained.

Our ultimate objective, of course, is to move ahead in the direction of a coordinated, integrated, and balanced transportation system which will serve the needs of all the people. Such a system includes air, water and mass transit systems, as well as highways.

Financing such an integrated transportation network will not be easy. Revenues generated from the highway trust fund are barely adequate to meet current needs. In view of the truly massive requirements forecast for the remainder of the century for primary and secondary road construction, additional revenues will have to be found just to keep abreast of highway needs.

Insofar as air transportation is concerned, the recently created airport trust fund should generate the funds required for keeping our airports and related facilities up-to-date.

The Nixon administration has committed itself to $10 billion for rapid transit construction from the general fund over the next 12 years.

The missing link in the financial picture is, of course, the absence of an adequate urban area transportation system trust fund to generate the moneys necessary for the construction, operation and maintenance of non-highway-related mass transit systems. Creation of such a fund would accomplish that objective while, at the same time, avoiding a head-on confrontation with those groups and interests representing other transportation modes. The three trust funds would permit the transportation and traffic engineering experts to move forward simultaneously in developing the balanced transportation system we all desire.

Such a confrontation recently occurred in my home State of California, when the people were called upon to decide whether highway trust funds could be used for purposes, other than highways. Proposition 18 was defeated. Again, I reiterate my strong feelings that in order to have a balanced transportation system, we must work toward a balanced and positive method of finance.

For these reasons, I do not agree with the suggestion that a single trust fund with designated accounts be created. In my judgment, the argument that such a fund could best serve all methods and modes is without foundation. As we have seen in some of our major cities, the conflicts of varied interests have effectively stymied freeway construction. Imagine what could occur if a single trust fund were involved. Again, I believe we need staunch advocates for each mode of transportation.

Finally, I would like to turn to the new and novel feature of the Highway Act of 1970—one which could well turn out to be of great significance for the future. I refer to section 127 relating to economic growth center development highways. Reference was made earlier in my remarks.

The purpose of this provision is to determine the role highways can play in revitalizing and diversifying the economies of rural areas and smaller communities. Through a series of demonstration projects, the feasibility of providing assistance for constructing development highways in areas of potential economic growth will be tested. Hopefully, this program will point the way to promoting nonurban industrial growth.

If it succeeds, we will have forged an effective tool for solving some of the Nation's most pressing problems.

I personally view present land use patterns in this country as one of the most serious and complex domestic problems facing us today. Land use transcends every materialistic value held by man—because it affects people, whether they live in a Manhattan highrise, a potato farm in Idaho, or a tree farm in my home State of California.

Problems of urban life crowd the front pages of our newspapers. City congestion, monumental airport and traffic tieups, crime, and other problems of congestion and centralization highlight the urgent and compelling need for new approaches to land utilization and resource development.

It is a shocking fact that 73 percent of our total population now resides on only 2 percent of our land. And the percentage grows larger all the time. As a result, our major metropolitan centers are fast becoming overly centralized and totally unmanageable. Paradoxically, at the same time, the economy of many of our rural areas and communities are in desperate need of revitalization. Heretofore we have not had the technical capabilities to redirect economic and population growth patterns. But we are now on the verge of developing them.

Today, America stands at the crossroads. We, as a Nation, can either continue down the time-worn path of centralization that has given us most of the domestic problems we face today—or, we can choose the fork in the road that will lead toward the kind of balance that I have been talking about here today.

The economic growth center development highway provision represents such a choice. I urge that you give it your support.

In conclusion Mr. Chairman, I submit that a soundly conceived, effectively implemented highway program is necessary to assure the Nation's continued growth and prosperity.

H.R. 19504 provides the legislative building blocks of such a program.

Further, it provides the kind of legislative and executive leadership expected of the United States—the leader of the free world. Many developing countries of the world will be following the example we set.

The Highway Act of 1970 will give to other political and transportation leaders of our free Nation alliances another legislative vehicle in the sands of time that they can look to for guidance.

Finally, I have asked for permission and received approval from the Speaker to add extraneous material at the conclusion of my remarks. The material referred to is a speech I delivered as a delegate from the United States, to the Pan American Highway Congress in 1967. Mr. WRIGHT, Mr. KLUCZYNSKI, with the strong support of President Nixon, Secretary Volpe and Highway Administrator Frank Turner and I have maintained continuing communication with the executive committee of the Pan American Congress in advancing to completion the Darien Gap project.

This project would complete the only missing link of our Inter-American Highway System that, when completed would permit, theoretically, any individual to drive from Alaska to Argentina.

But more importantly, it would serve as a strong political and psychological bond between all of the countries of the Western Hemisphere.

I know of no project that has more real and significant meaning to all of the people of the Americas than this project.

I am proud to say that it is a part of this bill and the committee members were kind enough to permit me to insert the content of the bill, I introduced along with Mr. WRIGHT and Chairman KLUCZYNSKI, as section 113 of our bill.

In order to record, more fully what I believe to be a very significant step forward in promoting hemispheric solidarity, I herewith include the address, as delivered, in Montevideo, Uruguay, on December 9, 1967:

ADDRESS OF U.S. CONGRESSMAN DON H. CLAUSEN TO THE SECOND PLENARY SESSION OF THE 10TH PAN AMERICAN HIGHWAY CONGRESS, MONTEVIDEO, URUGUAY, DECEMBER 9, 1967

It is with great humility that I accept this great personal privilege you have granted me—the opportunity to address the Delegates and Representatives of the countries attending the Tenth Pan American Highway Congress.

My purpose in addressing this distinguished group is to give to you some of my thoughts as a member of the Public Works Committee of the U.S. House of Representatives.

I am representing, on the U.S. Delegation to this Congress, that part of the U.S. Government, which has the responsibility to review the highway program proposals of the executive agency within my government which is headed by Mr. Frank Turner. The members of my committee must evaluate and pass judgment on the Bureau of Public Roads program proposals and authorize the funding and administrative control and procedural arrangements by which the programs can be executed. Thus, I represent one part of the partnership arrangement by which the road program of the Federal Government in my country is executed.

These past few days have proven to be very informative and educational for me as I have observed your Committees and Plenary Sessions at work, considering, evaluating and sharing information as presented by the very able Highway technicians, engineers, economists and administrators in attendance.

I have been particularly impressed with the very high quality of people present, willing to give of their time and talents so generously toward a program that I believe history will record as "the most important single undertaking of our time"—"a coordinated and integrated road and highway system for the Americas." Each of you will receive your reward in Heaven for having participated in this timely and important congress.

At this time, I want to associate myself with the previously expressed commendations of your retiring Chairman, Don Romulo O'Farrill. We, in the United States, hold him in the highest of esteem and respect for his extraordinary leadership in advancing the Pan American Highway Program.

Like you, we were shocked and saddened by the death of President Oscar Gestido shortly after his splendid address to the opening session of this Congress.

His wise and inspiring message is now recorded permanently among the papers of this very crucial meeting.

President Gestido left a marked impression on all of us privileged to hear this address. Later that day, he honored me with a brief private meeting in his office where we further discussed and agreed upon the importance of balanced transportation systems, land, sea and air, in the countries of North and South America. He was a great and gentle man—a fair, firm and trustworthy man.

At this time, I believe it would be most appropriate to reflect, briefly, on the words included in his Inaugural Address to his people of Uruguay.

These words more than adequately express what might be the symbolic phrase that your organization should adopt as you face the challenging requirements of your task ahead. He said . . . "There is no magic formula to make things well, only mental honesty, hard work and routine and meticulous planning for the future."

The task ahead is not only challenging but potentially rewarding. As I am sure many of you will agree, the improvements to our highways, tends to yield some of the greatest benefits of our time. It accelerates economic development, enhances education, and promotes the general health and welfare of our people.

We, in the United States, have invested large sums of money to build and improve our Road and Highway Systems. As a Member of the United States Congress, I can testify to the broad acceptance and genuine popularity of our Highway programs.

I am sure you can all agree that we can learn a great deal from the study of history and the facts that are revealed.

In order to encourage you to take bold and positive action now and in the immediate future, I would like to give you some very revealing and startling facts relating to the growth of our Gross National Product from 1916 to 1967. Based upon our experiences, I think I am safe in predicting similar growth in your countries and prompts me to say, ". . . with a well planned and financed highway system, you can anticipate repayment, many times over, through economic growth."

If you will permit me, I would like to briefly summarize the economic growth pattern of the United States since the establishment of a system of roads connecting our principal cities by legislation in 1916.

At that time, the Gross National Product was estimated at around 50 billion dollars.

In 1921, legislation was passed that required the creation of a system of highway development and concentrated financial resources on the connecting highway system concept and the establishment of priorities for construction on a carefully programmed basis. The long range objective called for an inter-connected, coordinated and integrated system of highway routes.

By 1955, the Gross National Product had grown to 400 billion dollars.

In 1956, the U.S. Congress enacted a monumental piece of legislation establishing the Interstate Highway System financing plan that was designed to assure the funds needed to carry out the contemplated long range highway plans for improvement.

Most significantly, it provided a dedicated source of revenue to be used exclusively for the purpose of financing the construction of a specified system of roads in the United States.

By 1968, we expect our Gross National Product to be 800 billion dollars. From 50 billion in 1916 to 800 billion in 1968 is the measured economic growth during that period of time when we committed ourselves to building the required system of highways in the United States.

The success of this venture is widely known and we are scheduling hearings before our Public Works Committee next year to consider and act on the future highway needs following the completion of our presently authorized system. We are openly confident that our people will support our efforts to expand our system because they have seen the immediate benefits to our standard of living that are associated with road building.

It is not enough, just to formulate great highway proposals—for they must be financed—and there must be proper machinery provided in the way of organization and authorization to convert ideas and proposals into reality and action.

I want to emphasize one of the points made by Mr. Turner at the opening session on Monday afternoon when he said:

"As the proper body in which to focus all our hemisphere efforts in highways, this Congress occupies a position of great responsibility because it can serve as an effective instrument to assure the efficient coordination of highway systems between countries, and the improvement of our highway management capabilities, by which knowledge we can provide the most economic, safe and effective service to the highway users of our hemisphere. Perhaps it is now time to consider the establishment of some planning body within the PAHC to coordinate these and other projects in the future on an overall basis."

It would seem important to me that this Tenth Pan American Highway Congress might want to take some positive action along this line and work toward the creation of a package plan of general highway system development in your countries to provide a coordinating mechanism to integrate the overall planning of a continental and intercontinental Pan American Highway System. Into such a total planning package would be placed such regional proposals as the Darien Gap, the Trans-versal Route, the River Plate crossing, the Caribbean Circuit, and others needed to forge a truly integrated system physically linking both of the Americas and all of the Countries therein. While you have appropriately focused attention on the Darien Gap proposal, we must also give proper attention to other very important and pressing road projects that will require multi-nation coordination and cooperation.

Each individual country's own planning could then be made to conform internally, and at the border connections. In such a manner as to insure the ultimate creation of a single connected system truly international and intercontinental in its scope.

To accomplish this I would like to suggest that the Congress create a new special ad hoc committee to give its full attention to the development of such a comprehensive total package.

Some will say this is too large of an undertaking but, having evaluated the extraordinary display of technical talents present at this Congress, I'm convinced that no task is too great for you and your organization. Frankly, the signs of our time demand that we rise to this challenge.

Each of you in your countries have the qualified personnel that could devote a portion of their time toward bringing together the recommendations for an organizational mechanism or to assist this special international or intercontinental highway committee in the development of this comprehensive highway package.

In conclusion, I want to remind you of my role at this Highway Congress. I am here as a delegate but more specifically as an adviser from the U.S. Congress to our U.S. delegation.

We believe it important to have Members of our U.S. Congress in attendance to support our delegation here during the conference, but more importantly to support them at home where their recommendations must receive maximum support for acceptance by our legislative bodies.

This has been a very educational experience for me. The thought has occurred to me that some of you might want to invite some of your own legislators or parliamentarians to future highway congresses. This would permit us to exchange ideas and possibly offer suggestions on how to implement, legislatively, some of the recommendations that you, as technicians and ministers, agree upon.

The last third of this century will bring forth many recommendations for change and improvement in our transportation systems and our standards of living.

With the technological advancements in radio, television, the satellite communication systems and also, the transportation improvements of our jet and space age, the

people of the Americas are going to be asking for more positive leadership from all of us. Many a new light is shining in some of the darker corners of this globe—it comes from the spark of enthusiasm and the ray of hope of an increasingly enlightened people.

With increasing affluence comes the desire to travel to places you've read about in your history books like Punta del Este, Rio de Janeiro, Buenos Aires, Caracas, the Andes, the Panama Canal and the many other interesting historical and cultural areas of Central and South America.

Many North American, European and other world travelers will want to visit your countries as tourists. Some will come by jets and will rent automobiles for travel in your countries but many will want to drive the Pan American Highway.

With each day of delay, we postpone this opportunity for economic growth, social progress, cultural enhancement, and better understanding among our people.

The question that remains before this great Pan American Congress is, "Will we be prepared to accommodate them?"

Having heard your individual and collective desires expressed during this Congress, I am fully confident you are ready and willing to meet this challenge.

As we work toward this desired multi-nation and intercontinental integrated system of highways, one can't help but visualize the ultimate formation of a "Common Market of all the Americas" tied together with an everlasting symbol of hemispheric solidarity—the completion of the Darien Gap project.

This will demonstrate to the world that we in the Western Hemisphere are living as good neighbors—openly advocating peace on earth and good will toward all mankind.

We must unite the Americas. United we are strong.

Mr. KLUCZYNSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Chairman, I rise in support of this bill.

Mr. Chairman, there are several provisions in H.R. 19504 which are extremely important from the standpoint of rural development and highway safety.

All Americans are distressed by our terrible highway fatality toll: 56,000 persons killed on our highways in a single year with tremendous additional costs in injuries and financial disaster.

This bill addresses an entire title—title II—to the subject of safety with an intent to step up the program of reducing these catastrophic statistics. This bill authorizes the biggest Federal-State effort ever undertaken to make America's highways safe.

Earlier this year the Secretary of Transportation announced that he was removing the National Highway Safety Bureau from the Federal Highway Administration and establishing it as a new administration reporting directly to him. This committee recognizes the importance of the National Highway Safety Bureau, and it is our hope that it may be more effectively and efficiently managed after the reorganization. We believe, however, and the Secretary of Transportation agrees, that the reorganization should take place legislatively under the control of the Congress rather than through an Executive reorganization plan.

The reorganization plan established in H.R. 19504 renames the National Highway Safety Bureau the National Highway Traffic Safety Administration. We believe this name is particularly appropriate as it describes the role and purpose of this administration in dealing with the terrible toll on our Nation's highways.

The administration is to be headed by an administrator appointed by the President with the advice and consent of the Senate. He would be compensated at level III of the Executive schedule. There would also be a deputy administrator, likewise appointed by the President with the advice and consent of the other body, to be compensated at level V of the Executive schedule. This committee specifically directs that while the Administrator shall perform such duties as are delegated by the Secretary of Transportation, he shall on all highway matters consult with the Federal Highway Administrator.

The House bill launches attacks on several fronts aimed at enhancing traffic safety, I would like to call my colleagues' attention to one provision which has a tremendous potential for reducing the high accident and fatality toll that is a national scandal.

This section, section 205, authorizes the appropriation out of the highway trust fund of $200 million for each of fiscal years 1972 and 1973 to eliminate hazardous highway conditions that have led to high accident experience or may be conducive to accidents.

Actually, this program, known as the spot improvement program, has been in existence since 1964, but now, for the first time, funds would be authorized specifically for this purpose. Previously, regular Federal-aid apportionments were the source of money to eliminate dangerous locations.

From April 1964 through October 1970, more than 6,000 spot improvement projects were completed or programed by the States at a cost of more than $1 billion, of which $655 million was Federal-aid funds.

The program has been successful since its inception, but had been hampered somewhat by the necessity of States to use regular apportioned funds to finance it. With additional money made available, as provided in the pending bill, the program can help dramatically to reduce death and injuries in highway accidents.

Let me cite a few examples of reductions in accidents due to improvements made with moderate expenditures of money.

One turn signal improvement in Michigan, made at a cost of $9,000, resulted in a 17-percent drop in accidents and a 40-percent reduction in personal injuries in a 1-year period. Based on the cost of accidents, the project was responsible for savings of $154,000 or a 17-fold repayment to the motoring public in the first year.

In a 1-year before-and-after study, California reported a 61-percent reduction in accidents as a result of antiskid treatments applied at four locations. A total of 164 accidents was reported during the year before the improvement, compared to 63 accidents reported during the year after the improvement.

A railroad grade crossing in Virginia suffered from restricted sight distance and inadequate protection. In a 2-year period there was a total of seven accidents, and in one of them one person was killed and six injured.

At a cost of $18,600, short-arm gates, and flashing signals and bells were installed to provide advance warning to users of the crossing.

In a 2-year-after period, two accidents had occurred, and both of them resulted in property damage only. During this same period, the traffic load over the grade crossing had increased 21 percent.

The spot improvement program is an excellent means of getting rid of dangerous conditions, without large expenditures of money. It pays high benefits at a relatively low cost.

The authorization of funds exclusively for the program unquestionably will result in the elimination of more hazardous locations and lead to a greater reduction in highway accidents and a savings in lives.

Section 206 is another beneficial item in the bill.

It will make it mandatory for the States to assign between 5 to 10 percent of all sums apportioned for the A–B–C program for fiscal year 1972 to reconstruct or replace existing bridges that cross waterways on either the F–A primary or secondary system that are unsafe because of structural deficiencies, physical deterioration, or functional obsolescence.

The results of recent bridge safety inspections made by the States and the findings of the President's task force on bridge safety have made it apparent that a large number of the Nation's bridges are obsolete, badly deteriorated, and no longer structurally safe for legal loads permitted on the highways. It is also apparent from the high percentage of bridges built before 1935 that the rate of replacement of these older bridges is not keeping pace with traffic demand, obsolescence, or improvements in general highway standards.

Highway agencies have found it necessary to close many bridges to traffic because they are considered structurally unsafe, or to restrict their use by imposing load and speed restrictions. These restrictions and bridge closures are preventing the full use of our highway facilities and limiting them from delivering the full return on their capital investments. When excessive load restrictions are imposed they affect the free movement of commercial, agriculture, and military traffic. Since many communities depend on these bridges for truck hauling, these restrictions cause economic hardships.

Highway officials have expressed serious concern over the deteriorating condition of many of their bridges and the lack of available funds to take the necessary corrective measures. It is generally concluded that in order to deal effectively with the problem, an all-out program of bridge repair and replacement will be required. The cost of such a program cannot be borne by State and local governments alone, but will require assistance at the Federal level.

Historically, approximately one-third

of the Federal highway funds are expended on bridges and structures. This has not been sufficient to eliminate the inadequate and deficient bridges on the primary and secondary systems.

In a survey of bridge replacement needs conducted jointly by AASHO and the Federal Highway Administration in the spring of 1969, it was reported that the replacement of the most seriously deficient bridges would cost $1.9 billion. These bridges accounted for 3 percent of deck areas of all bridges on the State highway system.

The seriousness of the problem can best be illustrated by pointing out that the cost of replacing only 1 percent of the total square feet of bridges on the Federal highway system would be approximately $600 million. A 1-percent replacement per year will result in a minimum service life of 100 years for each bridge.

If all States use the 10-percent maximum permitted under the proposed legislation, the program will total about $142 million. When this is added to the approximate $420 million normally utilized for bridge construction the sum of the two programs would produce approximately $756 million including State matching funds. Since all of the funds would probably not be utilized for only bridge replacements, it must be assumed that the funds provided under this legislation will permit the initiation of an essential bridge replacement program. Although no additional funds are authorized in the legislation, the incentive to utilize the funds made available is the increase of participating Federal funds to 90 percent of the cost. In future years this program will become more significant as the emphasis changes from interstate funding to the normal balanced A–B–C funding.

In addition this bill in section 208 provides for a nationwide study of the highway-railroad grade crossing problem to once and for all provide the groundwork for attacking this part of the problem.

As demonstration projects in this category section 208 provides for the route of the metroliner from Washington to Boston and the city of Greenwood, S.C., as the centers of the first concentrated efforts. There is authorized to be appropriated $9,000,000 from the highway trust fund and $22,000,000 from the general fund for these demonstrations.

Because of concern over the quality of life in rural America and the increasing social costs associated with congestion in major urban areas in the United States, there has been a mounting support by Americans for a more balanced national development program. This policy could afford citizens in rural and urban areas greater choices in employment and residential opportunities, including opportunities for the migrant closer to his present home and in an environment similar in many respects to his customary way of life.

A balanced growth policy should focus on growth centers of a size capable of providing employment, social, and residence opportunities to individuals in surrounding rural areas. The development or growth center strategy should be fully coordinated with existing Federal programs, whenever possible. A concerted, coordinated and expanded program of Federal, State, and local governmental activities is needed to provide the necessary minimal conditions which would spur private industry to locate and expand in or near selected growth centers, and would propel the growth center and its surrounding areas to further economic and social advance.

Congestion in our cities and suburbs increases rapdily while our rural population declines. The result of this trend has been a lower quality of life for our citizens and a damaged environment. The purpose of this section is to establish a means which will enable us to learn to what degree highways can alleviate this situation. To this end, this section 127 authorizes the Secretary of Transportation to make grants for demonstration projects for the construction, reconstruction, improvement, planning, surveying, and investigation of highways that would lead to the development of economic growth centers and surrounding areas.

Although it would be possible for the States to promote the purposes of this section using existing law, the organized approach provided by this section will make this task considerably easier. The demonstration projects accomplished under this section will provide practical evidence which can lead to better planning of all the Federal-aid highway systems. Furthermore, this section does not require the States to reshuffle their existing Federal-aid priorities in order to participate, instead it encourages the State to join in a valuable learning process. It is believed that what is learned from these projects will help the States and the Federal Government perfect solutions to the problems of urban and suburban congestion and rural decline.

The committee wishes to emphasize that the basic purpose of this provision and the end toward which its administration should be aimed is the improvement of all aspects of the rural areas and smaller communities of this Nation so as to encourage a more balanced population pattern. Although economic growth centers may be as large as 100,000 population the expectation is that the great majority will be of 50,000 population or less.

Section 115 of H.R. 19504 directs the Secretary of Transportation, in cooperation with State highway department officials, to establish and operate a national highway academy to provide instruction in modern developments, techniques, and procedures relating to highway planning, environmental factors, acquisition of rights-of-way, engineering, construction, maintenance, contract administration, and inspections.

Academy students would be selected from Federal Highway Administration employees and from State highway department employees engaged in these functions and nominated by the States. Federal payment would be limited to the cost of providing instruction and the necessary physical facilities. Funding of the institute would be from sums authorized to be deducted for administration of the Federal-aid highway program.

The Department of Transportation supports the basic objective of section 115 to provide formal assistance and leadership to the States in the training of State highway department and local highway personnel.

The institute would be administered by the Federal Highway Administration. FHWA has long maintained an active and effective internal training program which would be utilized as an integral part of the national highway institute and expanded to provide needed training of State highway department personnel.

The institute would conduct the Washington portion of the curriculum which would include training for highway engineers, rights-of-way personnel, auditors, and administrative personnel. These trainees would be under the supervision of Federal Highway Administration field offices during those portions of the training period when they are assigned in the field. In addition, technical training courses of 1 to 3 weeks in such specialized areas as the environment, urban planning, highway capacity, geometric design, acquisition of rights-of-way, safety, and many other highway related subjects, would be conducted by the institute for mixed classes of FHWA and State highway department professional and managerial employees.

These courses would be held either in Washington, D.C., or other major cities, and would be conducted by FHWA and State highway department staffs.

This formal advanced training program would be supplemented as required to provide the type of training needed by the State highway departments to assure that assigned project personnel at the subprofessional level are capable of exercising adequate project construction control. The States need a means of providing training for technicians such as material inspectors, pavement inspectors, bridge inspectors, embankment inspectors, and rights-of-way appraisers.

This needed vocational instruction could be offered as a logical extension of the basic institute concept by an educational institution in each State, independent of but in cooperation with the State highway department, and under the supervision of the institute. Individuals would be assigned to these courses during the off-peak construction season and required to achieve a competence meriting the issuance of inspector's or other certificates in the varying fields of construction work. State highway department employees assigned thereafter to Federal-aid highway projects could be required to have certification to establish eligibility. The training of the required numbers at the level needed would be accomplished within each State, as a responsibility of the State.

The bill provides that up to one-half of 1 percent of Federal-aid primary, secondary, urban, and urban system funds may be used by the States to finance not to exceed 70 percent of tuition and direct educational expenses—but not travel, subsistence of salaries—in connection with the education and training of State

and local highway department employees.

The State highway departments, in cooperation with the National Highway Institute, would be authorized to utilize the services and facilities of colleges, universities, private agencies, institutions and individuals, through contractual arrangements for the development and conduct of courses offered under the sponsorship of the Institute.

Finally, section 115 would authorize the Secretary to make grants for research fellowships for any purpose for which research is authorized under the provisions of section 307(a) of title 23 United States Code.

The efforts of the Federal Highway Administration and the State highway departments to upgrade the quality and effectiveness of their staffs would be greatly enhanced by the special emphasis on training which the National Highway Institute would provide. Section 315, of title 23, United States Code, empowering the Secretary to prescribe all needful rules and regulations, together with this bill, would permit the implementation of the program in the manner described.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee, a member of the committee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I rise in support of this legislation.

Mr. KLUCZYNSKI. Mr. Chairman, I have no further requests for time.

Mr. HARSHA. Mr. Chairman, I would like to pay tribute to one other member of our committee who is leaving the Congress of the United States, the distinguished gentleman from Nebraska, Mr. BOB DENNEY, who has taken a great interest not only in the development of the highway program of this country and in this particular legislation but in all fields of legislation that this committee has jurisdiction to deal with. Particularly, he was interested and involved in our relocation assistance program which we hope to report to the Congress shortly. But, as I say, in other matters as well, BOB DENNEY has shown great insight into the problems facing the country and in those areas over which this committee has jurisdiction. He has made a valuable contribution to the activity and the work of the committee. We shall sorely miss him on the Committee on Public Works. On behalf of the minority side, I would like to extend him our best wishes as he advances from the Congress of the United States to the Federal judicial bench and to wish him the greatest of success.

Mr. HARSHA. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Chairman, I have asked for 5 minutes, but I will not take 5 minutes. I cannot let this opportunity pass without joining in the accolade that has been given here to some really important Members of Congress. Members who have served the public interest and the interest of the Committee on Public Works especially.

First, I want to pay tribute to the chairman of the subcommittee on roads, the gentleman from Illinois (Mr. KLUCZYNSKI) who has been eminently fair. In the many times—or the number of times—or several times I probably should say that I have had differences and I disagreed on some propositions that have been offered, I have always had a chance to have my day in court and to make my point and to be heard.

For that and for his leadership and for his sense of dedication to the objectives of the program and to the needs of America, I pay high tribute.

The same goes for the ranking Member on our side who will now be leaving the committee and the Congress, the gentleman from Florida (Mr. CRAMER) who has been a valued Member, one of the most intelligent Members of the Congress and who in various ways has made significant and meaningful contributions not only to programs in the Committee on Public Works and the roads subcommittee in particular, but in many, many other areas where he has been privileged to serve.

Certainly too, I want to pay tribute to the chairman of the committee and recall that when the Highway Act, the Interstate System was born—and I served on this committee and sat for 74 days hearing testimony and making suggestions and supporting amendments and opposing others and in various ways improving the legislation within the committee—I have never seen a place or a time when a committee has served more actively, intelligently, and soundly under his (Mr. FALLON) leadership—and I want to stress soundly because fiscally this committee did a very brave thing when instead of taking the Clay report proposed to build the Interstate System with borrowed money and pay for it later—we said "no" and we recommended to the Committee on Ways and Means and to work for and build the interstate program, by paying as we go.

You remember, that, Mr. Chairman. Because we did that, we evolved a Government program that is sound and which is not inflationary. If other areas of Government through the years had followed this example we would not be confronted with the inflationary problem that now plagues us.

In the process some pretty wonderful things have happened because we have enhanced the opportunity of movement of men and goods and now have or will soon actually have already the greatest highway system in the world which adds to and improves the economic position of our country.

Well, in that corner, was our present chairman. He was not then chairman, but he was a very valued member of the committee. He was chairman of the Subcommittee on Roads and was in a very real sense the father of this legislation.

We, in the Congress, should be eternally indebted to him as should the country. So I join with those who pay accolade to these people and pay them the respect they have earned.

The one great change, an important change, that we have suggested in this legislation is that one that changes the formula from 50–50 to 70–30 for the whole system.

I think this is a magnificent step in the right direction and will assure in the future the State Highway people will have the wherewithal to meet the challenge ahead, or more nearly correct, I think it should be pointed out, with all the sources of income we now have and can envision in the future if we are going to have enough to meet the real challenge ahead. I point that out because there are those who have eyes on this fund to use it for the development of other transportation systems, coordinated systems. I am for that. But we should not jeopardize the highway system, which is one of the most important, if not the most important, part of our transportation system.

Having said that, I also want to reiterate what I said yesterday. At the proper time an amendment will be offered that will take out of this bill some unnecessary legislation. It violates some traditions that I think we should be jealous of, and it sets a dangerous precedent that I think we ought to note, because I do not think in the future we want this Congress to tell the State of Iowa or anybody in our district or our communities just where highways should go. We ought to preserve this right for the people to have their day in court. When the proper time comes, we will carry that argument and proposition farther forward. But I did want to take time to comment briefly on the bill.

There are many things that are good about it and that have already been talked about by many Members of this Congress. I hope the record we are making here today, which is the result of real study on the part of some tremendous Members of the Congress who are completely dedicated to the development of a transportation system, will be read by all those interested in the evolvement of a coordinated transportation system in America to enhance the economy and welfare of all people.

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

Mr. WRIGHT. Mr. Chairman, I would like to confine my brief remarks here today to two areas of the bill, namely those which are of an international character and those which are concerned with our domestic beauty and environment.

First of all there are 3 sections which consider highway development outside the 50 States of the United States. These are: section 112 on the Virgin Islands, section 113 on the Darien Gap, and section 119 on the Alaska Highway.

VIRGIN ISLANDS

In January 1970, the Secretary of Transportation transmitted to the Congress a report entitled "Territorial Highway Study—Guam, American Samoa, Virgin Islands," prepared in accordance with the requirements of section 29(b) of the Federal-aid Highway Act of 1968, Public Law 90–495. In light of the findings of this report, this committee feels that a limited program of highway construction and improvement and technical assistance should be implemented in the Virgin Islands immediately.

An economic boom is bringing prosperity to the islands. The unemployment

rate is very low, and per capita income is by far the highest in the Caribbean. It is estimated that the growth rate of the gross domestic product of the islands is about 20 percent per annum for the 1960–70 decade. Even with a slower rate of growth during the 1970–80 decade, GNP in 1980 is expected to reflect a five-fold increase over 1965.

Economic expansion has produced other remarkable indications of growth. Population almost doubled between 1960 and 1968. An even faster rate of increase is expected throughout the 1970–80 decade. The expanding population and economy of the Virgin Islands and the gains in per capita income are reflected in the growth of motor vehicle registrations. In 1960, there was one motor vehicle—exclusive of motorcycles and motor scooters—registered per about every 6 persons. By 1968, registration had more than tripled, while population only doubled and the ratio of persons per vehicle had decreased to 3.3.

In order to sustain continued economic growth and physical development, there is a pressing need to develop the islands' arterial and collector network of major highways and improve and expand their local road and street system. Major arterials are in extremely substandard condition, and construction and maintenance procedures in the islands are far below an acceptable level. This committee feels that Federal assistance at this time is essential to prevent a slowdown in economic expansion in the future.

Of equal concern to this committee is the need for the development in the islands of a mature, self-reliant agency, capable of handling these highway improvement programs. The Virgin Islands would benefit greatly from technical guidance such as furnished elsewhere by the Federal Highway Administration. That agency possesses on its staff persons highly skilled in techniques of planning, locating, designing, and constructing highway facilities. Consequently, this section specifically authorizes the Secretary of Transportation to provide such technical assistance to the islands as necessary to develop a self-sufficient highway agency.

The bill authorizes $2 million for 1971, $2 million for 1972, $2 million for 1973 for the Virgin Islands highways.

DARIEN GAP

Section 113 provides for construction of 250 miles of highway in Southern Panama and Northern Colombia in a location known as the Darien Gap. This section of highway will provide the final link between the Inter-American Highway System, and thereby complete an uninterrupted highway from the State of Alaska to the Southern tip of Argentina.

This committee feels that competition of this intercontinental route should not be delayed any longer. The Federal Highway Administration, using the most advanced methods of geophysical survey, has furnished conclusive proof of the feasibility of crossing the Atrato Swamp in Northern Colombia. Studies have shown the tremendous favorable impact the Inter-American Highway has had and will continue to have on the economy of the Central American countries. Surveys made by FHWA have convinced the governments of Panama and Colombia to accept a route connecting the Inter-American Highway and the Pan American Highway System which is approximately 200 miles shorter than that originally planned and which will save over $100 million in construction costs.

Total cost of the route is estimated at $150 million. This bill authorizes $100 million as the U.S. share, a two-thirds contribution identical in percentage to that contributed to the Inter-American Highway.

This section further provides that construction of the highway will be under the administration of the Secretary of Transportation, in consultation with the Department of State. This is similar to the administrative provisions contained in section 212 of title 23, United States Code, with respect to the Inter-American Highway. This will insure that construction will be under the close supervision of the Federal Highway Administration. FHWA has had long experience in the development of highway organizations in Latin America and in the supervision of specific highway projects; its continued leadership and advice will insure an economical and expeditious completion of this important highway.

ALASKA HIGHWAY

Section 119 authorizes the President to enter into negotiations with the Canadian Government to secure a suitable agreement authorizing the paving and reconstruction of the Alaska Highway. The President is to report to Congress within 1 year the results of his negotiations with the Canadian Government.

During World War II, the Alaska Highway was built as a joint United States-Canadian project in which Canada provided the right-of-way and the United States the cost of construction on a route which followed a system of airfields.

The Alaska Highway now totals 1,525 miles and stretches from Dawson Creek, British Columbia, Canada, to Fairbanks, Alaska. However, of these 1,525 miles only 383 miles in Alaska are paved. The remaining 1,142 miles of the highway consists of a gravel-soil base that results in hardships to the user either from extreme dust or from complete erosion and slippage of the roadway. It is of vital importance for commerce, for defense and for tourism that paving and necessary realinement commence on the highway as soon as possible.

Previously, because of budgetary restrictions and lack of favorable balance of economic benefits, Canada has not been agreeable to sharing the cost of improving the Alaska highway. But this situation is now believed to be in process of change because of new economic developments in Alaska, that give promise of bringing changes also in northwestern Canada.

This Committee believes that it is desirable for the Congress through this section to indicate to the Canadian Government the importance that both the Congress and the President attach to the paving and realinement of the Alaska Highway.

BEAUTIFICATION

Concerning the domestic beauty of this country with respect to highways the bill has taken two steps: First, it has created a highway beautification commission and it has increased authorizations for the beautification items now covered by law.

Highway beautification is a part of the effort to reverse the deterioration of the quality in American life. The present beautification program should be improved and solutions must be developed for the control of outdoor advertising and junkyards in areas adjacent to the Federal-Aid Highway Systems. To do this the Committee believes we should possess the applicable pertinent data, the opinions of experts in the field and recommendations for appropriate action. The Committee believes that this can best be done through a study of the existing statutes and regulations, a review of the policies and practices of Federal and State agencies charged with administrative jurisdiction of beautification matters, a compilation of data necessary to understand and determine the requirements for a beautification program and the preparation of recommendations and modifications and additions to existing laws, regulations, policies, and practices as will best serve the public interest. To accomplish this important task, a special commission is being established under this section.

The Commission on Highway Beautification is to be composed of four Members each from the Senate and House Public Works Committees to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, and four public members appointed by the President, together with a chairman who will be elected by the other 12 members.

The Commission shall not later than 1 year after enactment of this section submit to the President and the Congress its final report. Through this method it is hoped that in the future there can be avoided the kinds of controversy which have surrounded most of the Highway Beautification Act of 1965, in particular, the outdoor advertising control program.

Because of the unique relationship of highways to the land, the committee has long been concerned with the highway's impact on the environment. Initial Federal efforts to control outdoor advertising resulted in the provision of the 1958 act providing incentive payments to States removing nonconforming signs. Some 25 States took advantage of this program.

In 1965, the Highway Beautification Act was passed. It is composed of three separate programs: control of outdoor advertising, control of junkyards, and landscaping and scenic enhancement. The establishment of these programs reflected an increasing awareness of the need to preserve and enhance the areas through which highways pass.

To date, the landscaping and scenic enhancement program has involved

most of the Federal funds appropriated, and has been successful. The program for the control of junkyards is underway. Forty States have laws which regulate junkyard screening and prohibit future nonconforming junkyards.

Until now the program for control of outdoor advertising has not been successful even though some of the States and the District of Columbia and Puerto Rico have legislation which permits compliance with the act's sign removal program.

The amount of funds authorized by this bill in fiscal year 1971 is $27 million and in 1972 is $20.5 million. Funded to this proposed level and guided by the findings of the Highway Beautification Commission established by this bill, this program can proceed.

Mr. KLUCZYNSKI. Mr. Chairman, I have no further requests for time.

Mr. HARSHA. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time for debate on titles I and II of the bill, all time has expired under those two titles for general debate.

Under the rule, the gentleman from Arkansas (Mr. MILLS) will be recognized for 30 minutes and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for 30 minutes to control the time for general debate for the Committee on Ways and Means.

The Chair recognizes the gentleman from Arkansas, Mr. MILLS.

Mr. MILLS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I would now like to take up consideration of title III of H.R. 19504, which generally extends the highway trust fund and postpones the scheduled reductions in certain highway-related excise taxes now paid into the trust fund for a period of 5 years, or from September 30, 1972, to September 30, 1977.

THE HIGHWAY TRUST FUND UNDER PRESENT LAW

Let me briefly summarize the provisions of present law relating to the operation of the highway trust fund before discussing the provisions of title III of the bill. Under present law, revenues from a series of highway user excise taxes are placed in the highway trust fund, which was created by the Revenue Act of 1956. These are the manufacturers' taxes on gasoline and lubricating oil for highway use, trucks and buses, truck and bus parts, and tires, tubes and tread rubber for highway use; the retailers' taxes on diesel and special fuels for highway use; and the tax on use of heavy highway motor vehicles.

These highway-related taxes are expected to raise approximately $5.2 billion in revenue for the trust fund in the fiscal year 1971, and about $5.4 billion in the fiscal year 1972. As my colleagues know, the trust fund is used to finance the Federal Government's 90-percent share of the Interstate Highway System, the Govenment's 50-percent share of the A–B–C primary and secondary road systems, and the Government's share of certain other Federal-aid highway related programs.

The highway trust fund is presently scheduled to expire on September 30, 1972; that is, tax liabilities arising after that date for the highway user taxes mentioned previously—for those taxes that continue in effect after September 30, 1972—will be paid into the general fund as they were prior to the Revenue Act of 1956, instead of the highway trust fund. Highway user taxes collected after this date on account of pre-October 1972 liabilities will continue to be paid into the trust fund until June 30, 1973; however, moneys in the trust fund can be expended for Federal-aid highway programs only until September 30, 1972. At this point, I would insert table 1 of the committee report—House Report No. 91–1554—on title III of H.R. 19504, appearing on page 36, in the RECORD:

TABLE 1.—EXCISE TAXES ALLOCATED TO HIGHWAY TRUST FUND: UNIT OF TAX BY EFFECTIVE DATE OF RATES

	Unit of tax	Present rates	Rates effective after Sept. 30, 1972
Manufacturers:			
Gasoline	Per gallon	4 cents	1½ cents.
Lubricating oil	do	6 cents	6 cents.
Trucks, buses, trailers	Manufacturers' price	10 percent	5 percent.
Truck, etc., parts	do	8 percent	5 percent.
Tires	Per pound	10 cents	5 cents.
Tubes	do	10 cents	9 cents.
Tread rubber	do	5 cents	None.
Retailers: Diesel fuel and special fuels	Per gallon	4 cents	1½ cents.
Other: Highway motor vehicle use tax (vehicles weighing over 26,000 pounds).	Per 1,000 pounds	$3	None.

As indicated in this table, most of the highway user taxes presently paid into the trust fund will continue in effect at reduced rates after September 30, 1972. These reduced taxes would be expected to produce about 40 percent as much total revenue per year as would be derived from the existing schedule and rates of the highway trust fund taxes. The taxes on tread rubber and on the use of heavy motor vehicles are to expire after September 30, 1972, while the tax on lubricating oil will continue at the present rate.

THE NEED FOR EXTENDING THE HIGHWAY TRUST FUND

Mr. Chairman, it is apparent from testimony before the Congress that the Interstate Highway System cannot be completed by the present expiration date of the highway trust fund. Estimates indicate that the likely completion date of the Interstate System will extend at least until 1978. In fact, title I of this bill extends the authorization of funds for the Interstate System through June 30, 1978. The need for extending the trust fund in order to complete the Interstate System results from the increase in costs and also from the addition of 1,500 miles to the system in the 1968 highway-aid legislation.

The funding of the Interstate System is of immediate congressional concern due to the 1972 termination date of the trust fund because of the timing involved in the Federal-aid highway apportionment authorization procedure. Apportionment for a fiscal year of amounts available for State obligations for Federal-aid highway construction must be made at least 6 months prior to the start of that fiscal year; in other words, the apportionment for the fiscal year 1972 must be made on or before January 1, 1971.

Moreover, there must be sufficient future receipts coming into the trust fund to pay the disbursements that result from obligations under the apportionment of a fiscal year authorization, as well as for previous fiscal year authorizations. However, due to the present 1972 termination date of the trust fund, sufficient revenues will not be available to cover the apportionment of the total $6.125 billion trust fund authorizations under this bill for the fiscal year 1972. Furthermore, even the fraction of fiscal 1972 authorization amounts that could be apportioned from future revenues under existing law would give rise to actual disbursements after the September 30, 1972, cutoff date for expenditures from the trust fund. Therefore, it is necessary at this time to extend the trust fund in order to assure continuity in the Federal-aid highway program, and to allow proper Federal and highway planning.

EXPLANATION OF TITLE III OF H.R. 19504: 5-YEAR EXTENSION OF THE HIGHWAY TRUST FUND

Mr. Chairman, as I have previously indicated, title III of H.R. 19504 basically provides for the extension of the operation of the highway trust fund for 5 years, generally from September 30, 1972, to September 30, 1977. Accordingly, the rate reductions and expirations of the highway user taxes allocated to the trust fund—listed in table 1—currently scheduled for October 1, 1972, are postponed for 5 years. Thus, the bill does not make any change with respect to the current bases or rates of the highway user taxes listed in table 1.

Mr. Chairman, I therefore urge passage of title III of H.R. 19504 and the entire bill at this time.

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

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

Mr. BINGHAM. Mr. Chairman, I thank the distinguished gentleman for yielding. I know the chairman is very much concerned over the fiscal pressures that this Government is facing, and I would assume that the chairman would agree that these fiscal pressures are really likely to get worse rather than better over the next 5 or 6 or 7 years.

Mr. MILLS. Each additional fiscal year we will find them getting worse.

Mr. BINGHAM. And noting that the funds from the taxes that the gentleman has been referring to have grown from $1.4 billion in 1956, when this trust fund

started, to $5.2 billion now, and the likelihood is that this growth will continue, does it seem wise to the gentleman, the distinguished chairman of the committee, to lock up, so to speak, this source of very substantial revenue for many years ahead without regard to the consideration of other needs that might in these years be more urgent than the need for additional highway construction?

Mr. MILLS. Would my friend, the gentleman from New York, advise me of the particular need he has in mind that may be greater than building roads?

Mr. BINGHAM. I could do that in a kind of personal way, Mr. Chairman. During this last campaign I spent some time on the subway platforms in my city. In my district there are some 20 subway stations—just in that district—where the aged people and the infirm people cannot use the subways because we have long flights of stairs and no escalators.

This is the type of need in respect to our mass transit systems which, it seems to me, in terms of urgency are much greater than some of the highways that are contemplated here. What I am asking the chairman is: Is it wise for us now to lock up this very sizable amount of funds, not knowing what our needs are going to be 4 or 5 or 6 years from now?

Mr. MILLS. We know there is not sufficent money in this 5-year period to carry forward the completion of the interstate system plus the maintenance of the apportionment to the States for primary and secondary roads normally referred to as ABC roads. So the money here involved in the extension of the rates in title III of the bill will be needed in its entirety for this one purpose alone.

I know the problem the gentleman has reference to and which he mentioned. I talked with Secretary Volpe and many others in the administration about how we might develop a funding program for mass transit. I know the legislation presently on the books calls for it to be financed from the general funds of the Treasury. However, I am not an advocate, and I want my friend to understand that completely, of using highway user tax funds for some other purpose than the construction of highways. I do not mean to say to my friend that there may not be some other way to set up a trust fund that could be used for the purpose of answering the problems of mass transportation, but I cannot see the relationship between taxing a person for highway use and the construction with his dollars of something other than a road.

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

Mr. MILLS. Mr. Chairman, I yield myself 1 additional minute.

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

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

Mr. BINGHAM. I thank the gentleman for yielding. I note in the report the committee has stated that possible modifications would be reviewed to the way in which the trust fund is to be used. Would that be in the next year or so that this review might take place?

Mr. MILLS. I do not want to make a commitment as to the exact timing. I must say to my friend, that does not necessarily mean the committee intends in the next year or two, or in the next 5 years, to authorize the use from the highway trust fund of any of these moneys for mass transportation. I do not want the gentleman to be misled about it.

The committee, of course, could do that and the Congress, if it wanted, could approve the action of the committee, but I am not suggesting that I think the committee will do so.

That is not what we are talking about. There are some other elements involved in the overall highway use patterns and systems that we may well want to make some of this money available for in the future. We were not talking about mass transportation.

Mass transportation is a very acute problem. I want the gentleman to understand I recognize that. What I am talking about is how would such a program, as important as this, be funded.

I will ask the gentleman if there is any relationship whatsoever between taxing a person who owns an automobile and who will gladly pay the tax for Federal roads, also of the development of mass transportation which he may never see?

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

Mr. MILLS. I yield further.

Mr. BINGHAM. Since the gentleman has suggested that question, I believe there is a very definite relationship. Just as this bill calls for parking facilities that may reduce the pressure on highways, so improved mass transit can make life much better for the motorist on the highways, rather than having constantly increased congestion on the highways.

Mr. MILLS. It has no relationship, in my mind, to taxing him under the guise of a use tax to use the highways, and then using the revenues for mass transportation. This is a problem I have difficulty in answering in my own mind.

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

Mr. MILLS. Mr. Chairman, I yield myself 1 additional minute.

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

Mr. MILLS. I yield to the gentleman from Washington.

Mr. ADAMS. In a direct answer to that question, there are at least three different systems being considered at the present time.

Mr. MILLS. I am aware of that.

Mr. ADAMS. Which can use the limited highway facility and which in our major metropolitan areas are absolutely necessary if the automobile is to be able to function at all.

We have reached a point in some areas—and my own city is one—where one will not be able to get in and out with an automobile soon.

Mr. MILLS. I understand that problem.

Mr. ADAMS. So we have to use a part of the money.

Mr. MILLS. We do not have to use these moneys in order to solve the problem of mass transportation; that is all I say.

Mr. ADAMS. The allocation of a linear motor system on a concrete freeway or the use of an express type bus vehicle or hovercraft using these facilities is something in which the motorist who wants to come to an area, and then ride a portion where he cannot use his car, has great interest.

Mr. MILLS. If the gentleman will go back and sell his constituency on the idea of the Congress assessing them a tax for the use of a road and then allowing that money which they pay for that purpose to be used for some other purpose it would help.

Mr. ADAMS. I would say to the gentleman it is already being done with the blue streak specials on the highway using the Interstate System today.

Mr. MILLS. If the gentleman can satisfy his people, then he can come to my State and satisfy mine, please.

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

Mr. MILLS. Mr. Chairman, I yield myself 1 additional minute.

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

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

Mr. KOCH. I should like to say to the distinguished chairman that transportation is an integrated matter, that the user of an automobile is at some time during the day a pedestrian. When he comes to the city, or if he is in the city and he has to park his car, and he wants to get elsewhere, he is delighted when public transportation is available.

Mr. MILLS. Then, assess a tax on them for mass transportation.

Mr. KOCH. I make this point: If you took the streets of the various cities of this country and put them end to end, they would far exceed the highways that this bill is paying for. There is no special tax levied against the user of a city street. I pay that tax and gladly do so to provide the public with a network of roads in my city. I believe that the user of a motor vehicle would be willing to pay for the integrated system if you would give him a chance to do so.

Mr. MILLS. That is not what they tell me about it. I am sure some people have a different viewpoint than others do. What I say is I do not like the idea of telling somebody that he is paying a tax in order to use something and then he finds out that he is paying a tax not for that purpose but for some entirely unrelated purpose. If you friends of mine in New York will come up with some program related to mass transportation as a form of use tax, I will be glad to hear you. I am sure you can almost sell me without any difficulty, but do not continue to ask us to tax for one purpose all of our people and then say, "No, no. We are going to use it for some entirely different purpose." Let us tax them on the basis of the use of that which we want to improve.

Mr. KOCH. If the gentleman will yield to me for one brief moment further?

Mr. MILLS. Yes. I yield to the gentleman.

Mr. KOCH. What we need is a single transportation trust fund, from which localities can choose that kind of trans-

portation most needed and suitable in their area. It is wrong to impose highways on the city of New York where they need mass transit.

Mr. MILLS. I am perfectly willing to consider the entire problem, but I am not willing to finance the entire problem out of the users of one segment of the problem. That is all I am saying.

Mr. KOCH. We say put all of those special taxes into one fund.

Mr. MILLS. That is what I am telling you. I will be glad to hear you at any time you want to be heard after the 1st of January. You develop a program of user taxes that is related to the use of mass transportation, and I will be glad to hear you.

Mr. KOCH. I will be down to talk to you.

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

Mr. MILLS. I yield to my friend from Texas.

Mr. WRIGHT. I thank the distinguished chairman for yielding to me.

In connection with the colloquy that has just taken place, two or three things, I believe, need to be clarified. First of all, with respect to the question of what constitutes a priority and what is important in this country. The gentleman from Arkansas personally would agree, I believe, that with 56,000 Americans being killed on the highways of the country each year, this is the first priority matter. Additionally, we have clear and adequate demonstration that the number of fatalities on the Interstate System measured per million passenger-miles is approximately one-half of those on the entire street and road network of the country. Therefore, it can be amply demonstrated that well-engineered highways can save lives. Some 56,000 Americans being killed each year is a greater number than the total number of American fatalities in the Vietnam war to date.

Mr. MILLS. On that very point, I do not know what in the world the death rate would be if the roads were the same today as they were in 1939, or 1956, with the number of cars that we have now.

Mr. WRIGHT. Precisely. In 1956, when we authorized the Interstate System, we were trying to put 60 million vehicles on a road surface that was designed for 30 million. Today we have 80 million vehicles on that road surface.

The second point is in this very bill we have done some things to facilitate and aid in the development of a mass transportation facility. One of the provisions of the bill permits the construction of preferential bus lanes, that is, lanes for mass transportation.

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

Mr. MILLS. Mr. Chairman, I yield myself 1 additional minute. I yield to the gentleman from Texas.

Mr. WRIGHT. Another significant feature of the program permits fringe parking together with all of the accoutrements which would permit a connecting link between highways on the outside with whatever mass transportation programs may be developed on the inside.

So, I think it is fair to say that we have made significant strides within the framework of our good faith commitment and for those who pay the taxes that we do the things that will create an effective transportation system.

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

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

Mr. PICKLE. The chairman of the Committee on Ways and Means makes the point as I understand it that these taxes are raised for highway purposes and are to be reserved and placed in trust and used specifically for those purposes.

Mr. MILLS. That is the purpose for which we levied them. If we are to change them——

Mr. PICKLE. They were levied for that purpose. It has been rumored that some of the highway trust funds had either been frozen or held up or used for other purposes.

I want to point out the fact that we passed the airport and airways bill just recently. The tax part of it came out of the gentleman's committee. It is estimated that this will amount to $600 million, plus. The rumor, very strongly, is that this money was being raised for this purpose but is not now going to be used for the purpose for which it was intended. It is my understanding that the administration is going to ask for only $60 million. I think we have in excess of $240 million to be used for airports and airway improvements. We levied the taxes for these purposes. For the administration to take that money and not use it or divert it or proliferate it, is not using it for the purpose for which it was intended and I think the House ought to take another look at this, particularly the Committee on Ways and Means.

Mr. MILLS. Sometimes I think the Committee on Ways and Means should consider these facts when funds are set up and trust funds are established that during the period of time their use is suspended, the tax itself will be suspended.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. MILLS. Yes, I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I have asked the chairman of the Committee on Ways and Means to yield just to add briefly to what has been said. I support the position of the chairman. I think the record shows that there are some $326 billion in highway deficiencies that need attention, based upon current information available to us.

Second—and I shall get into this more thoroughly when amendments are offered—I believe the gentleman is on the right track when we think in terms of the two trust funds we now have, plus the commitment for urban mass transportation use of the general fund, plus the highway and airway transportation system contained in this bill, but at the present time consideration should be given to an urban transportation area trust fund in order to fill in the missing links between the airway trust fund and the highway trust fund.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Would the chairman of the Committee on Ways and Means tell us what happens to the surplus, if any, that accumulates in the highway trust fund?

Mr. MILLS. Actually, there is not any surplus in the long run that will accumulate.

Mr. ANDREWS of Alabama. I assume more is collected in the fund than is spent for highway construction, et cetera?

Mr. MILLS. There is a provision in the law of 1956 to the effect that there cannot be expanded in any one year more than is taken in and, presumably, in order to be on the safe side they do not make commitments which will require the expenditure of more more than is take in over the long run and, therefore, there would be no excess of money. Under no circumstances can the money be taken from the fund and spent for anything other than what they have authorized those moneys to be spent for.

Mr. ANDREWS of Alabama. But are any of the funds taken out of the current income and replaced by bonds?

Mr. MILLS. Oh, well, let us say that you take in $5.2 billion in the fiscal year but actually only $5 billion is spent in order to be on the safe side. That $200 million, yes, could be put into Government bonds that could be put into the trust fund and the $200 million could be used for general purposes. However, the bonds in the fund would have to be retained by the Treasury for use whenever the Department of Transportation wanted to allocate those moneys to the States for road purposes. These funds cannot be spent for anything other than the specific items that are enumerated such as the construction of roads and so forth.

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

Mr. MILLS. Mr. Chairman, I yield myself 1 additional minute.

Mr. ANDREWS of Alabama. Mr. Chairman, if the gentleman will yield further, on that point, I understand that. Now, we hear a lot about a unified budget as opposed to an administrative budget——

Mr. MILLS. Do not get me into that, please.

Mr. ANDREWS of Alabama. I will withdraw the question. I think we know the answer.

Mr. MILLS. I do not like it, and the gentleman knows I do not.

Mr. Chairman, I yield back the balance of my time.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 19504, the Federal-Aid Highway Act of 1970. I do not believe it is necessary for me to go into great detail in view of the background explanation of title I and title II of the bill by members of the Public Works Committee, and the explanation by the chairman of the Ways and Means Committee of the financing included in title III of the bill.

Title III of the bill, which the Ways and Means Committee considered, would provide for the extension of the highway trust fund for 5 years—from September 30, 1972, to September 30, 1977. In

connection with this, the scheduled reduction of taxes allocated to the trust fund are postponed for 5 additional years. Unless this extension is provided, disbursements cannot be made from the highway trust fund after September 30, 1972, and accrual of taxes to the fund will cease as of that date. Apportionment authorizations have traditionally been provided on a 2-year basis, and proper planning for the apportionments for these years requires that we act promptly to extend the present expiration date.

According to testimony received by the Committee, 96 percent of the interstate system is in the pipeline, with 70-percent completed and receiving traffic, 12-percent under construction and 14-percent being engineered. Due to the additional 1,500 miles added to the system in 1968, and increased costs of the program, it is not clear that the extension provided in this bill will be sufficient to completely finish construction of the interstate system. The extension does provide the necessary resources to continue construction of the system during the next few years.

I believe that the benefits of the interstate system clearly demonstrate that this is in the national interest. The Nation's system of highways is unmatched anywhere in the world. They permit our citizens to have easy and safe access to recreation, employment, educational opportunities, health facilities, entertainment, and civic functions. The benefits to our economy from an efficient system of public roads are self-evident. The interstate system, by providing limited access, divided highways permit more expeditious travel under conditions of greatly increased safety. A first class system of highways is clearly of benefit—both directly and indirectly—to the entire Nation.

This bill, while insuring that increased attention will be given to environmental problems, urban transportation needs, dislocations caused by highway construction, and improved safety, does not in any way provide diversion of funds from the highway trust fund. The user taxes imposed by the law will continue to be devoted to facilities and programs directly benefiting the highway user.

During the extension provided by this bill, Congress will have time to consider desirable modifications in the system, and changes in the program that should be associated with completion of the interstate system. In this connection, the bill requires the Secretary of Transportation in 1972, to submit specific recommendations for the functional realinement of the Federal aid system through the year 1990. The study should be of assistance to the Congress in making appropriate decisions relative to the Nation's needs.

Mr. Chairman, I believe it is imperative that we continue the task of completing this great undertaking. I urge all of my colleagues to join me in supporting this important legislation.

Mr. Chairman, I have no further requests for time.

Mr. GRAY. Mr. Chairman, I rise in support of H.R. 19504 the Federal Aid Highway Act of 1970. Before I comment on the great need for the passage of this legislation, I want to first highly commend the distinguished chairman of the full Committee on Public Works, the gentleman from Maryland (Mr. FALLON); the distinguished chairman of the subcommittee, my friend and colleague from Illinois (Mr. KLUCZYNSKI); the ranking minority members, the gentleman from Florida (Mr. CRAMER) and the gentleman from Ohio (Mr. HARSHA); and the other members of the Committee on Public Works for the long hours of labor in the hearings and the writing of this landmark legislation. I also want to thank our very able chief counsel, Richard Sullivan, and his staff and the brilliant assistant legislative counsel, Bob Mowson, for their great work and dedication to duty.

Mr. Chairman, H.R. 19504 is a bill that will provide over $22 billion in highway construction money between now and 1978. Thousands of lives will be saved when the Interstate Highway System is finished. The important primary secondary and farm-to-market road system is also vital to the welfare of our country. This bill will provide funds to finally eliminate the antiquated road system that we have had in America in the past.

I had the privilege to help write the 1956 Interstate Highway Act with the other distinguished friends on the Public Works Committee and it is a great joy to see this bill come up for approval to finish the job of building the greatest highway program in the world.

I urge a unanimous vote.

Mr. CLANCY. Mr. Chairman, I rise today in support of H.R. 17123, the Federal-Aid Highway Act of 1970.

Our Nation's prosperity and social development are highly dependent upon highway transportation. The benefits derived are literally beyond measure. Although every American reaps benefits from a quality highway system, the general improvement in living and the widened freedom of selection of daily activities it provides are often not fully appreciated. These benefits to the social and economic structure of America can be seen in increased job opportunities, wider choice of residence, and the dispersion of commercial and industrial activity. In addition, there is quicker access to cultural and recreational centers, schools, parks, churches, and hospitals.

Although the highway system is built through user taxes, the savings to users more than offset the expenditures. These user charges are an attempt on the Government's part to approximate the principles that apply in the market economy. As the highway trust fund does not produce sufficient revenue, continued dedication of trust fund revenues is necessary to avoid impairment of our Nation's mobility and its safety.

From its inception, the highway program's major objective has been that of safety and nearly every project greatly contributes to this factor. As a result of this safety program, our Nation's highway fatality rate is one of the lowest in the world even though highway travel has experienced mammoth increases. Strong emphasis has been placed on safety in all highway design and construction activities. In an effort to eliminate the causes of accidents and to minimize their severity, all elements of design on Federal-aid projects are required to be carefully reviewed. Two safety programs with which we are all familiar are: the effort to achieve nationwide uniformity of signs, signals, and markings; and the railway-highway grade crossing safety hazard elimination program.

Another factor which is considered during every stage of project development is the impact of our Nation's highways on people and upon the environment. Much importance is placed upon such factors as pollution, noise, and other environmental considerations. Today's highway projects are helping to improve and upgrade housing, to provide recreational and park facilities, to preserve historic sites and to enhance scenic beauty.

I am especially interested in the portion of the legislation before us today which deals with the emergency relief rule set by Congress in 1968 after the Silver Bridge catastrophe at Point Pleasant, W. Va. This earlier act was interpreted to allow Federal funds for bridges only after catastrophic failure and collapse. In recent years many older bridges in the Federal-aid highway systems have been closed due to their unsafe condition. Although the condition of these bridges were such that a real and present danger did, in fact, exist, it was not clear that emergency funds would be authorized for their repair or reconstruction. The additional authority found in the legislation before us today recognizes the need for funds to reconstruct or repair bridge structures in imminent danger of collapse but which have not been subject to catastrophic failure. The likelihood of failure which led to the closing of the C. & O. bridge which extends between Cincinnati, Ohio, and Covington, Ky., is precisely the kind of emergency condition for which relief is contemplated in this section. I firmly believe that a catastrophic occurrence was avoided by the timely closing of this bridge and its closing should constitute no bar to the granting of emergency relief for its reconstruction. To deny such relief would be to penalize the wisdom, decision, and foresight that this emergency section was designed to promote.

The above-mentioned amendment is but one example of how new highway programs have been initiated and implemented to fill newly emerging needs. The highway program has produced enormous benefits in this era of rapid technological advancement and changing attitudes.

I wholeheartedly support the Federal-Aid Highway Act of 1970 now under consideration by this body and urge its immediate passage.

Mr. DADDARIO. Mr. Chairman, I rise today to express my concern and to protest the provisions of section 129 of the Federal Highway Act of 1970 which direct the Government of the District of Columbia to begin work within 30 days after enactment of this legislation on certain highway projects authorized under the 1968 Federal Highway Act.

In the last decade the process of American government has sometimes been

criticized by some in this country who claim government has failed to respond to desires of the people. We are today presented with an opportunity to display to the people of the District of Columbia that we are, in fact, responsive to their desires and that we are cognizant of their needs before we enact legislation.

In assessing the need for the Three Sisters Bridge and the North-Central Northeast Freeway, it is helpful to recall the action of Congress in 1960 when it rejected the plans put forth in the "1959 Mass Transportation Survey," plans which are similar to those which would be forced upon the people of the District of Columbia under section 129. The plans were unacceptable then and are unacceptable now for the very same reasons: high cost, destructiveness, and lack of demonstrated need for added arterial highway capacity.

Rarely has a piece of legislation brought a more vehement and united outburst from the residents of the District of Columbia than section 129. This attempt to force the residents of the District to accept the highway proposals in exchange for the release of funds for the construction of the badly needed subway system is in no way justified by the principles of our democratic form of government. The people are opposed to it, the major civic groups are opposed to it, and the City Council is opposed to it. Although the Council voted to approve the Three Sisters Bridge, those councilmen who did so vote indicated that they voted that way only to free the badly needed funds for subway construction which were being held in front of them, in much the same way a carrot is hung out in front of a horse. In this case, however, the movement obtained by use of the carrot was backward, rather than forward.

The divisions which afflict this Nation are real. We in Congress should do all in our power to aid in the process of healing our wounds. Forcing upon the people of the District of Columbia something they do not want, without fair and proper hearing, is to deny them the privileges enjoyed by the citizens of the 50 States. We should learn from the decision of the courts in their interpretation of section 23 of the 1968 Federal Aid Highway Act. That section was interpreted to allow the people of the District to participate in decisions concerning the building of roads in the District. Section 129 ignores that holding and instead adopts a position which the Honorable J. Skelly Wright has indicated is most likely an unconstitutional denial of the rights of the citizens of this city. The people of the District of Columbia should decide whether or not a particular road or a particular bridge needs to be built. This is a decision for local determination, not a matter of policy to be set by the Congress.

Mr. DORN. Mr. Chairman, the Interstate Highway System is the greatest construction project in world history. I enthusiastically support this bill, H.R. 19504, which will authorize the completion of this great system, and I am proud to serve on the Road Subcommittee of the Public Works Committee which originated this legislation.

I am proud too, Mr. Chairman, to serve on the Roads Subcommittee under the able chairmanship of JOHN C. KLUCZYNSKI. Here is a man from the great city of Chicago, capital of our Nation's heartland, who is concerned with the transportation needs of all sections of this land. I know firsthand, Mr. Speaker, of the exhaustive hearings and studies that he personally has conducted throughout the Nation. He has been to all sections of this land, including my own, to document the highway needs of these localities. The outstanding bill before us today is a tribute to his foresight and effectiveness.

This bill would authorize an additional $17.275 billion for the completion of the 42,500 mile Interstate System, as well as provide authorization for Federal aid to A–B–C systems, the topics program, various highway safety programs, and other bold and imaginative programs. The funding for the completion of the Interstate System comes from the highway trust fund. This effective and financially responsible method of financing the Interstate System is protected by this bill, Mr. Chairman. The highway users who pay the gasoline, oil, tire, and other special road taxes which go into the highway trust fund can be assured that the road-related taxes they pay will continue to go toward improved highway transportation, and not be diverted into unrelated areas. The bill will continue to provide that every penny going into the highway trust fund is taken from taxes imposed only on owners and users of motor vehicles. If a person does not own a motor vehicle or use highways, he will contribute no revenues to the highway program, although he will benefit from it.

The benefits of this great Interstate System, as well as the entire Federal-aid system, are of course impossible to quantify exactly. But some of the figures developed by our committee are illustrative. For example, the value of travel-time saved as a result of modern highways, figured at a rate of $1.50 per hour, amounts to $273 billion returned to the traveling public by the Interstate System, much more than the cost of the system. The other dividends of the Interstate System, whether measured in terms of the pain and suffering avoided due to the lower rate of accidents on the safer Interstate System, or in terms of the greater mobility afforded the American people, or in terms of the simple joy of driving on modern highways, are not quantifiable.

Mr. Chairman, I have become more and more alarmed about the terrible toll of human suffering and property damage caused each year by highway accidents. This carnage must be ended, and the bill now before us is a giant step in that direction. One could easily term the complete bill a "highway safety bill," since highway improvement itself reduces the accident rate. The fatality rate on completed Interstate highways, expressed in terms of deaths per hundred million vehicle-miles traveled on the system, is less than half the rate on other heavily traveled highways. It is estimated that for every 5 miles of Interstate highway opened to traffic an average of one fatality will be avoided each year. The completion of the entire 42,500-mile system will lead to an annual reduction of about 8,000 fatalities, year after year. Between July 1956 and March 1970 a total of $43.8 billion of Federal funds was obligated for improvements on Federal-aid highways. One estimate is that the safety benefit resulting from all Federal aid will amount to about 131,000 fatalities and 3,300,000 personal injuries avoided during the effective life of these projects. So it is, Mr. Chairman, that this program merits our support as a safety bill aside from its economic advantages.

One specific section of this bill is of special concern to the people of my hometown of Greenwood, Mr. Chairman, as it relates to the serious safety hazard posed by highway rail crossings. In this connection, I quote from page 31 of our committee report:

> There is a need to develop and test an effective approach to solving the rail crossing problem. The City of Greenwood, South Carolina offers a unique opportunity to demonstrate in a single project, whether or not an approach to the rail crossing problem will bring about substantial improvement in both traffic flow and safety. The project would eliminate 35 rail crossings and reduce by approximately four miles the amount of rail line within this city of 20,000, and its environs where traffic is often delayed for ten minutes or more. The city, the railroads, the Federal Highway Administration and the Federal Railroad Administration, over a long period of time, have developed and planned an approach for alleviating the city's rail crossing problems. The demonstration project for greenwood provides funding which will allow the implementation of this approach from which we can learn valuable lessons for the future.

In connection with this proposed demonstration project I would again, Mr. Chairman, like to express my appreciation for the cooperation and concern shown by the great chairman of our Roads Subcommittee, the gentleman from Illinois (Mr. KLUCZYNSKI), a man from one of our largest cities who has shown such an appreciation for the highway problems of both large and small communities.

This is good legislation, Mr. Chairman, based on a sound, pay-as-you-go fiscal policy. I enthusiastically support this bill and urge my colleagues to do the same.

Mr. BRINKLEY. Mr. Chairman, I vigorously support H.R. 19504. Title III, in particular, provides long-range assurance that the Interstate Highway System as presently authorized will be completed in an orderly and expeditious fashion.

Many of us believe that the system should be expanded; certainly the trust fund based on user taxes must not be diluted through diversion of funds to other projects, however worthy they may be.

The gentleman from Texas (Mr. WRIGHT) points to highway safety as one important element of the Interstate System. I commend him for emphasizing that excellent point.

Also, may I be counted with the gentleman from Arkansas (Mr. MILLS) as an advocate of using highway trust funds, based on user taxes, on highways.

Mr. BROOMFIELD. Mr. Chairman, the impact of our highway system on the social and economic growth of the United States is beyond measure. For a people long accustomed to uncharted frontiers and vast expanses of open space, mobility has become more a matter of habit than of necessity. The American species of pioneer may have died out years ago, but the spirit of exploration, the silent urge to keep moving, remains stronger than ever. We are literally a nation on wheels, living and trading where our cars and trucks can take us. When a new road is opened, jobs, homes, schools, churches and hospitals spring up along with it, providing essential services to the mobile American. For our economy the highway system means capital, for our society it means civilization.

Yet, recent history has taught us that, despite our accomplishments in this field or, better, because of them, the development of our highway system is not without dangerous implications for the future of our people. The pollution of our air is a byproduct of the automobiles that make such large use of our highway system and the industries that could not exist without it. The flight of middle America from the city has been encouraged by its access to the freeways which link suburbs to population centers. The natural beauty of our countryside has suffered from the building of roads and the erection of ugly billboards on their banks. It is simply not true that highways have had only positive results, no more than it is true—as their critics argue—that America will soon be a country buried under concrete.

Clearly, we must adopt a balanced approach to road construction in the next decade, aware of its dangerous consequences for the future as well as its considerable contributions in the past. The Federal-Aid Highway Act of 1970 makes a start—a small one—toward the adoption of that approach.

The trust fund element of the new bill provides the best focus available on the past, present, and future of highway construction. Its very effectiveness raises, however paradoxically, questions as to its value in the long run.

The highway trust fund was established in 1956 under the Eisenhower administration to insure a comprehensive program of roadbuilding. The President warned against a "piecemeal approach" to the problem and urged that gas, tire, and vehicle taxes be placed in trust to be used solely for the highway system. By guaranteeing continued Federal subsidies for roads, the fund would facilitate long-range planning: contractors and States alike would have the confidence that whatever they decided upon could be paid for. The brilliant success of the network we eventually developed can be attributed to the integrated and comprehensive plans they drew up. Roads were not built as money became available, section-by-section, but rather, as they were needed by the nation as a whole.

This was, of course, the means we used to finance the Interstate Highway System; the only means that could have worked for a project of such overwhelming proportions. Now, the Interstate System, comprising only 5 percent of the Federal-aid highways in the Nation but carrying over 20 percent of all traffic, must be described as the backbone of our country's network of roads; this, despite the fact that it is not yet finished.

By 1978, the most recently estimated date for its completion, the Interstate System will connect all cities of more than 50,000 population with divided, high speed, limited access highways. To insure the final success of this most important venture of American roadbuilding, I believe we must continue the trust fund in its present form. I also approve the committee's authorization of $17.28 billion in additional funds to cover the cost of the system's extension. This authorization includes moneys totaling $5.5 billion to meet yearly 5-percent increases in construction costs through 1978. The trust fund guarantees that authorizations for the Interstate System will not be diverted to other projects; the cost-escalator control assures us that it will not suffer from rising prices.

Yet, important as this system has already proven, the past 5 years have shown us that there are many other elements of highway development that need just as urgent attention, particularly the improvement of urban primary and secondary roads. The expanded use of trust fund moneys for new projects in these areas is evidence of the flexible and even-handed position we must adopt for the seventies.

It is an unquestioned fact that our cities are hopelessly congested by auto traffic. There are two seemingly contradictory reasons for this: First, there is too great a reliance on the automobile as the only means of transportation, and second, we need more and better planned high-speed city roads. A critic of the bill would argue that the building of more roads will only encourage greater use of cars. In one sense this is absolutely true, but it does not take into account the balanced approach of this measure. It is true that the committee authorizes over $1 billion for urban primary and secondary roads with the Federal Government taking a 70-percent share of the cost rather than its present 50 percent. At the same time, however, the committee first, creates the Federal-Aid Urban System to improve the most heavily traveled elements of the city highway network, and second, authorizes a new Federal subsidy for urban highway public transportation to encourage commuters to use a more efficient bus service. Bus transit would be made more nearly competitive with the speed, comfort, and convenience of automobile travel: Exclusive bus lanes would be constructed, traffic control devices and bus passenger loading areas would be developed. By emphasizing public transportation the bill would take more cars off the roads; but the roads themselves would be increased in number and improved in quality for those who continue to use single automobiles. This seems to me a thoroughly sound way of reducing urban traffic congestion.

Two other aspects of the development of our roads have up to now been largely ignored by our emphasis on the interstate system: highway beautification and highway safety. The trust fund will be used to pay for new programs in both these areas. And again, this is proof of the bill's broader, more flexible scope.

A Highway Beautification Commission is established to review the efforts of the past. Increased funds, amounting to over $54 million for 2 years, are authorized for the control of billboards and junkyards and the development of scenic landscaping.

Another $330 million is authorized for general traffic safety programs, with further funds earmarked specifically for bridge reconstruction, railroad crossings, high hazard accident locations, and alcohol safety. About one-fourth of all highway program expenditures in 1970 are devoted to roadway elements which increase traffic safety. Close to 9,000 fatalities yearly will be eliminated by these most recent advances. This is surely a worthwhile undertaking.

I have considered now what I feel to be the key provisions of this bill. There is one more—the report of the Secretary of Transportation in 1972—which clearly directs us toward the problem of highway development in the future. The Secretary is ordered to make specific recommendations to the Congress for the functional realinement of highway programs through the year 1990. I believe this study will be absolutely necessary if we are to make intelligent decisions concerning future development in this area.

We must consider the fact that by 1980, 80 percent of the Nation's population will be living in urban areas which do not have the space for more highways, parking lots and garages; that by 1980, the Nation's population is expected to reach 250 million and auto ownership expected to increase by 64 percent, congesting our roads and demanding more and more of our open land; that by 1980, we will have a serious pollution problem. These factors clearly indicate a need for more efficient mass transit, not more highways.

The completion of the Interstate System by 1978 and the vast improvement in our network of roads by that year will finally allow us to look beyond highway transportation toward newer, more realistic methods. At that time, I think we must seriously consider revamping the trust fund which has made such a significant contribution to our success in the past. We will have a comprehensive system of roads; we will still be without a truly comprehensive system of transportation. The trust fund is an excellent concept, for it enables us to plan with confidence for the long-range future, but it must be expanded to include mass transit as well; otherwise, we may find our Nation a continental parking lot with cars tied up for hours on end.

The necessary reordering of our priorities must, of course, wait until the Interstate System is finished. The highway trust fund will insure its completion as soon as possible. I support the Federal-Aid Highway Act of 1970 for its balanced approach to the final development of our roads, but I urge my colleagues, at the same time, to prepare now for a future in which highways will be only a part of the total picture for American transportation.

Mr. WOLFF. Mr. Chairman, I rise in support of the amendment that will be offered by my distinguished colleague from New York (Mr. REID). This amendment would ensure effective local review of the impact of Federal-aid highway programs upon parks, wildlife refuge areas, national historic sites, and other areas whose conservation would serve the public interest.

In this period, when we get so much lip service to saving our environment, this amendment would give meaning to the words of those concerned about conservation.

In this period, when there is great understandable concern about the role of local communities in decisions affecting them, this amendment would give localities a well-deserved voice in matters of direct consequence to them.

In this period, when objections are justly raised to the lack of information available to the public about matters of general concern, this amendment would provide for an effective hearing and public disclosure procedures designed to ensure adequate public knowledge of the plans and probable impact of highway programs.

This amendment, then, gives us the opportunity to put the House of Representatives behind reasonable, responsible proposals of conservation, public disclosure and local participation in matters of great importance to the localities in which Federal-aid highway programs are contemplated.

It seems quite obvious to me that the House would want to put deeds where we have words; to substitute action for promises.

As the Members consider this amendment there is one crucial point to bear in mind. Once a highway is built, once trees, wetlands, and fields are destroyed, once the bulldozer has done its job, we cannot turn around and undo what has been done. The finality of constructing a highway is a perfect argument for building into the decisionmaking process as many safeguards as possible against wanton, ill-advised programs. This amendment, then, is not an antihighway amendment, it is a pro-environment, pro-local control amendment and most worthy of support.

I would also point out to my colleagues that this amendment does not give control to amateurs. As the able gentleman from New York said when testifying for this bill before the committee:

> Each local commission would be staffed entirely by persons with recognized expertise in the area of conservation of natural resources and wildlife and preservation of historic sites, communities and landmarks.

This is important because in considering the potential far-reaching impact of this amendment it is vital that we vest the authority for review of Federal-aid highway programs in individuals of ability and stature.

The gentleman deserves to be congratulated for taking the lead in this important area and I am pleased to rise in support of this amendment. I trust our colleagues will see the wisdom of adding this amendment to the pending legislation.

Mr. Chairman, there is no need to point out to anyone here the crying need for a solution to our present mass transit crisis. The state of transportation in the United States today is an absolute mess. Our cities are choking on automobiles and their pollution. Yet we are aiming at crossing oceans in 2 hours with an SST. For what? To wait 3 hours in a traffic jam? Why should we support a program which leaves the overwhelming majority of our people's problems unattended to? We should not. Thus I support this amendment which offers us at least a partial solution to the crisis.

If we adopt it, we will make available funds for a rational and unified approach to all forms of mass transit—not just the auto and the bus. What can be the argument against such a move? There is only one—and we hear it over and over again. The Government would break faith with highway users if it spent any of the trust fund money on nonhighway projects, that the taxes imposed on gasoline, tires, tubes, and other highway related equipment are acceptable to the American public only because of the Government's assurance that the money raised will be spent only on highways. One would think from reading much of the propaganda spread by the highway lobby, that the trust fund is fed by taxes specifically created in order to finance it. If that were true, there might be some logic in the aura of inviolability that surrounds the trust fund.

But it is not true.

Of all the taxes that yield money for the trust fund, only two were created along with it in 1956—a tax on rubber used in retreading tires and a use tax imposed on heavy vehicles. Most of the other taxes that feed this fund—including the one on gasoline that raises three-fourths of its income—came into existence in 1932, although some were increased in 1956. Prior to the creation of the trust fund, the money from these taxes went into the general fund without being earmarked exclusively for highway purposes. No one seriously contended between 1932 and 1956 that the Government was breaking faith with highway users by spending part of the money from these taxes on nonhighway projects.

Therefore, I respectfully suggest the need is clear, the funds are available, I beseech each and everyone of you to not let this opportunity to put sanity into our mass transit mess slip by.

Mr. BINGHAM. Mr. Chairman, the conclusion is inescapable, on the basis of the reading of the legislation before the House, that this Nation is—and for the indefinite future will be—fiddling with freeways while our cities burn. Based upon a commitment made 14 years and more than 40 billion dollars ago, this legislation proposes to commit $17 billion more for highways by 1978 with no end in sight.

Was the Congress' 1956 commitment to build highways through the highway trust fund a commitment in perpetuity, Mr. Chairman? Is there to be no pause, no review, no reevaluation of this commitment? Will this commitment never be regarded as fulfilled and ready for termination?

This legislation certainly suggests that the answer to those questions is a resounding "No". While our State and local governments are dangling by the last thread keeping them from bankruptcy, this legislation proposes to spend another $17 billion on highways by 1978, and even more after that, based upon the priorities and commitments of 1956. While we fight tooth and nail in the Congress to eke out a few million dollars to keep the Headstart program going, the legislation does not even raise the question of where highways now fit into our list of total national priorities, let alone our total transportation priorities. At a time when greater emphasis on mass transit systems could unclog many of our highways and relieve the impending suffocation of our cities from polluted air, this legislation takes steps to make Federal transportation funding more rigid, rather than more flexible.

Mr. Chairman, we can no longer tolerate this squandering of such an immense amount of funds without any reevaluation or review of our current needs and the impact of our transportation funding mechanisms upon those needs.

Those who defend uninterrupted continuation of our current level of spending for highways argue that we have a commitment to the public to use the funds accruing to the highway trust fund for highway development. We have had such a commitment and we have honored it for nearly 20 years. Surely we have now more than met our obligation to the taxpayer to improve our highway system. It is now time to reexamine that commitment and consider what changes in the use of these funds may be necessary or appropriate.

Certainly no one could argue that our problems and priorities as a Nation have not changed drastically since the beginning of the highway trust fund in 1956. Similarly, the amount of funds accruing to the trust fund have changed. They have increased to nearly fourfold since 1956, from $1.4 billion to over $5 billion in 1970.

As the committee has pointed out in its report, 1976 represents a major turning point in our highway programs. In that year, the Interstate System will be very near completion, and many States will find their allocations under the trust fund beginning to decline. The legislation before the House today proposes to go even beyond 1976 in its authorizations, and contains a number of provisions which make commitments for the post-Interstate period. Before we turn that corner, it seems to me, it is both appropriate and mandatory that we make some reappraisal of our entire highway program in relation to other national needs. I find no evidence in the committee report or in the rather extensive hearings conducted on this legislation, that the Committee on Public Works has either conducted such a reappraisal or that it even envisions one.

I am similarly disturbed that the Ways and Means Committee has seen fit to extend the highway trust fund in this legislation, in effect, through 1978. Given

the committee's broad jurisdiction over the trust fund mechanism, it is the appropriate body to conduct such a broad review of our transportation funding mechanisms, including full public hearings.

At the appropriate time, I shall offer an amendment which would limit the extension of authorizations for interstate highways to 1976, rather than 1978 as recommended by the committee in this bill. My amendment would make the House language consistent with the Senate-passed version of this legislation, which reflects the administration position that no authorization should be made beyond 1976 until the 1973 deadline for interstate project commitments and the 1972 national transportation needs report are available.

I also intend to offer, at the appropriate time, an amendment to allow our spending from the trust fund to better meet current local needs by expanding upon the action of the committee. My amendment would allow funds from the trust fund to be used for facilities to serve all mass transit passengers, rather than only bus passengers as recommended by the committee.

Several provisions of this legislation constitute definite improvements over past proposals. The new relocation assistance authority in this bill, for example, is most commendable and long overdue. It provides a greater assurance than ever before that families and businesses displaced by highways will have comparable replacement housing by allowing Federal highway funds to be used for the acquisition, rehabilitation, or construction of such housing where it is not otherwise available. It is unfortunate, however, that the committee emphasizes highway over human interests by stipulating that this relocation authority should be used only as a last resort when necessary to allow a highway project to proceed. Clearly, we should be creating new housing for families displaced by highways, not because to fail to do so might stop the highway, but because the well-being of such families is as important, and their needs are as pressing, as any needs or benefits that might justify the building of more highways. I would certainly hope that the Secretary of Transportation will interpret this provision as liberally as possible so as to make maximum use of the authority it conveys.

It is also gratifying to see the continuation of the highway beautification program provided for in this bill. A great deal more needs to be done to insure scenic enhancement adjacent to our roads and highways, particularly in the control of such blights as improperly placed advertising and junkyards. The committee should certainly be commended for its support of highway beautification programs in the past, and for its provision of some $47.5 million dollars over the next 2 years for that purpose. One could only wish that this amount could be larger given the importance of this work.

The committee is to be commended, also, for its action in this bill on highway safety. I am particularly gratified to note the committee language urging the new National Highway Traffic Safety Administration to issue standards for the transportation of school pupils and for the investigation of accidents involving them. The tragic deaths of a number of New York students some months ago apparently as a result of the actions of a poorly qualified driver and an unsafe school vehicle certainly demonstrates vividly the need for stricter safety standards in this area, and I am pleased that the committee took this into consideration in establishing the temporary cutoff date for further traffic safety standards.

Beyond the general weaknesses of this bill, which I have already mentioned, there are a number of specific provisions which, in my judgment, are particularly inadvisable and which far outweigh the strengths of the bill. The environmental protection provisions of the Highway Act, especially in the area of air pollution, are most inadequate, and this legislation promises no convincing improvements in that area. Indeed, the construction of the roads envisioned by this legislation can only contribute to our already critical air pollution problem, more than 90 percent of which is directly attributable to our dependence as a society on the automobile. This legislation only increases this dependence and encourages automobile travel regardless of the environmental consequences.

The language of the bill which purports to prohibit the impounding or withholding from obligation of funds apportioned under the highway program is clearly unenforceable. Furthermore, the provision in the same section which would prohibit any funds authorized to be appropriated from the highway trust fund from being expended by any other department or agency of the Federal Government than the Federal Highway Administration seems to me an unnecessary and inadvisable step toward greater rigidity, rather than flexibility, in the administration of transportation programs.

I strongly oppose the establishment of the National Highway Institute proposed by section 115 of this legislation. While such an institute might well save State and local governments some expense in the training of highway officials, and while such officials would undoubtedly benefit from such an institute, I feel that the considerable expense of such a project cannot be now justified given other needs and the likelihood that the operation of such an institute will only increase and further institutionalize our national highway bias.

I share the committee's interest in achieving a more balanced population pattern and a more rational land-use policy. However, I do not feel that it can be assumed that more highways are the appropriate device for stimulating new population centers. Little justification for the program of economic growth centering on development highways provided in this legislation is contained in the hearings, and I feel that no such program should be approved until the 1972 transportation needs study is complete and more evaluation can be focused on the appropriate role of highways in stimulating and serving population balance. Premature approval of this new category of highways is likely to lead to roads that go nowhere and further desecration of our dwindling wilderness and sparsely populated areas.

If my amendments are defeated, as I fear they will be, I shall vote against this bill and urge others to do likewise.

Mr. PICKLE. Mr. Chairman, earlier in this session we have passed legislation to help our air traffic systems and to help our railroads. The bill we are now considering rounds out the Federal program in transportation. It helps our highways.

Much of the Nation's attention has been drawn to our rail and air systems, but, as we all know, the highways remain a crucial part of our national transportation system—accounting for almost 90 percent of our passenger-miles and over a fifth of our freight miles.

H.R. 19504, the Federal-Aid Highway Act of 1970 seeks to help us meet the pressing needs of highway transportation. It not only safeguards the vital interstate program—the value of which anyone who travels across this vast and beautiful land can testify to—but it also provides for increased aid for noninterstate programs, for better busing service in our cities, for replacement housing when people are displaced by highway development, for better control on highway beautification, and for demonstration grants for highways leading to potential growth centers across the country.

Mr. Chairman, while I still look forward to the day when we will have an integrated national transportation policy, I find this bill a good one—attacking vital issues and filling gaps in the aid we have offered this year. I urge my colleagues to support this bill in the interest of the great and beneficial effects it will have on our national transportation.

Mr. KOCH. Mr. Chairman, I regret that no time was allowed for debate on section 129 of the highway act, a section which is so important to the residents of the Washington, D.C., metropolitan area. I had hoped to speak in support of the amendment offered by our distinguished colleague from Minnesota (Mr. FRASER) to delete this section from the bill.

Section 129, added by the committee, after the conclusion of the hearings, violates two rules. One of the House rules, XI 16(c) which limits the jurisdiction of the Public Works Committee so that "it shall not be in order for any bill providing general legislation in relation to roads to contain any provisions for any specified road."

The second rule is that of the basic intent of the highway law providing that neither the Federal Government nor the Congress shall compel the construction of a highway in a locality when the people of that locality do not want it. The highway act defines the District of Columbia as a State and gives the officials of the District of Columbia the responsibility for initiating projects. The freeway system mandated by this section has been opposed by the Mayor and the City Council of the District of Columbia and all local civic associations. In addition, both

the North Central and Northeast Freeways have been rejected in several public referendums. The imposition of a highway construction project on a city's people is a dangerous precedent to set—not only for the people of Washington, D.C., but for the rest of the country as well.

While I believe that it is imperative that section 129 be removed from the highway bill we are considering today, I would suggest that if this body insists on retaining it, fairness and consistency demand that we add a provision similar to that included in other legislation mandating the construction of the District of Columbia freeway system—a provision stating that all expenditures authorized by the Federal Highway Act will be suspended until construction on the District of Columbia system commences.

Mr. RYAN. Mr. Chairman, the bill which we have before us today, H.R. 19504, the Federal Aid to Highway Act of 1970, authorizes an additional appropriation of $17.275 billion for completion of the Federal Interstate Highway System.

I am sure that my colleagues will agree that it is no overstatement to say that this country is in the midst of a serious transportation crisis. And I think that with the consideration of H.R. 19504 it is fitting to assess what the problems are.

In the introduction to its report on the bill—House Report No. 91-1554—the House Public Works Committee states:

> Every American benefits from improved highways. Because the road and street network literally goes everywhere, it is too often taken for granted.

It is true that our network of highways goes virtually everywhere. In a May 1969 article in the Reader's Digest, it was estimated that Federal, State, and local governments have constructed 3,700,000 miles of roads. Such an extensive road system should benefit all Americans, but does it?

There are approximately 105 million vehicles presently using American roadways, and the amount of miles traveled comes to more than 1 trillion miles a year. The number of cars has more than doubled in 20 years. In 1950, there were only about 40 million.

According to Helen Leavitt, author of "Superhighway, Superhoax," the amount of people entering the central business areas of urban centers has remained the same over the past 30 years, but the amount of automobiles entering during the same period of time has risen consistently.

Her contention is that there are not more people using our Nation's highways; there are just more vehicles.

What then do highways accomplish?

They certainly do not move cars swiftly and efficiently in major metropolitan areas. Try to get anywhere in a hurry during morning and evening rush hours or during a holiday weekend.

Then is the answer more highways?

It is argued that the only way to solve the problem of bogged down automobile traffic is to create more roads. Thus, instead of phasing out the highway program, Congress is prepared to authorize over $17 billion in additional appropriations. However, the question is: Does increased highway construction solve the transportation morass?

Our highways have become virtual interstate parking lots where stalled and slowed vehicles emit hydrocarbons, carbon monoxide, and nitrogen oxides from their engines into the air. Automotive air pollution is one of the major contributors to the air pollution problem.

Highways are not helpful to those who cannot or do not own a car. The Nation's elderly, poor, and handicapped cannot travel around as they wish if they do not drive, own cars, cannot afford taxis, and have little access to other means of transportation.

Many of the poor in our urban ghettos cannot work, not because they do not want to, but because it is either too time consuming or virtually impossible to get to the place of work.

And lastly, highways have been built too many times through center cities, displacing residents and businesses. Too often these roads are built without regard to social, economic, and esthetic factors.

Many times local residents try to impress upon the highway builders that they are detrimental to the welfare of the community. More often than not, they are ignored.

An example of the paving over of local neighborhoods without regard to the protestations of local residents is the building of a complex freeway system in the District of Columbia despite the objections of the Mayor, City Council, and citizens of the city.

Included in this bill, in fact, is section 129, which mandates that the District of Columbia start construction of three controversial freeway sections of the system within 30 days of enactment of the bill.

I concur with Congressmen McCarthy and Schwengel, whose minority views point out that section 129 is in violation of House rules governing the jurisdiction of the House Public Works Committee.

I also agree with their opposition on the grounds that it creates a dangerous precedent for future congressional intervention in local freeway matters, discriminates against residents of the District of Columbia, and encourages withholding of rapid transit funds by the Congress pending freeway construction.

I support the Congressmen's contentions, and I plan to vote in favor of the amendment to strike section 129.

I do not think that present hearing procedures are adequate even though section 128 of title 23 provides for a two-hearing procedure regarding location. For this reason, I have introduced H.R. 628 to give the public a chance to be heard on any highway proposal.

My legislation requires a minimum of 30 days public notice and at a minimum 30 days mailed notice to each elected public official representing the area affected before any public hearing is held involving plans for a Federal aid or State section of an interstate highway project.

Such a hearing would have to take place at the closest feasible place to the proposed highway location and would have to take place within a year of the date when the plans for the project are submitted to the Secretary of Transportation.

The State highway department would have to certify that it had considered the economic and social effects of the location, as well as the impact on the environment and the consistency of the project with the goals and objectives of any local community planning.

In addition, the State highway department would have to submit a report to the Secretary of Transportation on the economic and social effects of the proposed location of the highway including such factors as the effects on tenants and owners of all property proposed to be acquired or which would be affected by the project.

I am pleased to note that section 117 of the bill includes, verbatim, the language of my legislation, H.R. 18240. This section deals with a problem which has long been of concern to me—the provision of replacement housing for those persons displaced by highway construction.

My legislation, and section 117 of H.R. 19504 provide for amendment of chapter 5, title 23 of the United States Code, to permit the Secretary of Transportation to approve as part of the cost of construction of any Federal-aid highway project which he administers, the cost of: "constructing new housing, acquiring existing housing, rehabilitating existing housing, and relocating existing housing, as replacement housing for individuals and families where a proposed project on the Federal-aid system cannot proceed to actual construction because replacement housing is not available as required by section 502 of title 23."

The section also provides that State highway departments may utilize, whenever possible, the services of State or local governmental housing agencies to help carry out the section.

The Senate, in its bill S. 4418, provides for construction of replacement housing in section 28. The Senate provision is similar, although not identical to the committee's and my language.

I commend the committee for focusing its attention on this problem, which has always been of concern to me, and for providing procedures by which individuals and families displaced by highway construction can be housed.

In order to achieve a balanced transportation system, it is necessary to create, improve, and strengthen mass transit systems.

Past actions of the Congress have favored highways. Unbelievably large amounts of money have been spent on highways, while comparatively little has been spent for mass transit.

As of this past spring, $795 million had been spent on mass transit; while $34.2 billion had been spent on completed highway projects and $13.9 had been spent on incompleted highway projects or those projects under authority.

This is obviously not a balanced transportation system—90 percent for highways and little or nothing for mass transit.

I strongly object to section 107 of the bill which prohibits impoundment of appropriations and diversion of funds from the highway trust funds. It also prohibits expenditure of funds authorized to be appropriated from the highway trust fund to any Federal Highway Administration for other highway purposes.

Since the Congress has refused to face the Nation's transportation ills realistically, I have introduced for many years legislation which would allow the Governor of a State to elect to use its highway construction moneys for mass transportation.

Since highway trust funds are allocated to States, my bill H.R. 48 gives this power to the Governors and gives them the power to decide whether or not the money should be used for mass transportation.

In the past, Congress has refused to debate my proposal to use highway funds for mass transit. Each year since 1966, I have offered this proposal in amendment form to legislation before the House.

When I have offered such an amendment to the Federal-aid highway bill, my amendment has been ruled not germane on the grounds that it deals with mass transit and, therefore, is foreign to the highway bill.

When I have offered this proposal as an amendment to the mass transportation legislation, my amendment has been ruled not germane on the grounds that it deals with highways and, therefore, is foreign to the mass transit bill.

During committee consideration of the Senate version of this bill, the chairman of the Public Works Committee, Senator RANDOLPH, introduced an amendment, which unfortunately failed in committee, to permit such a diversion of funds.

When I testified before the Subcommittee on Roads of the House Public Works Committee, the chairman of the committee argued that the history and background of the original act required that the funds be used only for highways.

But the bill before us today extends the highway trust fund beyond its October 1972 deadline, and so an amendment permitting the Governor of a State to use highway trust fund moneys for mass transit needs would not be subject to the same objection.

I am also a cosponsor of H.R. 17280, which would permit the Governor of a State to elect to use funds from the State's Federal-aid highway system apportionment for purposes of paying additional costs incurred by the State in purchasing low-emission vehicles for use by the States and their localities. These vehicles would have to meet standards set by the Secretary of Transportation.

Today the House has the chance to reevaluate our previous transportation policies and to take steps to unclog and unpollute our highways. If we do not, one day soon we will face a national disaster where Americans are trapped, stranded, and even asphyxiated on the roads that "every American benefits from." When that day comes, Members of Congress, governmental officials, and the highway lobby will be held accountable.

Mr. MILLER of Ohio. Mr. Chairman, the passage of the Federal Aid Highway Act of 1970 signifies several things. This monumental bill renews this Nation's commitment to provide modern highway transportation to its people and continues the great progress and development that we have witnessed under this program.

Moreover, the passage of this bill should stand as a glowing testament to the tireless energy and dedication of the distinguished chairman and ranking minority leader of the Public Works Committee. GEORGE FALLON and BILL CRAMER have exhibited those exceptional leadership qualities which are so essential in the legislative process. I have had the privilege of serving with these gentlemen on the Public Works Committee and have greatly benefited from their experience and knowledge. We owe both a debt of gratitude for their years of services to the Congress and to the Nation. We will miss them.

GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Chairman, I ask unanimous consent to revise and extend my own remarks, and may I further ask, Mr. Chairman, that all Members desiring to do so may have the opportunity to extend their remarks on title III, or any of the other titles in the bill, at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, under the rule, titles I and II of the bill will be read for amendment under the 5-minute rule.

The rule also provides that title III shall be considered as read, and that no amendments are in order to that title except amendments offered by direction of the Committee on Ways and Means.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1970".

REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "and the additional sum of $2,225,000,000 for the fiscal year ending June 30, 1974" and inserting in lieu thereof the following: "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1977, and the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1978".

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1972, and June 30, 1973, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5, House Document Numbered 91-317.

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 104. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "eighteen years" and inserting in lieu thereof "twenty-two years" and by striking out "June 30, 1974" and inserting in lieu thereof "June 30, 1978".

(b)(1) The introductory phrase and the second and third sentences of section 104(b)(5) of title 23, United States Code, are amended by striking out "1974" each place it appears and inserting in lieu thereof at each such place "1978".

(2) Such section 104(b)(5) is further amended by striking out the two sentences preceding the last sentence and inserting in lieu thereof the following: "The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and House of Representatives on April 20, 1970. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1972, and June 30, 1973. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1972. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1974, and June 30, 1975. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1974. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1976, and June 30, 1977. The Secretary shall make a final revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1976. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal year ending June 30, 1978."

HIGHWAY AUTHORIZATIONS

SEC. 105. For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system and the Federal-aid secondary system and for their extension within urban areas, out of the Highway Trust Fund, $1,100,000,000 for the fiscal year ending June 30, 1972, and $1,100,000,000 for the fiscal year ending June 30, 1973. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 45 per centum for projects on the Federal-aid primary highway system;

(B) 30 per centum for projects on the Federal-aid secondary highway system; and

(C) 25 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas.

(2) For the Federal-aid primary system and the Federal-aid secondary system, exclusive of their extensions in urban areas, out of the Highway Trust Fund, $125,000,000 for the fiscal year ending June 30, 1972, and $125,000,000 for the fiscal year ending June 30, 1973, such sums to be in addition to the sums authorized in paragraph (1) of this subsection. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 60 per centum for projects on the Federal-aid primary highway system; and

(B) 40 per centum for projects on the Federal-aid secondary system.

(3) For the Federal-aid urban system, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973.

(4) For traffic operation projects in urban areas as authorized in section 135 of title 23, United States Code, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973.

(5) For forest highways, $33,000,000 for the fiscal year ending June 30, 1972, and $33,000,000 for the fiscal year ending June 30, 1973.

(6) For public lands highways, $16,000,000 for the fiscal year ending June 30, 1972, and $16,000,000 for the fiscal year ending June 30, 1973.

(7) For forest development roads and trails, $170,000,000 for the fiscal year ending June 30, 1972, and $170,000,000 for the fiscal year ending June 30, 1973.

(8) For public lands development roads and trails, $5,000,000 for the fiscal year ending June 30, 1972, and $5,000,000 for the fiscal year ending June 30, 1973.

(9) For park roads and trails, $30,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973.

(10) For parkways, $11,000,000 for the fiscal year ending June 30, 1972, and $11,000,000 for the fiscal year ending June 30, 1973, and $25,000,000 for construction of the Palisades Parkway in the District of Columbia, and $65,000,000 for reconstructing to six lanes the section of the Baltimore-Washington Parkway under the jurisdiction of the Secretary of the Interior to the standards for the National System of Interstate and Defense Highways.

(11) For Indian reservation roads and bridges, $30,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973.

(12) Nothing in this section shall be construed to authorize the appropriations of any sums to carry out sections 131, 136, 319(b) or chapter 4 of title 23, United States Code.

(13) In addition to all other authorizations for the Interstate System for the two fiscal years ending June 30, 1972, and June 30, 1973, there is authorized to be appropriated out of the Highway Trust Fund not to exceed $55,000,000 for each such fiscal year for such System. Such authorization shall be apportioned to each of the States receiving apportionments under section 103 of this Act of less than one-half of 1 per centum for each such fiscal year, so as to ensure that each such State will receive for each such fiscal year an amount equal to one-half of 1 per centum of the total apportionment for each such fiscal year under section 103 of this Act.

FEDERAL-AID URBAN SYSTEM

SEC. 106. (a) Subsection (a) of section 101 of title 23, United States Code, is amended as follows:

(1) After the definition of the term "Secretary" add the following new paragraph:

"The term 'urbanized area' means an area so designated by the Bureau of the Census."

(2) After the definition of the term "Federal-aid secondary system" add the following new paragraph:

"The term 'Federal-aid urban system' means the Federal-aid highway system described in section (d) of section 103 of this title."

(3) The definition of the term "Interstate System" is amended to read as follows:

"The term 'Interstate System' means the National System of Interstate and Defense Highways described in subsection (e) of section 103 of this title."

(b)(1) Subsections (d) and (e) of section 103 of title 23, United States Code, are relettered (e) and (f), respectively, including all references thereto, and section 103 is further amended by adding immediately after subsection (c) the following subsection (d):

"(d) The Federal-aid urban system shall be established in each urbanized area. The system shall be so located as to serve the major centers of activity, the highest traffic volume corridors, and the longest trips within such area, and shall be selected from those routes included in the mileage figures for the urban principal arterial system as set forth in the '1970 National Highway Needs Report Supplement' other than routes on the Interstate System. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Each route of the system shall connect with another route on a Federal-aid system. The establishment of the system and the selection of the routes shall be based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title. Routes on the Federal-aid urban system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (f) of this section. The provisions of chapters 1, 3, and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system except as determined by the Secretary to be inconsistent with this subsection."

(2) Relettered subsection (f) of section 103 of title 23, United States Code, is amended by inserting after "the Federal-aid secondary system," the following: "the Federal-aid urban system,".

(c)(1) Section 104 of title 23, United States Code, is amended by adding at the end thereof the following:

"(f) Not to exceed 50 per centum of the amounts apportioned in accordance with paragraph (3) of subsection (b) of this section may be expended for projects on the Federal-aid urban system."

(2) Subsection (b) of section 104 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"(6) For the Federal-aid urban system:

"In the ratio which the population in urbanized areas, or parts thereof, in each State bears to the total population in such urbanized areas, or parts thereof, in all the States as shown by the latest available Federal census."

(d) Subsections (d) and (e) of section 105 of title 23 United States Code, are relettered (e) and (f), respectively, including all references thereto, and section 105 is further amended by adding immediately after subsection (c) a new subsection (d):

"(d) In approving programs for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected by the State highway department and the appropriate local road officials in cooperation with each other."

(e) Subsection (b) of section 106 of title 23, United States Code, is amended to read as follows:

"(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on (1) the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, and (2) the Federal-aid urban system, shall be determined by the State highway department and the appropriate local road officials in cooperation with each other."

(f) Subsection (a) of section 120 of title 23, United States Code, is amended by striking out "and the Federal-aid secondary system" and inserting in lieu thereof a comma and the following: "the Federal-aid secondary system, and the Federal-aid urban system".

(g) Subsection (b) of section 135 of title 23, United States Code, is amended by inserting after "urban areas" the following: "and on the Federal-aid urban system".

PROHIBITION OF IMPOUNDMENT OF APPORTIONMENTS AND DIVERSION OF FUNDS

SEC. 107. Subsections (c) and (d) of section 101 of title 23, United States Code, are amended to read as follows:

"(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund.

"(d) No funds authorized to be appropriated from the Highway Trust Fund shall be expended by or on behalf of any Federal department, agency, or instrumentality other than the Federal Highway Administration unless funds for such expenditure are identified and included as a line item in an appropriation Act and are to meet obligations of the United States heretofore or hereafter incurred under this title attributable to the construction of Federal-aid highways or highway planning, research, or development."

INCREASED FEDERAL SHARE

SEC. 108. (a) Section 120 of title 23, United States Code, is amended by striking out "50 per centum" each place it appears and inserting in lieu thereof at each such place the following: "70 per centum".

(b) The amendments made by subsection (a) of this section shall take effect with respect to authorizations for appropriations for fiscal years beginning after June 30, 1973.

EMERGENCY RELIEF

SEC. 109. The first sentence of subsection (a) of section 125 of title 23, United States Code, is amended to read as follows: "An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120, for (1) the repair or reconstruction of highways,

roads, and trails which he shall find have suffered serious damage as the result of (A) natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides, or (B) catastrophic failures from any cause, in any part of the United States, and (2) the repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by the State after December 31, 1967, because of imminent danger of collapse due to structural deficiencies or physical deterioration."

TRAINING PROGRAMS

SEC. 110. Section 140 of title 23, United States Code, is amended by inserting "(a)" immediately before "Prior" and by adding at the end thereof the following new subsection:

"(b)(1) For the purpose of providing for the continuation of training programs during seasonal shutdowns of highway construction work, sums apportioned in accordance with section 104 of this title shall be available to finance the Federal share of those portions of the costs of apprenticeship, skill improvement, or other upgrading programs, which the Secretary determines are (A) in compliance with the requirements of this section, (B) conducted during periods of the year when highway construction cannot reasonably proceed because of climatic conditions, and (C) supplementary to on-the-job training conducted during the construction season.

"(2) The Federal share payable on account of any portion of any training program under this subsection shall be that provided in section 120 of this title."

URBAN HIGHWAY PUBLIC CONSTRUCTION

SEC. 111. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 142. URBAN HIGHWAY PUBLIC TRANSPORTATION

"(a) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles on highways, other than on rails, for the transportation of passengers (hereinafter in this section referred to as 'buses') within urbanized areas so as to increase the traffic capacity of the Federal-aid systems, sums apportioned in accordance with paragraphs (3), (5), and (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects for the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers.

"(b) The establishment of routes and schedules of such public mass transportation systems shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of title 23, United States Code.

"(c) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and, except as provided in subsection (d) of this section, the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(d) No project authorized by this section shall be approved unless—

"(1) such project (A) will avoid the construction of a highway project under this title which increases automobile traffic capacity, (B) will provide a capacity for the movement of persons at least equal to that which would be provided by the avoided highway project, and (C) will not exceed in the amount of the Federal share, the Federal share of the cost of the avoided highway project; or

"(2) no other feasible or prudent highway project can provide the additional capacity for the movement of persons by motor vehicles on highways (other than on rails) provided by this project.

"(e) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will have adequate capability to fully utilize the proposed project."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"142. Urban highway public transportation."

VIRGIN ISLANDS HIGHWAY PROGRAM

SEC. 112. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 215. Virgin Islands highway program

"(a) Recognizing the mutual benefits that will accrue to the Virgin Islands and to the United States from the improvement of highways in the Virgin Islands, the Secretary is authorized out of funds specifically authorized to carry out this section to assist the Virgin Islands in a program for the construction and improvement of a system of arterial highways designated by the Governor of the Virgin Islands and approved by the Secretary. No Federal financial assistance shall be granted under this subsection unless the Virgin Islands, at a minimum, matches the Federal contribution.

"(b) In order to establish a long-range highway development program, the Secretary is authorized to provide technical assistance to the Virgin Islands for the establishment of an appropriate governmental agency of the Virgin Islands to administer on a continuing basis highway planning, design, construction, and maintenance operations, the development of a system of arterial and collector highways, and the establishment of advance acquisition of right-of-way and relocation assistance programs.

"(c) No part of the appropriations authorized under this section shall be available for obligation or expenditure in the Virgin Islands until the Governor of the Virgin Islands enters into an agreement with the Secretary providing that the government of the Virgin Islands (1) will design and construct a system of arterial and collector highways, built in accordance with highway standards approved by the Secretary; (2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons on any portion of the highways constructed under the provisions of this section; (3) will provide for the maintenance of such highways after completion in a condition to adequately serve the needs of present and future traffic; (4) will implement standards for traffic operations and uniform traffic control devices which are approved by the Secretary.

"(d)(1) Three per centum of the sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section shall be available for expenditure by the Virgin Islands only for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research and development, necessary in connection with the planning, design, and maintenance of the highway system, and the regulation and taxation of their use.

"(2) In addition to the percentage provided in paragraph (1) of this subsection, not to exceed 2 per centum of sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section may be expended upon request of the Virgin Islands and with the approval of the Secretary for the purposes enumerated in paragraph (1) of this subsection.

"(e) None of the funds authorized to be appropriated for carrying out this section shall be obligated or expended in the Virgin Islands for maintenance of the highway system.

"(f) The provisions of chapters 1 and 5 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section."

(b) The analysis of chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following:

"215. Virgin Islands highway program."

(c) There are hereby authorized to be appropriated for carrying out subsection (a) of section 215 of title 23, United States Code, out of any money in the Treasury not otherwise appropriated, not to exceed $2,000,000 for the fiscal year ending June 30, 1971, not to exceed $2,000,000 for the fiscal year ending June 30, 1972, not to exceed $2,000,000 for the fiscal year ending June 30, 1973.

(d) Sums authorized to be appropriated to carry out this section for the fiscal year ending June 30, 1971, shall be available for obligation immediately upon enactment of this section in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code. Sums authorized to be appropriated for the fiscal year ending June 30, 1972, and the fiscal year ending June 30, 1973, shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

DARIEN GAP HIGHWAY

SEC. 113. (a) Chapter 2 of title 23, United States Code, is further amended by adding at the end thereof the following new section:

"§ 216. DARIEN GAP HIGHWAY

"(a) The United States shall cooperate with the Government of the Republic of Panama and with the Government of Colombia in the construction of approximately two hundred and fifty miles of highway in such countries in the location known as the 'Darien Gap' to connect the Inter-American Highway authorized by section 212 of this title with the Pan American Highway System of South America. Such highway shall be known as the 'Darien Gap Highway'. Funds authorized by this section shall be obligated and expended subject to the same terms, conditions, and requirements with respect to the Darien Gap Highway as are funds authorized for the Inter-American Highway by subsection (a) of section 212 of this title.

"(b) The construction authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the Republic of Panama and Colombia as may be required to carry out the purposes of this section shall be conducted through, or authorized by, the Department of State.

"(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway survey or construction heretofore or hereafter undertaken in Panama or Colombia, other than the expenditures authorized by the provision of this section.

"(d) Appropriations made pursuant to any authorization for the Darien Gap Highway shall be available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Darien Gap Highway program.

"(e) For the purposes of this section the term 'construction' does not include any costs of rights-of-way, relocation assistance, or the elimination of hazards of railway grade crossings."

(b) The analysis of chapter 2 of title 23, United States Code, is hereby amended by adding at the end thereof the following:

"216. Darien Gap Highway."

(c) There is hereby authorized to be appropriated not to exceed $100,000,000, to remain available until expended to enable the Secretary of Transportation to carry out section 216 of title 23, United States Code.

ADMINISTRATION

SEC. 114. (a) Subsection (a) of section 303 of title 23, United States Code, is amended to read as follows:

"(a) (1) In addition to the Administrator of the Federal Highway Administration authorized by section 3(e) of the Department of Transportation Act, there shall be a Deputy Federal Highway Administrator appointed by the President by and with the advice and consent of the Senate. The Deputy Federal Highway Administrator shall perform such duties as the Federal Highway Administrator shall prescribe. There shall also be an Assistant Federal Highway Administrator who shall be the chief engineer of the Administration and shall be appointed, with the approval of the President, by the Secretary of Transportation under the classified civil service and who shall perform such functions, powers, and duties as the Federal Highway Administrator shall prescribe.

"(2) The Administrator of the Federal Highway Administration shall be compensated at the annual rate of basic pay of level II of the Executive Schedule in section 5313 of title 5, United States Code. The Deputy Federal Highway Administrator shall be compensated at the annual rate of basic pay of level IV of the Executive Schedule in section 5315 of title 5, United States Code. The Assistant Federal Highway Administrator shall be compensated at the annual rate of basic pay of level V of the Executive Schedule in section 5316 of title 5, United States Code."

(b) All provisions of law enacted before the date of enactment of this Act which are inconsistent with the amendment made by subsection (a) of this section are hereby repealed to the extent of such inconsistency.

(c) The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of Public Roads to act as Deputy Administrator of the Federal Highway Administration created by the amendment made by subsection (a) of this section until the first Deputy Administrator is appointed in accordance with such amendment. The President may authorize any person acting as Deputy Administrator in accordance with this subsection to receive compensation at the rate authorized for the Office of Deputy Administrator. Such compensation, if authorized, shall be in lieu of, and not in addition to, any other compensation from the United States to which such person may be entitled.

TRAINING AND RESEARCH FELLOWSHIPS

SEC. 115. (a) Chapter 3 of title 23 of the United States Code is amended by adding at the end thereof the following new section :

"§ 321. NATIONAL HIGHWAY INSTITUTE

"(a) The Secretary is authorized and directed to establish and operate in the Federal Highway Administration a National Highway Institute hereafter referred to as the 'Institute'. The Institute shall develop and administer, in cooperation with the State highway departments, training programs of instruction for Federal Highway Administration and State and local highway department employees engaged or to be engaged in Federal-aid highway work. Such programs may include, but not be limited to, courses in modern developments, techniques, and procedures, relating to highway planning, environmental factors, acquisition of rights-of-way, engineering, construction, maintenance, contract administration, and inspection. The Secretary shall administer all authority vested in him by this title or by any other provision of law for the development and conduct of educational and training programs relating to highways through the Institute. The Secretary is authorized to acquire, by lease, purchase, construction, reconstruction, or otherwise such buildings, facilities, and equipment as may be necessary for the Institute. Sums authorized to be deducted for administrative purposes by subsection (a) of section 104 of this title shall be available for carrying out this subsection.

"(b) Not to exceed one-half of 1 per centum of all funds apportioned for any fiscal year beginning after June 30, 1970, to any State under paragraphs (1), (2), (3), and (6) of section 104(b) of this title shall be available for expenditure by the State highway department, subject to approval by the Secretary, for payment of not to exceed 70 per centum of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

"(c) Education and training of Federal, State, and local highway employees authorized by this section may be provided by the Secretary, or, in the case where such education and training is to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary through grants and contracts with public and private agencies, institutions, and individuals."

(b) The analysis of chapter 3 of title 23 of the United States Code is amended by adding at the end thereof:

"321. National Highway Institute."

(c) Section 307(a) of title 23 of the United States Code is amended by inserting immediately after the period at the end of the third sentence thereof the following new sentence: "The Secretary is also authorized, acting independently or in cooperation with other Federal departments, agencies, or instrumentalities, to make grants for research fellowships for any purpose for which research is otherwise authorized by this section."

BRIDGES ON FEDERAL DAMS

SEC. 116. (a) Section 320(d) of title 23 of the United State Code is amended by striking out "$13,000,000" and inserting in lieu thereof "$16,761,000".

(b) All sums appropriated under authority of the increased authorization of $3,761,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across Markland Dam on the Ohio River near Markland, Indiana, and Warsaw, Kentucky. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been complied with by the appropriate Federal agency, the Secretary of Transportation, and the States of Kentucky and Indiana.

CONSTRUCTION OF REPLACEMENT HOUSING

SEC. 117. (a) Sections 510 and 511 of title 23, United States Code including all references thereto are hereby renumbered as sections 511 and 512 respectively.

(b) Chapter 5 of title 23, United States Code, is amended by inserting immediately after section 509 the following new section:

"§ 510. CONSTRUCTION OF REPLACEMENT HOUSING

"(a) The Secretary may approve as a part of the cost of construction of any project on any Federal-aid system the cost of (A) constructing new housing, (B) acquiring existing housing, (C) rehabilitating existing housing, and (D) relocating existing housing, as replacement housing for individuals and families where a proposed project on the Federal-aid system cannot proceed to actual construction because replacement housing is not available and cannot otherwise be made available as required by section 502 of this title. For the purposes of this subsection the term 'housing' includes all appurtenances thereto.

"(b) State highway departments shall, wherever practicable, utilize the services of State or local governmental housing agencies in carrying out this section."

(c) The analysis of chapter 5 of title 28, United States Code, is amended by adding after

"509. Relocation assistance programs on Federal highway projects."

the following:

"510. Construction of replacement housing."

(d) The definition of the term "construction" in section 101(a) of title 23, United States Code, is amended to read as follows:

"The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossings, acquisition of replacement housing sites, and acquisition, and rehabilitation, relocation, and construction of replacement housing."

BRIDGE ALTERATION PROGRESS PAYMENTS

SEC. 118. Section 7 of the Act of June 21, 1940 (54 Stat. 497), as amended (33 U.S.C. 517) is amended as follows:

(1) In the first sentence strike all after "Following" to and including "Chief of Engineers" and insert in lieu thereof "service of the order requiring alteration of the bridge, the Secretary of Transportation".

(2) In the second sentence insert "of Transportation" between "Secretary" and "may".

(3) In the third sentence strike out the last word and insert in lieu thereof "Transportation".

ALASKA HIGHWAY

SEC. 119. (a) The President, acting through the Secretaries of State and Transportation, is authorized to undertake negotiations with the Government of Canada for the purpose of entering into a suitable agreement authorizing paving and reconstructing the Alaska Highway from Dawson Creek, Canada (including a connecting highway to Haines, Alaska), to the Alaska border, including, but not limited to, necessary highway realignment.

(b) The President shall report to Congress not later than one year after the date of enactment of this section the results of his negotiations under this section.

EFFECTIVE DATE OF RELOCATION PROVISIONS

SEC. 120. Section 37 of the Federal-Aid Highway Act of 1968 is amended to read as follows:

"EFFECTIVE DATE

"SEC. 37. (a) Except as otherwise provided in subsection (b) of this section, this Act and the amendments made by this Act shall

take effect on the date of its enactment, except that until July 1, 1970, sections 502, 505, 506, 507, and 508 of title 23, United States Code, as added by this Act, shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. Except as otherwise provided in subsection (b) of this section, after July 1, 1970, such sections shall be completely applicable to all States. Section 133 of title 23, United States Code, shall not apply to any State if sections 502, 505, 506, 507, and 508 of title 23, United States Code, are applicable in that State, and effective July 1, 1970, such section 133 is repealed, except as otherwise provided in subsection (b) of this section.

"(b) In the case of any State (1) which is required to amend its constitution to comply with sections 502, 505, 506, 507, and 508 of title 23, United States Code, and (2) which cannot submit the required constitutional amendment for ratification prior to July 1, 1970, the date of July 1, 1970, contained in subsection (a) of this section shall be extended to January 1, 1971."

FUTURE FEDERAL-AID HIGHWAY PROGRAM

SEC. 121. (a) The Secretary of Transportation shall develop and include in the report to Congress required to be submitted in January 1972, by section 3 of the Act of August 28, 1965 (79 Stat. 578; Public Law 89–139), specific recommendations for the functional realinement of the Federal-aid systems. These recommendations shall be based on the functional classification study made in cooperation with the State highway departments and local governments as required by the Federal-Aid Highway Act of 1968 and submitted to the Congress in 1970, and the functional classification study now underway of the Federal-aid systems in 1990.

(b) As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary shall also make recommendations to the Congress for a continuing Federal-aid highway program for the period 1976 to 1990. The needs estimates to be used in developing such programs shall be in conformance with the functional classification studies referred to in subsection (a) of this section and the recommendations for the functional realinement required by such subsection.

(c) The recommendations required by subsections (a) and (b) of this section shall be determined on the basis of studies now being conducted by the Secretary in cooperation with the State highway departments and local governments, and, in urban areas of more than fifty thousand population, utilizing the cooperative continuing comprehensive transportation planning process conducted in accordance with section 134 of title 23, United States Code. The highway needs estimates prepared by the States in connection with this report to Congress shall be submitted to Congress by the Secretary, together with his recommendations.

(d) As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary shall report to Congress the Federal-aid urban system as designated, and the cost of its construction.

HIGHWAY BEAUTIFICATION AUTHORIZATIONS

SEC. 122. (a) Section 131(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1966, not to exceed $20,000,000 for the fiscal year ending June 30, 1967, not to exceed $20,000,000 for the fiscal year ending June 30, 1970, not to exceed $27,000,000 for the fiscal year ending June 30, 1971, and not to exceed $20,500,000 for the fiscal year ending June 30, 1972. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(b) Section 136(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1966, not to exceed $20,000,000 for the fiscal year ending June 30, 1967, not to exceed $3,000,000 for the fiscal year ending June 30, 1970, not to exceed $2,000,000 for the fiscal year ending June 30, 1971, and not to exceed $2,000,000 for the fiscal year ending June 30, 1972. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(c) Subsection (g) of section 6 of the Federal-Aid Highway Act of 1968 is amended by striking out "and" imemdiately before "$1,250,000" and by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "$1,500,000 for the fiscal year ending June 30, 1971, and $1,500,000 for the fiscal year ending June 30, 1972."

HIGHWAY BEAUTIFICATION COMMISSION

SEC. 123. (a) There is hereby established a commission to be known as the Commission on Highway Beautification, hereinafter referred to as the "Commission."

(b) The Commission shall be comprised of thirteen members as follows:

(1) two majority and two minority members of the Senate Committee on Public Works to be appointed by the President of the Senate;

(2) two majority and two minority members of the House Committee on Public Works to be appointed by the Speaker of the House of Representatives;

(3) four persons to be appointed by the President of the United States from among persons who are not officers or employees of the United States; and

(4) one person, elected by majority vote of the other twelve, who shall be the Chairman of the Commission.

(c) Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

(d) The organization meeting of the Commission shall be held at such time and place as may be specified in a call issued jointly by the senior member appointed by the President of the Senate and the senior member appointed by the Speaker of the House of Representatives.

(e) Seven members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings.

(f) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(g) Members of the Commission who are not Members of Congress or officers or employees in the executive branch shall each receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

(h) The Commission shall (1) study existing statutes and regulations governing the control of outdoor advertising and junkyards in areas adjacent to the Federal-aid highway system; (2) review the policies and practices of the Federal and State agencies charged with administrative jurisdiction over such highways insofar as such policies and practices relate to governing the control of outdoor advertising and junkyards; (3) compile data necessary to understand and determine the requirements for such control which may now exist or are likely to exist within the foreseeable future, and (4) recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will, in the judgment of the Commission, best serve the public interest.

(i) The Commission shall, not later than one year after enactment of this section, submit to the President and the Congress its final report. It shall cease to exist six months after submission of said report. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

(j) The Chairman of the Commission shall request the head of each Federal department or independent agency which has an interest in or responsibility with respect to the control of outdoor advertising and of junkyards to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this section.

(k) In carrying out its duties the Commission shall seek the advice of various groups interested in the problems relating to the control of outdoor advertising and junkyards including, but not limited to, State and local governments, public and private organizations working in the fields of environmental protection and conservation, communications media, commercial advertising interests, industry, education, and labor.

(l) The Commission or, on authorization of the Commission, any committee of two or more members may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued only on the authority of the Commission and shall be served by anyone designated by the Chairman of the Commission.

(m) The Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this section and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman.

(n) There are hereby authorized to be appropriated such sums, but not more than $800,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commission until expended.

(o) The Commission is authorized to appoint and fix the compensation of a staff director, and such additional personnel as may be necessary to enable it to carry out its functions. The Director and personnel may be appointed without regard to provisions of title 5, United States Code, covering appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service

status without interruption or loss of status or privilege. In no event shall the staff director or any other employee receive as compensation an amount in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code. In addition, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed $100 per diem for individuals.

(p) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this section to carry out such of its duties as the Commission determines can best be carried out in that manner.

ELIMINATION OF SEGMENTS OF INTERSTATE SYSTEM NOT TO BE CONSTRUCTED

SEC. 124. Section 103 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) The Secretary, on December 31, 1973, shall remove from designation as a part of the Interstate System every segment of such System for which a State has not established a schedule for the expenditure of funds for completion of construction of such segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met. Nothing in the preceding sentence shall be construed to prohibit the substitution prior to December 31, 1973, of alternative segments of the Interstate System which will meet the requirements of this title."

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 125. Section (b) of section 135 of title 23, United States Code, is amended by striking out ", if such project" and all that follows down through and including the period at the end of such subsection and inserting in lieu thereof a period and the following: "If such project is located in an urban area of more than fifty thousand population, such project shall be based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title."

AUTHORITY FOR DEMONSTRATION PROJECTS

SEC. 126. Subsection (e)(3) of section 307 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "including demonstration projects in connection with such purposes."

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 127. (a) Chapter 1 of title 23, United States Code, is further amended by adding after section 142 thereof a new section as follows:

"§ 143. ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

"(a) In order to demonstrate the role that highways can play to promote the desirable development of the Nation's natural resources, to revitalize and diversify the economy of rural areas and small communities, to enhance and disperse industrial growth, to encourage more balanced population patterns, to check, and, where possible, to reverse current migratory trends from rural areas and smaller communities, and to improve living conditions and the quality of the environment, the Secretary is authorized to make grants for demonstration projects for the construction, reconstruction, and improvement of development highways to serve and promote the development of economic growth centers, and surrounding areas, and for planning, surveys, and investigations in connection therewith.

"(b) Each Governor may transmit to the Secretary his recommendations for (1) the selection of economic growth centers within the State, (2) priorities for the construction of development highways to serve such centers, and (3) such other information as may be required by the Secretary, for his consideration in approving the selection of economic growth centers for demonstration projects.

"(c) Upon the application of the State highway department of any State in which an economic growth center approved by the Secretary as eligible for a demonstration project is located, the Secretary is authorized, to pay up to 100 per centum of the cost of engineering and economic surveys or other investigations necessary for the planning and design of development highways needed to provide appropriate access to such growth center, including airport facilities which may be established to serve it, in order to carry out the purposes of this section.

"(d) Except as otherwise provided in this section, all of the provisions of this title applicable to Federal-aid primary highways except those which the Secretary determines are inconsistent with this section shall apply to development highways and to funds authorized to carry out this section. For the purposes of sections 105, 106, and 118 of this title, funds authorized to carry out this section shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized. In approving projects under this section, the Secretary shall give preference to those areas offering the most potential for future economic growth. No State shall receive in any fiscal year more than 15 per centum of the funds authorized to carry out this section for such fiscal year. Each development highway which is not already on a Federal-aid system shall be added to the appropriate system.

"(e) The Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall not exceed 70 per centum of the cost of such project.

"(f) No project shall be approved by the Secretary under this section until he has determined that such project will promote the aims and purposes set forth in subsection (a) of this section and that the economic growth center to be benefited will meet such criteria as he deems necessary, including, but not limited to, the following: (1) growth centers shall be geographically and economically capable of contributing significantly to the development of the area, and (2) growth centers shall have a population not in excess of one hundred thousand according to the latest available Federal census.

"(g) There is authorized to be appropriated out of the Highway Trust Fund not to exceed $100,000,000 for the fiscal year ending June 30, 1972, and not to exceed $100,000,000 for the fiscal year ending June 30, 1973."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"143. Economic growth center development highways."

FEDERAL SHARE OF ENGINEERING COSTS

SEC. 128. Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) At the request of any State, the Secretary may from time to time enter into agreements with such State to reimburse the State for the Federal share of the costs of preliminary and construction engineering at an agreed percentage of actual construction costs for each project, in lieu of the actual engineering costs for such project. The Secretary shall annually review each such agreement to insure that such percentage reasonably represents the engineering costs actually incurred by such State."

DISTRICT OF COLUMBIA

SEC. 129. (a) In the case of those routes on the Interstate System in the District of Columbia authorized for construction by subsection (a) of section 23 of the Federal-Aid Highway Act of 1968 and required to be restudied by subsection (c) of such section, the government of the District of Columbia shall commence work not later than thirty days after the date of enactment of this Act on the following projects as authorized in subsection (a) of such section 23:

(1) East Leg of the Inner Loop, beginning at Bladensburg Road, I–295 (section C4.1 to C6),

(2) North Central and Northeast Freeways, I–95 (section C7 to C13) and I–70S (section C1 to C2).

(b) The authorization for the project for the South Leg of the Inner Loop contained in section 23 of the Federal-Aid Highway Act of 1968 is hereby repealed and the route of the South Leg project is hereby removed from designation as a part of the Interstate System. Such removal shall be deemed to be a withdrawal from approval for the purposes of section 103(d)(2) of title 23, United States Code.

(c) The government of the District of Columbia and the Secretary of Transportation shall study the project for the North Leg of the Inner Loop from point A3.3 on I–66 to point C7 on I–95, as designated in the "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia", and shall report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such project including any recommended alternative routes or plans.

TOLL ROADS

SEC. 130. Subsection (b) of section 129 of title 23, United States Code, is amended by inserting "(1)" immediately after "(b)" and by adding at the end thereof the following:

"(2) It is the sense of Congress that (A) with respect to a toll road on the Interstate System any vehicle using such road should not be required to stop more than twice for the purpose of collection of tolls in connection with any one continuous intrastate trip on such highway and (B) with respect to toll roads on the Interstate System which connect at State boundaries that such States should enter into such agreements as may be necessary to provide for common facilities for the collection of tolls at or in the vicinity of such boundary connection in order that vehicles using such roads will be required to make but one stop at such connection for the collection of tolls."

INDIAN RESERVATION ROADS AND BRIDGES

SEC. 131. The definition of the term "Indian reservation roads and bridges" in section 101(a) of title 23, United States Code, is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government on which Indians reside whom the Secretary of the Interior has determined to be eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

RICHMOND-PETERSBURG TURNPIKE

SEC. 132. The Secretary of Transportation is authorized to amend any agreement heretofore entered into under the provisions of section 129(d) of title 23, United States Code, in order to permit the continuation of tolls on the existing Richmond-Petersburg Turnpike to finance the construction within the existing termini of such turnpike of two lanes thereon in addition to the lanes in existence on the date of enactment

of this section necessary to meet traffic and highway safety requirements. Any amended agreement entered into for such purposes shall provide assurances that the existing turnpike (including the additional lanes) shall become free to the public upon the collection of tolls sufficient to liquidate all construction costs, and the costs of maintenance, operation, and debt service during the period of toll collections to liquidate such construction costs, but in no event shall tolls be collected after date of maturity of those bonds outstanding on the date of enactment of this section issued for construction of such turnpike having the latest maturity date.

AIRPORT ACCESS

SEC. 133. Section 105 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments shall give consideration to projects providing direct and convenient public access to public airports, and in approving such programs the Secretary shall give consideration to such projects."

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1970".

HIGHWAY SAFETY

SEC. 202. (a) Section 201 of the Highway Safety Act of 1966 (80 Stat. 735) is amended to read as follows:

"SEC. 201. (a) There is hereby established within the Department of Transportation a National Highway Traffic Safety Administration (hereafter in this section referred to as the 'Administration'). The Administration shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the annual rate of basic pay of level III of the Executive Schedule in section 5314 of title 5, United States Code. There shall be a Deputy Administrator of the National Highway Traffic Safety Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the annual rate of basic pay of level V of the Executive Schedule in section 5316 of title 5, United States Code. The Administrator shall perform such duties as are delegated to him by the Secretary. On highway matters the Administrator shall consult with the Federal Highway Administrator.

"(b)(1) The Secretary shall carry out through the Federal Highway Administration those provisions of the Highway Safety Act of 1966 (including chapter 4 of title 23, United States Code) for highway safety programs, research, and development relating to uniform standards which the Secretary is authorized to promulgate pertaining to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian safety.

"(2) The Secretary shall carry out, through the Administration, those provisions of such Act (including chapter 4 of title 23, United States Code) for highway safety programs, research and development relating to all other uniform standards which the Secretary is authorized to promulgate.

"(c) The Secretary is authorized to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718) through the Administration and Administrator authorized by this section.

"(d) All provisions of law enacted before the date of enactment of the Highway Safety Act of 1970 which are inconsistent with this section as amended by such Act of 1970 are hereby repealed to the extent of such inconsistency."

(b) The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of the National Highway Safety Bureau to act as Administrator of the National Highway Traffic Safety Administration created by the amendment made by subsection (a) of this section until the first Administrator is appointed in accordance with such amendment. The President may authorize any person serving as Acting Administrator in accordance with this subsection to receive compensation at the rate authorized for the office of Administrator. Such compensation, if authorized, shall be in lieu of, and not in addition to, any other compensation from the United States to which such person may be entitled.

(c) Subsection (c) of section 402 of title 23, United States Code, is amended by striking out beginning in the second sentence thereof "as Congress, by law enacted hereafter," and all that follows down through and including the period at the end of the third sentence thereof and inserting in lieu thereof the following: "75 per centum in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purposes of this subsection, a 'public road' means any road under the jurisdiction of and maintained by a public authority and open to public travel."

(d) The first sentence of subsection (d) of section 402 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and except that the aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section without regard to whether such expenditures were actually made in connection with such project."

(e) Section 402 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Except in the case of those State safety program elements with respect to which uniform standards have been promulgated by the Secretary before December 31, 1970, the Secretary shall not promulgate any other uniform safety standards under this section unless specifically authorized to do so by a statute enacted after the date of enactment of this subsection."

(f) The following sums are hereby authorized to be appropriated.

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973.

(2) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, for each of the fiscal years ending June 30, 1972. and June 30, 1973, out of the Highway Trust Fund for projects or portions of projects, pertaining to the Federal-aid systems, $15,000,000, and out of any money in the Treasury not otherwise appropriated, $15,000,000.

(3) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, $30,000,000 for the fiscal year ending June 30, 1972, and $45,000,000 for the fiscal year ending June 30, 1973.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, $10,000,000 for the fiscal year ending June 30, 1972, and $10,000,000 for the fiscal year ending June 30, 1973.

(5) Paragraph (10) of section 5 of the Federal-Aid Highway Act of 1968 (relating to authorizations for carrying out section 402 of title 23, United States Code), is hereby repealed.

DEMONSTRATION PROJECTS

SEC. 203. Section 403 of title 23, United States Code, is amended by inserting "(a)" immediately before the first sentence thereof, and by striking out "this section" each place it appears and inserting in lieu thereof at each such place "this subsection" and by adding at the end thereof the following new subsection:

"(b) In addition to demonstration projects authorized by subsection (a) of this section, in order to demonstrate methods for increasing the safety of travel on the Federal-aid systems, the Secretary, in cooperation with the Governors of the affected States, shall undertake (1) demonstration projects for alcohol safety action programs including related multidisciplinary crash investigation teams, and (2) demonstration projects relating to enforcement of motor vehicle and traffic laws. Not more than one demonstration project under each of the preceding clauses shall be undertaken in any one State and all such projects shall be completed by June 30, 1974. The Secretary not later than June 30 of the years 1971, 1972, and 1973, shall submit to Congress a progress report on such projects, including his recommendations with respect thereto, and not later than July 31, 1974, the final report on such projects, including his recommendations with respect thereto. There is authorized to be appropriated for the four fiscal year period ending June 30, 1974, out of the Highway Trust Fund to carry out alcohol safety action programs under clause (1) of this subsection not to exceed $171,600,000, for multidisciplinary crash investigation teams under such clause (1) not to exceed $35,200,000, and to carry out enforcement projects under clause (2) of this subsection not to exceed $75,000,000."

HIGHWAY SAFETY PROGRAMS

SEC. 204. (a) Section 402(b)(1)(A) of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "through a State highway safety agency which shall have adequate powers, and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program."

(b) The amendment made by subsection (a) of this section shall take effect December 31, 1971.

PROJECTS FOR HIGH HAZARD LOCATIONS

SEC. 205. For the purpose of carrying out the provisions of title 23, United States Code, there is authorized to be appropriated out of the Highway Trust Fund for projects to eliminate or reduce the hazards to safety at specific locations where sections of highways on the Federal-aid primary or secondary systems or their extensions within urban areas which have high accident experiences or high accident potentials, $200,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973. Amounts authorized by this section shall be apportioned to the States in the same manner as sums appropriated under paragraph (1) of section 105 of the Federal-Aid Highway Act of 1970, shall not be subject to sections 104(f) and 142(a) of title 23, United States Code, and shall be expended by such State only for projects under this section.

BRIDGE RECONSTRUCTION AND REPLACEMENT

SEC. 206. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 144. Bridge Reconstruction and Replacement

"(a) To encourage and assist the States in eliminating the hazards of unsafe bridges, not more than 10 per centum, and not less than 5 per centum (unless the Secretary determines that 5 per centum exceeds the needs of the State), of all the sums apportioned in accordance with paragraphs (1), (2), and (3) of subsection (b) of section 104 of this title for the fiscal year 1972 and for each subsequent fiscal year shall be used to pay the Federal share of the costs of projects for the reconstruction or replacement of bridges that cross waterways and are on either the Federal-aid primary system or the Federal-aid secondary system. Such sums shall be available for expenditure without regard to the system for which apportioned.

"(b) The Secretary shall approve projects under this section only for bridges that are unsafe because of structural deficiencies, physical deterioration, or functional obsolescence. Each State shall establish a list of bridges to be reconstructed and replaced under this section in order of priority of need, taking into consideration the critical nature of the safety hazards involved, types and volumes of traffic, national defense requirements, alternate routes and detours, impact upon the economy and the effects upon adjoining States.

"(c) Notwithstanding any other provisions of law the General Bridge Act of 1946 (33 U.S.C. 525–533) shall apply to bridges authorized to be reconstructed and bridges constructed to replace unsafe bridges under this section.

"(d) The Secretary shall report annually to the Congress on projects approved under this section together with his recommendations for the reconstruction and replacement of bridges."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"144. Bridge construction and replacement."

(c) Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(i) The Federal share payable on account of any project for the reconstruction or replacement of a bridge under section 144 of this title shall not exceed the percentage payable under subsection (a) of this section or 90 per centum of the cost of construction of such project, whichever is the larger."

ELIMINATION OF RAILWAY-HIGHWAY GRADE HAZARDS

SEC. 207. Subsection (d) of section 120 of title 23, United States Code, is amended by substituting a comma for the period at the end thereof and adding thereafter the following: "and that not less than 5 per centum of all sums apportioned to each State in accordance with paragraphs (1), (2), and (3) of subsection (b) of section 104 of this title for fiscal year 1972 and each subsequent fiscal year shall be used by such State under this subsection, unless the Secretary determines that a lesser percentage will meet the needs of the State."

RAIL CROSSINGS

SEC. 208. (a) Chapter 3 of title 23, United States Code, is further amended by adding after section 321 the following new section:

"§ 322. Demonstration Project—Rail Crossings

"(a) The Secretary shall carry out a demonstration project for the elimination of all public ground-level rail-highway crossings along the route of the high-speed ground transportation demonstration projects between Washington, District of Columbia, and Boston, Massachusetts, conducted under authority of the Act entitled 'An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes', approved September 30, 1965 (49 U.S.C. 1631 et seq.).

"(b) The Secretary shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Greenwood, South Carolina.

"(c)(1) If the highway involved is on any Federal-aid system, the Federal share of the cost of such work shall be 90 per centum and the railroad's share of such cost shall be 10 per centum.

"(2) If the highway involved is not on any Federal-aid system, the Federal share of the cost of such work shall be 80 per centum and the railroad's share of such cost shall be 10 per centum and the remaining 10 per centum of such cost shall be paid by the State in which such crossing is located.

"(d) Before paying any part of the cost of the demonstration projects authorized by this section, the Secretary shall enter into such agreements with the States and railroads involved to insure that all non-Federal costs will be provided as required by this section.

"(e) The Secretary, in cooperation with State highway departments, shall conduct a full and complete investigation and study of the problem of providing increased highway safety at public and private ground-level rail-highway crossings on a nationwide basis through the elimination of such crossings or otherwise, including specifically high-speed rail operations in all parts of the country, and report to Congress his recommendations resulting from such investigation and study not later than July 1, 1972, including an estimate of the cost of such a program. Funds authorized to carry out section 307 of this title are authorized to be used to carry out the investigation and study required by this subsection.

"(f) There is authorized to be appropriated not to exceed $9,000,000 from the Highway Trust Fund to carry out paragraph (1) of subsection (c) of this section. There is authorized to be appropriated out of the general fund not to exceed $22,000,000 to carry out paragraph (2) of subsection (c) of this section."

(b) The analysis of chapter 3 of title 23, United States Code, is amended by adding at the end thereof:

"322. Demonstration project—rail crossings."

Mr. KLUCZYNSKI (during the reading). Mr. Chairman, I ask unanimous consent that titles I and II 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 Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON: On page 13, after line 20, insert the following:

"SEC. 110. Whereas, conditions have not materially improved in the year since Congress passed House Concurrent Resolution 454 calling for humane treatment and release of American prisoners-of-war held by North Vietnam and the National Liberation Front; and

"Whereas, increasing numbers of American military personnel remain in captivity in North Vietnam in circumstances which violate the Geneva Convention of 1949 on prisoners-of-war and offend standards of human decency, some having so remained for as long as six years; and

"Whereas, the government of North Vietnam and the National Liberation Front have refused to identify the prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, and to release seriously sick and injured prisoners, as required by the Geneva Convention, despite repeated entreaties from world leaders;

"Now, therefore, be it resolved by the House of Representatives that the official command, officers and men involved in the military expedition of November 21, 1970, seeking release from captivity of United States prisoners-of-war believed to be held by the enemy near Hanoi, North Vietnam, be commended for the courage they displayed in this hazardous and humanitarian undertaking which has lifted the hopes and spirits of our brave men imprisoned and fighting, as well as Americans everywhere."

And renumbers succeeding sections and references thereto accordingly.

Mr. KLUCZYNSKI. Mr. Chairman, I rise to make a point of order against the amendment; that the amendment is not germane to the bill.

Mr. STRATTON. Mr. Chairman, would the gentleman reserve his point of order until I have had a chance to explain the amendment?

Mr. KLUCZYNSKI. Mr. Chairman, I reserve my point of order against the amendment.

Mr. HARSHA. Mr. Chairman, I make a point of order against the amendment.

Mr. STRATTON. Mr. Chairman, would the gentleman be good enough to reserve his point of order until I have had the opportunity to explain my amendment?

Mr. HARSHA. No, I am sorry, but I cannot reserve the point of order.

The CHAIRMAN. A point of order is made against the amendment by the gentleman from Ohio (Mr. HARSHA).

Mr. STRATTON. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from New York on the point of order.

Mr. STRATTON. Mr. Chairman, this amendment relates to be sure to the treatment of prisoners in North Vietnam and would specifically put the House on record that the official command, officers and men involved in the military expedition of November 21, 1970——

Mr. HARSHA. Mr. Chairman, a point of order.

Mr. STRATTON. Which was seeking their release from captivity——

Mr. HARSHA. Mr. Chairman, a point of order. The gentleman is not addressing himself to the point of order.

Mr. STRATTON. Mr. Chairman, I am addressing myself to the point of order.

Mr. HARSHA. The gentleman is speaking on the amendment.

Mr. STRATTON. No; I am speaking to the point of order. The gentleman has not even allowed me to complete the first statement.

Mr. HARSHA. You are not addressing yourself to the point of order. You are addressing yourself to the amendment.

Mr. STRATTON. I am explaining what the amendment does so that I can point out why it is appropriate.

Mr. HARSHA. To a highway bill?

Mr. STRATTON. That is right—to a highway bill.

The CHAIRMAN. The gentleman from New York will proceed in order and the Chair will hear him on the point of order.

Mr. STRATTON. Mr. Chairman, this amendment seeks to enlist the support of this House for action taken in an effort

to rescue these prisoners. This is a resolution which the gentleman from Illinois (Mr. FINDLEY) and I have introduced and on which we are seeking support. I think it is appropriate for two reasons.

This is an amendment——

Mr. GROSS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from Iowa will state the point of order.

Mr. GROSS. Mr. Chairman, the gentleman is not addressing himself to the point of order.

Mr. STRATTON. I am addressing myself to the point of order, if the gentleman from Iowa will allow me to continue.

Mr. Chairman, this amendment——

The CHAIRMAN. The gentleman from New York will suspend. This bill is a bill having to do with the highway system of the United States. The Chair regrets to rule that the gentleman——

Mr. STRATTON. Mr. Chairman, allow me to make my point. I have a couple of very valid points.

The CHAIRMAN. The gentleman has not addressed himself to the point of order and the Chair is constrained to rule that the gentleman is out of order.

Mr. STRATTON. Mr. Chairman, let me explain. The resolution under which this bill is considered specifically waives points of order and, secondly, this is an amendment to the section of the emergency relief provision of the bill.

The CHAIRMAN. The gentleman will suspend. There are no points of order waived on those things that are not germane to the bill.

Mr. STRATTON. The Chair has not even allowed me to explain my amendment.

The CHAIRMAN. The Chair is constrained to rule the gentleman is speaking on an amendment that is not germane to the bill. The gentleman must suspend under the ruling of the Chair.

The Chair holds that the amendment is not germane and sustains the point of order.

AMENDMENT OFFERED BY MR. KLUCZYNSKI

Mr. KLUCZYNSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KLUCZYNSKI: Page 30, line 10, strike out "January 1, 1971" and insert in lieu thereof "July 1, 1972".

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: Page 2, strike out all that follows "1976" in line 11, down through and including line 14, and insert in lieu thereof a period.

Mr. BINGHAM. Mr. Chairman, the effect of this amendment is very simple.

It would be to eliminate authorizations for the fiscal year 1977 and the fiscal year 1978, which are contained in this bill.

It would limit the funding authorizations to the years up to and including the fiscal year 1976.

This amendment would carry into effect the request that was received from the Department of Transportation. The Department of Transportation has not asked for funding authorizations going beyond 1976.

It seems to me we are indulging in a kind of crystal ball gazing here to assume that we can possibly estimate the needs for highways, or indeed for any other purpose, after June 30, 1976. The Secretary of Transportation has conveyed to the Committee on Public Works a list of projects which are considered highly controversial, and I include this communication in the RECORD at this point:

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., July 14, 1970.

HON. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Immediately upon my return to the office, Mr. Legate brought to my attention your June 1 letter about the thirteen Interstate route segments included in my May 6 letter to you.

As will be explained in a discussion of each segment below, I do not believe the time is opportune to contact the Governors of the States involved. The purpose of my letters to Honorable George H. Fallon and you was to apprise the Committees of Congress of the controversial nature of some Interstate route segments and the amounts of monies involved. We have on various occasions discussed with members of the congressional committees and their staffs these problem areas and in a general way what the alternatives were. We thought it desirable to call this type of continuing controversy to the attention of Congress for its consideration during the hearings.

The following is a brief discussion and comment on each of the thirteen route segments.

Connecticut: Route I-291 at Hartford—from Route I-84 to I-91, 11.5 miles, cost estimate, $50 million.

This segment is located around the west side of Hartford through an open space and water supply reservoir area. The primary objections are environmental impacts and pollution of the water supply. A more easterly location would be through developed residential areas and a location west of the open space area would be on the west side of a north-south ridge. The ridge and open space area limit east-west highway access and a routing on the west side of the ridge serves a different traffic corridor.

Governor Dempsey already is aware of the problem and has asked the State Departments of Transportation and Public Health to jointly review all possibilities and attempt to resolve the issues. To assist in the review, the State has engaged a consultant to make an environmental study. These efforts are now underway. Our contact with the Governor should await completion of these joint reviews.

District of Columbia: The cost to complete the System for the District of Columbia as reported in this estimate, $650 million.

There has been full discussion of the District of Columbia Interstate system with the committees of Congress and there is nothing we can add at this time. Mayor Washington is fully aware of the situation.

Illinois: The "Chicago Crosstown" route is reported in the Illinois estimate, 19.9 miles, $1,064 million.

There is no major routing controversy in Chicago. Our concerns with the Chicago Crosstown route are with its estimated cost. We are in contact with State and city officials about our concerns and, with them, are actively seeking solutions. We should fully explore this matter through established channels before contacting Governor Ogilvie.

Louisiana: The north bypass at Shreveport is estimated for 17.6 miles, $63 million.

This controversy surrounded environmental and pollution issues. The highway crosses the lake which supplies water to the city and members of the city council and some of the residents expressed strong fears that a vehicle transporting a toxic material would by accident pollute the reservoir. Another expressed concern was the possible salt contamination from underground sources which would be penetrated by the bridge foundation.

The State is incorporating control features in its design to prevent toxic spills into the lake and a new study has confirmed earlier studies that there is no salt contamination danger. The city council has by unanimous vote approved the State proposal and asked that construction of the highway proceed. This problem is resolved and Shreveport has been removed from our list of controversies.

Maryland: In Baltimore, the segment of I-95 crossing the harbor in the vicinity of Fort McHenry, and the segment of I-70N on the Gwynns Falls line, total, $311 million.

The Fort McHenry segment involves the highway's impact on the historic site. The Gwynns Falls segment involves impact on parklands or as an alternative residential displacement.

I have personally discussed these problem areas with State and city officials and further investigations are underway. Governor Mandel has some knowledge of these problem areas and I am sure we can count on his cooperation in working out acceptable solutions. Under Maryland law Mayor d'Allesandro has perhaps more involvement in Baltimore than does the Governor.

Massachusetts: Interstate routes in the Boston area, including the uncompleted section of I-95 and the Inner Belt route I-695—and that part of I-895 at the Rhode Island border, $676 million.

The Interstate segments in the Boston area are longstanding controversies. The issues include all those that surround highway construction in urban areas; such as displacements, pollution, tax ratables, community disruption, etc. Governor Sargent has halted all planning and right-of-way acquisition for highways within S.R. 128, a highway loop around Boston, while a task force he appointed reviews transportation planning for the region. Governor Sargent is actively involved in these controversies and will want to consider his task force's report before committing the State of Massachusetts to a course of action on these route segments.

The southeast quadrant of the Providence beltway I-895, in Massachusetts will be governed by actions taken by the State of Rhode Island on its segment of the route, at least on that segment south and west at I-195. There is no controversy involving Massachusetts, and no contacts with Governor Sargent are necessary.

New Hampshire: The Franconia Notch segment of I-93 for 30.8 miles is estimated, $65 million.

I have advised Governor Peterson of New Hampshire of my decision to terminate construction of I-93 from the south at North Woodstock, indefinitely, without prejudice to a later acceptable solution to the Franconia Notch problem. The Governor has accepted this decision. The problem has been removed from our list.

New York: In New York, the Lower Manhattan Expressway portion of I-78 and I-478, coupled with the Cross-Brooklyn portion of I-78, total, $517 million.

Federal Highway Administrator Frank Turner and officials of the State and city have discussed possible and desirable changes for Interstate highway segments in New York City. We are hopeful of a resolution of this matter, but adjustments in the system will eventually be necessary. Governor Rockefeller

is fully aware of the problem and of possible solutions.

Ohio: In Cleveland, the Shaker Heights segment of I–290, 8.8 miles long, $103 million.

This is another of the longstanding controversial route segments. The general corridor designated for I–290 is along a linear park. The communities through which it passes have strongly opposed such a routing. Suggestions for alternate routings have likewise drawn a storm of protest from residents and officials of the communities involved. Several months ago Governor Rhodes of Ohio asked the officials of the concerned communities involved to advise him of their position on I–290. The communities all responded with opposition to any route through their community but suggested retention of the mileage and money in Cuyahoga County.

There has been informal discussion between the Bureau of Public Roads and State of Ohio concerning substitution of another route under the provisions of Public Law 90–238. Resolution of this problem may be possible through established channels. In any event Governor Rhodes is fully cognizant of the alternates available to him.

Pennsylvania: In Philadelphia, the Cobbs Creek segment of I–695, 6.5 miles, $134 million.

The Cobbs Creek Expressway in the Philadelphia region is strongly opposed on environmental impacts. A necessary connection (the Crosstown Expressway in Philadelphia) was deleted from the transportation plan by Mayor Tate of Philadelphia. The utility of the Cobbs Creek is seriously limited without the Crosstown Expressway. We have called this to the State's attention.

The Pennsylvania Department of Highways has submitted a request to the Bureau of Public Roads for substitution of Interstate spur routes at Allentown and Bethlehem for the Cobbs Creek Expressway under the provisions of Public Law 90–238. The State's proposal is now under review. Contact with Governor Shafer, if necessary, should await a decision on the State's proposed action.

Rhode Island: At Providence, the new segment of Route I–895 (12.1 miles) is estimated, $116 million.

This Interstate route segment has generated strong opposition based on its anticipated environmental impact, community disruption and family displacement.

In view of the strong controversy Governor Licht of Rhode Island has halted all planning for the route. Since the route also involves the State of Massachusetts there have been informal discussions between officials of Rhode Island, Massachusetts and the Bureau of Public Roads in an effort to resolve the problem and these discussions are continuing.

Vermont: The segment of I–93 in Vermont, north of the Franconia Notch section in New Hampshire (11.0 miles) up to St. Johnsbury, $15 million.

This problem area is part of the Franconia Notch controversy and since an interim solution has been reached in New Hampshire, there remains no problem in Vermont.

Washington: In Seattle, the portion of I–90—6.4 miles in length crossing Lake Washington, $195 million.

This segment has received mixed reaction within the community. Some support the need for the highway and support the corridor location but suggest an alternate location and design. Others opposed the route as unnecessary. The primary opposition is environmental impacts and the proposed cut-and-cover type tunnel construction through Baker Ridge in Seattle.

The city is only mildly supporting the proposed location and design. At the present time the State is reviewing presentations at the design hearing held in early June 1970. We believe it should complete this review and further coordinate its proposal with the city before Federal officials become directly involved in contracts with the Governor.

We hope this information will be useful in the committee's considerations. Frank Turner or I certainly will be glad to further discuss these problems with you should you desire.

Sincerely,

J. A. VOLPE.

There are 13 of these projects. They add up to some $3.9 billion. They include, for New York City, the Lower Manhattan Expressway, which as my colleagues from New York City can testify is strongly opposed by the people of New York City. They include a project for the city of Chicago in the amount of $1 billion, said to be the most expensive highway project ever considered. These are all stated by the Secretary of Transportation to be controversial projects. If these were to be eliminated, there would not be the need for the authorizations called for in 1977 and 1978.

The committee in its wisdom has provided that certain projects may be eliminated from the Interstate System if the proper plans are not submitted by the States. That provision is contained in section 124, page 38 of the bill. There may be eliminations made under that section. If they are made, the authorizations that are called for for 1977 and 1978 will not be needed.

Mr. Chairman, whether or not we agree with the proposition that these funds should be used exclusively for highways—and I have grave doubts about that proposition—it seems to me we should not go beyond what the Department of Transportation has asked for. The other body has authorized only through 1976. There is no reason given in the committee report that I can find why the authorizations here should be called for for the years 1977 and 1978. I hope that the amendment will be adopted.

Mr. KLUCZYNSKI. Mr. Chairman, I am opposed to the amendment offered by the gentleman from New York (Mr. BINGHAM). If the amendment is adopted, we will not complete the Interstate Highway System. I hope that the committee will not adopt the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The question was taken; and on a division (demanded by Mr. BINGHAM) there were—ayes 9, noes 51.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REID of New York: page 31, after line 21, insert the following new sections, and renumber subsequent sections accordingly:

"LOCAL HIGHWAY PLANNING REVIEW COMMISSIONS

"SECTION 122. Section 128, title 23, United States Code, is amended to read as follows:

"'(a) Each State legislative body shall designate or establish one or more local highway planning review commissions to assume jurisdiction over a county or group of counties for the purpose of assessing from time to time the impact on any parklands, seashores, forests, communities, historic sites, wildlife sanctuaries or the like, situated in whole or in part in such county or group of counties, through or contiguous to which any Federal-aid highway may be proposed to pass. All the members of each such local commission shall be persons who, by virtue of education and experience, are generally recognized to have achieved expertise in the areas of conservation of natural resources and wildlife or preservation of historic landmarks and sites.

"'(b) If any Federal-aid highway is proposed to pass through or be contiguous to any county or group of counties over which any local commission or commissioners shall have jurisdiction, the State highway department shall submit to such local commission copies of the surveys, plans, specifications and estimates that it has submitted or proposes to submit to the Secretary pursuant to section 106 of this title.

"'(e) Within one hundred and twenty days after such surveys, plans, specifications, and estimates shall have been delivered to such local commission, it shall, after having considered all arguments relevant to the location of such Federal highway, notify the Secretary as to whether it approves or disapproves of such location and, in the event that it shall disapprove, it shall set forth in reasonable detail the reasons for such disapproval.

"'(d) At the time that any local commission notifies the Secretary pursuant to subsection (e) of this section, it shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, in regard to the location of such proposed Federal-aid highway, and that the public has been afforded a full opportunity to examine all relevant papers prior to such hearings and to question under oath at such hearings State officials with respect to all matters relevant to the proposed Federal-aid highway."

"'(e) Any State highway department which submits plans for a Federal-aid highway project involving the by-passing of, or going through, any city, town, or village, either incorporated or unincorporated, shall certify to the Secretary that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic effects of such a location. Any State highway department which submits plans for an Interstate System project shall certify to the Secretary that it has had public hearings at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway. Any hearings required to be held by a local commission under subsection (d) of this section or by a State highway department under this subsection may be consolidated into a single set of hearings.

"'(f) When hearings have been held under subsections (d) and (e) of this section, the State highway department, the local commission, or both, as the case may be, shall submit a copy of the transcript of said hearing to the Secretary, together with the certification."

"SEC. 123. Section 101 (a) of title 23, United States Code, as amended, is further amended by adding the following paragraph after the paragraph defining the term "Indian reservation roads and bridges":

"'The term 'local commission' means any one of the local highway planning review commissions described in subsection (a) of section 128 of this title.'

"SEC. 124. Section 103 of title 23, United States Code, as amended, is further amended by deleting the periods at the end of the first sentences of subsections (b) and (c)

thereof, by deleting the period at the end of the third sentence of subsection (d) thereof and by substituting in lieu thereof at the end of each such sentence, respectively, the following; 'and to the approval required by subsection (f) of this section.'

"SEC. 125. Section 103(e) of title 23, United States Code, is amended by deleting the last sentence thereof and by substituting therefor the following sentence: 'No Federal-aid highway or portion thereof shall be eligible for projects in which Federal funds participate until there shall have been received the approval of the Secretary and the approval required by subsection (f) of this section.'

"SEC. 126. Section 103 of title 23, United States Code, as amended, is further amended by adding at the end thereof the following:

"'(f) Any Federal-aid highway or portion thereof which shall be proposed to pass through or be contiguous to a county or group of counties over which a local commission shall have jurisdiction shall not be eligible for projects in which Federal funds participate unless, in addition to the approval of the Secretary required by subsection (e) of this section:

"'(1) there shall have been received the approval of such local commission; or

"'(2) in the event that such approval shall not have been received prior to one hundred and twenty days after there shall have been submitted to such local commission the surveys, plans, specifications, and estimates required by subsection (b) of section 128 of this title, there shall have been received the approval of the Secretary of the Interior.'

"SEC. 127. Subsection (b) of section 105 of title 23, United States Code, and subsection (b) of section 106 of title 23, United States Code, are each amended by adding at the end thereof the following: 'For purposes of this subsection, the term "appropriate local officials" shall include the local commission having jurisdiction over any county or group of counties through or contiguous to which such system is proposed to pass: *Provided, however*, That this subsection shall in no way be construed to satisfy the requirement of approval as set forth in subsection (f) of section 103 of this title.'"

Mr. REID of New York (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. REID of New York. Mr. Chairman, my amendment would add new sections 122 through 127 to the bill to require State legislatures to establish local highway planning review commissions for the purpose of assessing the effect of the proposed Federal-aid highways upon the overall environment, upon parklands, historic sites, wildlife sanctuaries, and other areas which could be and should be conserved. Prior approval of the local commission involved would be required whenever a proposed highway system would pass through or be contiguous with an area over which it has jurisdiction. Disapproval by a commission could be overruled only by the Secretary of the Interior.

Mr. Chairman, I testified in support of this proposal before the Subcommittee on Roads on April 21, 1970. In my judgment, the establishment of local highway planning review commissions is vital for two reasons. It would guarantee the public the right of access to all facts relevant to any proposed Federal-aid highway and would give local conservationists a veto over highway design which could result in the destruction of valuable resources.

Under existing hearing procedures pursuant to section 128 of title XXIII, United States Code, the first hearing deals with the approval of the location within a general service corridor. The second hearing is a hearing prior to approving a preliminary design of a highway in a particular location. This hearing system, in my judgment, is defective in that local residents have no effective voice in the decision; the hearings sometimes bear little relation to what might actually materalize in relation to the location and design; citizens affected by highway construction presently have no right of discovery to highway plans; and the law requires only that economic considerations be discussed in public hearings.

My amendment would broaden the issues taken into consideration and strengthen the influence of local citizens. Basically this amendment would require State legislatures to create one or more administrative units to review proposed highway routes as they affect the environment.

Each commission could cover a single county or group of counties with the State legislature deciding the appropriate jurisdictional base. Each local commission would be staffed by persons with recognized expertise in the areas of conservation, of natural resources and of wildlife, preservation of historic sites, communities, and landmarks.

Approval of a proposed highway could be granted or denied by the commission only after provision had been made for appropriate public hearings and the review by the commission would be in addition to that which the present Highway Act requires to be conducted by the State highway department.

In the past, Mr. Chairman, citizens' groups have encountered major problems in gaining access to the State plans and specifications for highway projects. In my judgment, citizens' groups should have the right to review all of the technical material relevant to informed decisions.

My amendment, therefore, would guarantee citizens the right of discovery to essential documents by requiring the State highway department to submit to the local commission involved copies of surveys, plans, specifications, and estimates for a highway project. The commission would in turn be required to make these documents available to the public prior to its hearing, and give the public an opportunity to question State highway officials under oath regarding the project. This right of discovery is intended to be the same as that enjoyed by parties to a civil lawsuit in Federal court under the Federal Rules of Civil Procedure.

Mr. Chairman, in essence I believe that there are conservation factors that should be included in any consideration of highway plans and that interested parties should have an opportunity to see the relevant documents.

In essence, Mr. Chairman, until now corporations, Government agencies, and roadbuilders have shown shocking disregard for our scenery, wildlife, natural resources, and historic communities and landmarks. Once a forest or preserve is destroyed or desecrated by a highway it is ruined forever.

I urge the adoption of my amendment in order to save from destruction what remains of our invaluable natural and historical resources, for only if we give local conservationists a voice and a veto over the roadbuilders may we save our environment.

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

Mr. REID of New York. I yield to the gentleman from New York.

Mr. KOCH. I want to rise in support of the gentleman's amendment. It is one which is absolutely necessary. Conservation groups across the country support it. I hope it will be adopted.

Mr. REID of New York. I thank the gentleman.

Mr. HARSHA. Mr. Chairman, I rise in opposition to this amendment.

I should like to point out that this amendment was the subject of a bill considered in committee. There were extensive hearings on the problem of the environment, as well as on other highway matters.

We did consider the subject of this amendment. The committee, at the time, felt that an amendment of this kind was not justified.

I should like to point out to the Committee that this proposal would set up a commission totally comprised of persons who may or may not have any expertise in highway construction who would have an absolute veto power over the construction or building of a highway.

Furthermore, this amendment would give to the public the right to examine all papers and to cross-examine under oath all State officials with respect to the matter. This would, in my judgment, further cloud and complicate an already difficult situation. I am not out of sympathy with the end sought to be served. But, in my opinion, the amendment would delay and extend the construction of highway projects an intolerable length of time. It could be used obstructively, rather than constructively. If enacted, I can foresee more demonstrations and delays than presently plague the program.

I want to make one other point. The "guts" of this amendment is, I believe, already incorporated into the law in the Federal-aid Highway Act and in Department of Transportation regulations. Let me read section 138, titled "Preservation of parklands:"

It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites. The Secretary of Transportation shall cooperate and consult with the Secretaries of the Interior, Housing and Urban Development, and Agriculture, and with the States in developing transportation plans and programs that include measures to maintain or enhance the natural beauty of the lands traversed. After the effective date of the Federal-Aid Highway Act of 1968, the Secretary

shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.

We should use every precaution to protect and enhance our environment. The above law is designed to do that and is serving an effective purpose in that regard. A purpose I wholeheartedly subscribe to. Therefore, it is apparent that what the gentleman is trying to get at is already in the law. Many highway projects are currently going through a process of inspection and evaluation by concerned Federal agencies to make sure that they do not injure the environment or destroy national historic sites. I am in sympathy with the gentleman's desire to protect our environment. I believe this is being accomplished under existing law and regulations.

Mr. REID of New York. Will the gentleman yield on that point?

Mr. HARSHA. Yes.

Mr. REID of New York. If I read section 138 correctly, it is concerned solely—and I repeat, solely—with publicly owned lands. The section that determines it is section 128. Here public hearings in the original statute are only charged with looking at the economic effects of such location. Therefore, I think it should be concerned with the overall environmental question. Beyond that, if I may complete the sentence, this amendment of mine permits the Secretary of the Interior to overrule a local environmental highway review commission if it is his judgment that this should be done. So the gentleman's statement that the local commission exercises an absolute veto is not correct. The Secretary of the Interior makes the final judgment.

Finally, I say it is not a sustainable position to say that the public now has the right to access to certain facts and figures and it is essential that they should have this right in a timely fashion.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment.

The gentleman from Ohio (Mr. HARSHA) is precisely correct in saying that there is no need for this amendment. If Members were listening as he read from the highway act passed 2 years ago, they know that Congress already has clearly stipulated there that the Secretary shall not permit any of these historic sites, environmentally beautiful, or recreationally useful areas to be taken for a highway unless there is no feasible alternative and every possible step has been taken to preserve and protect it.

The gentleman from New York, I am sure, read an old law and intended to state the facts correctly when he declared that the requirement of local hearings applies only to economic and not to any other considerations. Let me read to you again from the 1968 Act that this House approved and which Congress passed 2 years ago. We have already amended that section which applies to public hearings so it requires that those hearings concern themselves not alone with economic matters, but I quote to you from the exact language that we added 2 years ago:

. . . and social effects of such a location, its impact on the environment and its consistency with the goals and objectives of such urban planning as has been promulgated by the community.

So there is no need for this amendment. Additionally there is no need, surely, for a further encumbrance on the right of the State and local highway officials to proceed once they have determined on a feasible route, they being obviously closer to the local public than we are. There is no need to allow for further long, labyrinthine corridors of appeals and re-appeals that could veto and stall and drag along most interminably these decisions which are so vitally needed.

The third point is that the Secretary of the Interior does not have one thing in the world to do with the administration of this bill. This bill is administered by the Secretary of Transportation.

According to the amendment offered by the gentleman from New York, we would create a plethora of bureaucracy with an additional department and an additional secretary arguing as to whether or not a certain road should be built.

For all these reasons I believe this amendment is not necessary, useful, or desirable and should be voted down.

Mr. REID of New York. Will the gentleman yield on the points he makes?

Mr. WRIGHT. Surely.

Mr. REID of New York. I appreciate the gentleman yielding to me.

The section I was referring to and which I called the gentleman's attention to is section 138 of title 23. If he will look at that section, he will see it is entitled "Preservation of Park Lands."

Mr. WRIGHT. If the gentleman will read that section, he will see that it includes this language: "or any land on a historic site of national, State, or local significance." It says "any" land and not just public land.

Mr. REID of New York. That is precisely my point. It says "land relating to a historic site." However, I feel there must be two points considered. One is the broadest concern for the environment. The second—and this point the gentleman did not address himself to, if I understood him correctly—is that the public should have timely access to all the relevant facts and figures, including highway plans and projections, ecological studies, and other matters pertaining to the environment.

The public is now denied that right. I, personally, wish the gentleman would address himself to that point.

Mr. WRIGHT. There is nothing in the existing law or in the present bill which denies the public access to this information or deprives the public from attending hearings. The public is invited to appear and testify, and based upon the 1968 Act those hearings are to concern themselves not alone with economics but with social effects on such a location, its impact on the environment, its consistency with the public goals and objectives as planned by the community.

Mr. Chairman, I submit the amendment is not necessary; it is redundant, and in addition to that it creates an additional bureaucracy that is not necessary. It creates a possibility of a local veto by some local agency of what has already been determined by the local highway department and others involved on programs which should go forward without this type of interruption.

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

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

Mr. VANIK. Mr. Chairman, I rise in support of the amendment which has been offered by the gentleman from New York (Mr. REID) to require State legislatures to establish local highway planning review commissions for the purpose of assessing the effect of proposed Federal-aid highways upon parklands, historic sites, wildlife sanctuaries, and other areas which should be conserved. Prior approval of the local commission involved would be required whenever a proposed highway system would pass through, or be contiguous with, an area over which it has jurisdiction; and disapproval by a commission could be overruled only by the Secretary of the Interior.

This amendment would guarantee the public the right of access to all facts relevant to any proposed Federal-aid highway, and would give local citizens an opportunity to oppose highway designs and plans which would result in the destruction of irreplaceable resources.

Citizens' groups in my community have encountered considerable difficulty in gaining access to plans for highway projects until they are fully developed at tremendous public expense. This amendment would require that essential plans for a highway project be available to the public before the hearing—so that citizens can adequately question highway officials on the project.

We cannot permit road builders to disregard the public interest in our scenery, wildlife, natural resources, and historic landmarks. A forest or tree needlessly desecrated by a highway is ruined forever. It cannot be replaced.

In my community, an interstate highway project has been projected time and again through the Shaker Lakes area of my district—one of the last virgin forest and lake areas in our midst. When community protests reached Gov. James Rhodes of Ohio last spring, he promised to remove the project from the Interstate System. Up to the present, he has not taken the action which he promised and the community is again aroused by the continued threat to an invaluable natural resource.

This amendment provides a necessary opportunity for the community to examine plans and proposals before the commitment is closed on a highway plan. It is vital and necessary to preserve the

few natural resources which remain in urban areas.

If these safeguards are not provided, I will have to vote against this bill and its unbridled capacity to ruin our resources and our environment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. REID).

The amendment was rejected.

AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Does the gentleman's second amendment apply to this section?

Mr. REID of New York. It does, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. REID of New York: Page 31, after line 21, insert the following new section, and renumber subsequent sections accordingly:

"RIGHT OF DISCOVERY

"SEC. 122. Section 128, subsection (a), of Title 23, United States Code, is amended by adding the following new material at the end thereof:

"'The State highway department shall also certify to the Secretary that the public was afforded a full opportunity to examine all relevant papers prior to such hearings and to question under oath at such hearings State officials with respect to all matters relevant to the proposed Federal-aid or Interstate highway.'"

Mr. REID of New York. Mr. Chairman, I shall be very brief and try and limit my remarks to about 60 seconds.

The point in the recent colloquy which has not been made clear is, in my opinion, the difference in interpretation as to whether or not the environment is fully considered. The point in question is not whether the highway departments deny the local people the right to be heard, but whether on the affirmative side an individual has the right of access to relevant and necessary State papers, ecological studies, and other matters that are appropriate this is not for the purpose of acting in a delaying fashion, but these matters should be brought before the Commission for consideration in a thoughtful, prompt fashion.

I have talked with David Sive, the principal attorney for the Sierra Club, on this point, and he feels that in the United States there are many instances where many of the facts are not presented at a hearing.

Mr. Chairman, the essence of this amendment is to provide a kind of protection that exists in the Federal Rules of Civil Procedure to parties in a civil lawsuit in a Federal court. It is basically the right of discovery and the right of the individual to have access and the public to have access to all the facts relevant to the actual construction as well as the environmental factors.

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

Mr. REID of New York. I yield to the gentleman from New York.

Mr. KOCH. It serves no purpose, if we really want to have the public involved in recommending what should or should not be done in protecting the environment, if we refuse to give them the tools with which to shape their advice. Every one of us at some time has recognized deficiencies in a program and yet not been able to substantiate that which is wrong because the needed evidence has been withheld by some city, State, or Federal agency.

So, Mr. Chairman, I would urge all my colleagues here in the House that if we really want to provide the means to abate pollution in the broadest sense of the word, and this is a kind of pollution, we give the public the tools it needs. After all, the public is the very best watchdog in any matter.

Mr. REID of New York. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, I would only add this: I think if we are going to make government work, and if we are going to give the American people a conviction that they can participate in the governmental process, and a conviction that the decisions which affect their lives have been made on the basis of all relevant factors, then I think the public is entitled to the right of discovery on basic environmental questions and for good cause. I repeat that this is a right acknowledged by the most knowledgeable people in this field and that this right is presently denied by most States. And I hope the Congress today will provide that affirmative right.

Mr. HARSHA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to point out to the Committee that many of the procedures that the gentleman from New York seeks to open up are governed by State laws which have established different procedures for dealing with such matters. As to what extent this proposal would apply to each State law, I am not really sure. But I would like to point out that in the procedures established in a majority of the States, the public already has access to design drawings, maps and location pictures to afford them the opportunity of determining what kind of highway is going where.

It is true that there are certain interdepartmental papers that the public does not have access to. But under this amendment, a State highway department would have to certify to the Secretary that the public was afforded a full opportunity to examine all papers prior to such hearings. At what point would the public have been afforded an opportunity to fully examine all papers prior to the hearings that the gentleman is calling for?

To permit the entire public to cross examine every official under oath as to any matter that is in any way conceivably relevant to the construction of the highway program, and its possible effect on the environment, would surely create a morass of confusion and delay. It could even result in defeating the objectives of our highway construction program. In all probability the gentleman makes a valid point that many State highway procedures are less than enlightening to the public. This should certainly put them on notice to improve their procedures. However to endeavor to accomplish that purpose by this amendment would create far more problems than it aleviates. I urge the defeat of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. REID).

The amendment was rejected.

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VANIK: Page 16, after the line following line 14 and before line 15, insert the following:

"OVERPASS AND UNDERPASS CONSTRUCTION

"SEC. 112. (a) Chapter I of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 143.Overpass and underpass construction

"The Secretary shall approve, as a part of the cost of construction of a project under any Federal-aid highway program which he administers, 100 per centum of the cost of constructing those passageways over and under any such Federal-aid highway as may be necessary in connection with the construction or possible future construction of facilities for publicly owned rail mass transportation systems if—

"'(1) The State highway department requests such approval, and

"'(2) The Administrator of the Urban Mass Transportation Administration certifies to the Secretary that such facilities may or will be constructed.'

"(b) The analysis of chapter I of title 23, United States Code, is amended by adding at the end thereof the following:

"'143. Overpass and underpass construction.'"

Renumber succeeding sections—including those to be added to chapter I of title 23, United States Code—accordingly, including all references thereto.

Mr. VANIK. Mr. Chairman, one of the pressing problems facing our Nation today is an effort to develop a fully integrated transportation system which will take care of the needs of the major bulk of our population which is located in the urban and suburban centers of our Nation. The Federal-aid highway program has been an effective tool in providing transportation in and out of these heavy population areas both for commercial and private use. It seems to me, however, that the highway program can go even further in this particular field and contribute a great deal toward an integrated transportation system which I am sure will be developed in the future. This is the reason I am offering the amendment today. This amendment provides in essence that the Secretary of Transportation shall approve as part of the cost of the construction of any Federal-aid highway program 100 percent of the cost of constructing those passageways over a Federal-aid highway or under one which may be necessary in connection with the construction or possible future construction of facilities for publicly owned rail mass transportation systems. This approval is contingent upon an approval by the State highway department and a certification from the administrator of the Urban Mass Transportation Administration that the mass transportation facilities may or will be constructed. This is a simple amendment.

If both the Highway Administrator and the Mass Transit Administration in

Washington know that presently or in the future mass transit facilities will be constructed in an area where Federal-aid highway work is underway and where there may be a capability to save money by constructing the Federal-aid highway project with appropriate overpasses or underpasses for future rail mass transportation purposes that this may be done at Federal expense. This seems to me to be a reasonable and logical approach. It is a link in the development of our great highway and transit systems, and we know eventually both of these systems must work together. For this reason, I hope the amendment will be adopted.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not think it is necessary for any of us to conclude that one is opposed to mass transit facilities, as urgently needed as they are in some parts of our country, in opposing this suggested amendment. In this bill we have gone as far as we believe we can in good conscience and in good faith with those who pay their taxes into the highway trust fund, to facilitate the use and development of urban and mass transit facilities.

In the section immediately prior to that point at which the gentleman from Ohio would insert his proposed amendment, we have made numerous provisions including bus passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities, to serve bus and other public mass transportation passengers.

What I find objectionable to the amendment offered by the gentleman from Ohio is his absolute requirement that the Secretary shall approve for Federal payment 100 percent of the cost of constructing passageways which may be necessary in connection with the construction or possible future construction of publicly owned rail mass transportation systems. We do not even pay 100 percent out of the Highway Trust Fund for the interstate highways. We pay only 50 percent out of the Highway Trust Fund for the primary and secondary State roads.

I do not believe it would be equitable. I do not believe it would be proper. I do not believe it would be in good faith with those who have paid their money year after year into the Highway Trust Fund in road-user taxes upon the premise and, indeed the premise, that those funds would be used to construct roads and streets on which they could drive those vehicles, for us now to create a favored category receiving 100 percent Federal funds for rail mass transportation.

So for those reasons, Mr. Chairman, it seems to me that this is not a proper amendment. I sympathize with the gentleman from Ohio on the need for mass transportation facilities. We in this bill have tried as best we can to facilitate and serve that need, but surely it would not be appropriate for us to create a situation in which the Secretary was given absolute instructions that he shall approve 100 percent—100 percent—out of the highway trust fund for any possible rail mass transportation facility.

For those reasons, Mr. Chairman, I suggest that this amendment should be defeated.

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

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

Mr. HARSHA. I thank the gentleman. I can point out, as the gentleman has already pointed out, that this would involve a change in the total appropriation formula for any program we have projected. But over and above that, the important thing is that it provides for 100-percent payment for possible future construction of facilities, a highly speculative situation. These grade separations are costly at best. To go in and build them on the basis of some possible future location or construction is highly speculative and contrary to good engineering and planning practice.

Let me point out to my good friend from Ohio that under existing law and procedure, the Department of Transportation, where there is to be constructed a facility of the type to which the gentleman has referred, and it is imminent and assured that it is going to be constructed, the Department of Transportation does enter into negotiations with the municipality or the governing body, whichever it may be, to work out some sort of cost-sharing formula, depending upon the type of project it is.

So the essence of what the gentleman is trying to achieve is already accomplished under Department of Transportation procedures, and to go to 100-percent Federal participation payments on such a speculative basis I think would be contrary to good engineering and sound financial policy.

Mr. DON H. CLAUSEN. Mr. Chairman will the gentleman yield?

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

Mr. DON H. CLAUSEN. I would suggest to the gentleman, Mr. VANIK, that it may well be advisable for him to convey his request to the Ohio State Division of Highways, because, through the American Association of State Highway Officials, we on the committee, as well as the people in Transportation, are, in fact, now in the process of conducting a functional classification and future needs study. That is where you might direct your request rather than incorporating it into the bill now before us.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. VANIK).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAYLOR: Page 8, line 3, insert a new section to read as follows:

"SEC. 105. (14) Any state which on the date of the enactment of the Federal-Aid Highway Act of 1956 had constructed at its own expense any highway which has been since that date included as a part of the interstate system, and for which the state received no Federal funds for its construction or been reimbursed for its construction, is authorized to exclude such highway, or parts thereof that are in the interstate system, from the original allocation of mileage to such state and to insert in lieu thereof other highways for inclusion in the interstate system upon approval of the Federal Highway Administration."

Mr. SAYLOR. Mr. Chairman, the amendment I have offered appropriately follows the amendment which was offered by our colleague, the gentleman from Ohio, and the colloquy that occurred when they talked about positions. In 1956 when the Interstate Highway System was proposed and the House Committee on Public Works reported that bill those who were in Congress at the time were pleased with its passage. We were delighted because at long last the Congress and the people realized that we were going to attack the problem of transportation in this country.

We from the great Commonwealth of Pennsylvania were particularly delighted with it, because when we read the reports, we found that Pennsylvania was going to obtain quite a bit of mileage. In the original allocation, Pennsylvania was allocated 1,576 miles, and we thought that was a fair assessment of mileage.

However, the Governor of the Commonwealth of Pennsylvania, mistakenly or otherwise, was led to believe that if Pennsylvania included in the Interstate System the already constructed Pennsylvania Turnpike, the State would be reimbursed for the money which they expended. Now in 1970 the Public Works Committee has taken the position, and perhaps justifiably so, that no State should be reimbursed. With that I can find no fault. But the amendment I have offered merely states that since Pennsylvania was authorized 1,576 miles, that we be given these 1,576 miles of the new Interstate System. Actually, with the inclusion of the turnpike all we got was 1,271 miles.

The amendment I have offered says that neither the State of Pennsylvania nor any other State is to get one additional mile of highway. All we say is that the mileage originally allocated to those States, which have before the Interstate System made progress, should be as authorized in the 1956 act.

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

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

Mr. STRATTON. Mr. Chairman, I commend the gentleman for this very fine amendment and for the initiative which the gentleman has demonstrated in coming up with a new approach to this very serious problem. This might be regarded as a Pennsylvania amendment, but it could also be regarded, in fact, as the New York amendment because, as the gentleman from Pennsylvania knows, New York is in exactly the same bind as Pennsylvania. We have 500 miles of the New York State Thruway which is charged against our Federal Interstate Highway allotment, although New York paid for this highway itself, and we are still paying for it through tolls.

I want to say I think this is a splendid amendment. I certainly support it. I think it should be adopted.

Mr. SAYLOR. I understand from the Bureau of Public Roads that the two States to benefit most would probably be Pennsylvania and New York. There are a

few other States that have also done such building.

Another reason this amendment should be adopted is that the Pennsylvania Turnpike, the granddaddy of all our interstate system turnpikes, does not meet interstate standards. So we now have in the State of Pennsylvania and in this system over 300 miles that do not meet interstate standards. Still Pennsylvania is being penalized by the action that has already been taken by our former Governor.

I have talked to former Governor Leader and he tells me that the only reason they agreed at the time to include the turnpike was they were led to believe that reimbursement for the total turnpike expenditure would be made to Pennsylvania.

I would hope we could adopt this amendment and allow the affected States that qualify to benefit by this if, as I understand it, my amendment meets with the approval of the Federal Highway Administrator. We are not trying to bypass them or add 1 mile to the system.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

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

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

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

Mr. SCHWENGEL. The gentleman from Pennsylvania has opened up a very interesting subject about which I have some convictions and ideas, too. I remind the gentleman from Pennsylvania that when we from Iowa travel in his State system, we not only pay the gasoline tax to the State of Pennsylvania and the Federal Government for the use of that highway, but we also pay tolls that, if translated into gasoline tax, would be something like 35 cents a gallon.

The point I make is that the State already has had advanced to it a lot of extra money which the other States have not had, because they did do this. They have had advantages, and have given us the opportunity to travel, that is true, but at greatly increased cost to people from other States.

We now have a very inequitable system. They are getting more money now for roads than we do, yet we give free passage on the Interstate System in Iowa.

Mr. EDMONDSON. Mr. Chairman, I rise in opposition to the amendment.

I may say that my heart is with the gentleman from Pennsylvania, and I should like to support his amendment, because my State is one that shared the fate of Pennsylvania in the allocation of money on the Interstate System, and had many toll road miles incorporated in the Interstate System—without reimbursement of any kind to this date.

I have sponsored for years a bill, along with friends from Pennsylvania and others from other States, to try to get this situation righted, but I believe we have been confronted for a number of years with a basic situation which makes it untimely to do that.

The basic situation is that we simply do not have the money in the Interstate System at this time to complete it on schedule. Until we do have the money to complete it on schedule we have to defer items such as this, which I believe will have to be attended to in the future, in order to meet the more pressing needs in the country, which are to build the roads urgently required to carry the growing traffic of the country.

Against the interest of my own district and of my own State in this regard, I note the fact that this amendment was not discussed in our commitee. It was not presented in the hearings. At least in detail it has never been covered in our committee with respect to the merits and the arguments against it.

I feel that it is a matter which should not be introduced at this stage in connection with this bill, and I hope that the amendment will be defeated. This can and should be the subject of complete and orderly hearings in the next Congress, and we should deal with justice with these States which have had substantial mileage incorporated under this system without reimbursement of any kind for it.

I am sure the gentleman has already noted that the report points out Route 219 in Pennsylvania, which is a road I know is of concern to him, is one which is badly in need of improvement, which will benefit from the new allocation formula, the 70/30 formula under the bill before us at this time.

The committee has not turned its back on routes like this one, but it has necessarily deferred this question of reimbursement for toll roads.

I hope the House will support the commitee action in this regard and turn down the amendment offered by my good friend from Pennsylvania.

Mr. SAYLOR. Mr. Chairman, will my colleague from Oklahoma yield?

Mr. EDMONDSON. I am glad to yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I just want to say I did appear before the subcommittee chaired by the distinguished gentleman from Texas (Mr. WRIGHT) and used this approach, so the committee does have some benefit of it, and it was presented. This does not come as any surprise to the committee.

As to the approach I have used. very frankly, I did use the approach of a single highway. After hearing the explanation given to me by the distinguished presiding officer at that time (Mr. WRIGHT) and the gentleman from California (Mr. DON H. CLAUSEN) who was at the meeting, and others who were there, that we could not include specific highways, I adopted the different approach.

Mr. EDMONDSON. I have had my memory refreshed as to the gentleman's appearance with another approach to this problem, and I believe I did the gentleman an injustice by saying the question had not been presented to the committee. The amendment he proposes had not been presented to the committee.

Mr. SAYLOR. That is correct.

Mr. EDMONDSON. I believe the gentleman will agree that the new 70/30 formula will give some direct relief, with the improvement of Route 219.

Mr. SAYLOR. Let me say I am delighted with that portion of the bill which calls for a change in the overall formula for class 1 or class A roads of 70/30.

I think this is a tremendous advance in the bill.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield to me?

Mr. EDMONDSON. I will be glad to yield to the gentleman.

Mr. DON H. CLAUSEN. I merely want to say that the very strong testimony that the gentleman from Pennsylvania presented to the committee and his discussions with those of us serving on the Roads Subcommittee had a tremendous impact on the committee's ultimate decision and added leverage to our efforts to change the matching fund formula on the ABC system of highways—primary, secondary, and urban extensions—away from the 50–50 to the 70–30 that we have included as section 108 of this bill.

I am most sympathetic with the gentleman from Pennsylvania (Mr. SAYLOR). He has eloquently presented his case wherein he believes that the State of Pennsylvania is being penalized. However, in the committee's opinion, they felt that this was not the time to try to correct this inequity.

As the author of the bill and the amendment that changes the Federal-aid matching fund formula, to take effect after June 30, 1973, I can state categorically that Mr. SAYLOR's monumental effort in championing his approach to a solution on U.N. 219 was one of the most compelling reasons presented that lead to the change in the formula from 50–50 to 70–30 and also helped us to alter the effective date by moving it up 1 full year from June 30, 1974, to the accepted date of June 30, 1973.

He has been extremely vigilant, as well as cooperative, in pursuit of his Highway 219 inclusion objective. Because of his efforts, the State of Pennsylvania and all States concerned with highway construction improvements and acceleration will benefit. We, on the committee, are very grateful to Mr. SAYLOR for his most valuable support and contribution to this bill, the Highway Act of 1970.

Mr. EDMONDSON. I thank the gentleman for his contribution, but I hope that his amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SAYLOR).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FRASER

Mr. FRASER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRASER: On page 43, line 10, strike out paragraph (a) of section 129 and letter the following paragraphs accordingly.

Mr. EDMONDSON. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes.

Mr. FRASER. Mr. Chairman, this amendment seeks to strike from this bill the language which would mandate the

District of Columbia to proceed within 30 days to the construction of particular legs of the freeway system within the District of Columbia.

Mr. Chairman, this provision does not belong in this bill under the rules of the House. The rules of the House specifically provide that in a general act of this nature specific projects are not to be treated as is the case in section 129 of the bill.

The only reason why we cannot move to strike section 129 from this bill is because the rule granted a waiver of all points of order.

What is at stake in this amendment is the question as to whether or not the people who serve as the government of the District of Columbia should have a voice in the highway construction that goes through the District. The City Council in 1969 unanimously adopted a plan recommended by the National Capital Planning Commission in which they said that this proposed freeway leg was not needed, was not necessary, and should not be built. So now comes Congress saying, "Well, the City Council does not know what they are doing," and in effect it says "No matter what they think or how much they know, we know best what is good for the people, the 700,000 or 800,000 people who live in the District of Columbia."

At some point, it seems to me, the District of Columbia ought to be given a voice in what happens to this city. The City Council is not elected, but it is the closest thing that the city has to an official spokesman of the sentiments, the attitudes, and the judgments of the people of the District. Moreover, they have the benefit of official advice. The City Council when it acted was acting on the advice of the Federal planning arm. What they were trying to do was to develop a comprehensive transportation plan that envisioned both a rapid transit system and a modest freeway program. The fact is that one of the reasons that the District of Columbia has had so much trouble with this question is that when these projects originally were studied they were studied on the basis that the only transportation that the District of Columbia was to have was to be based on a freeway system with no mass transit involved. But since that, the Congress has wisely authorized the construction of a mass transit system. The executive branch of the Government under President Johnson and Secretary Volpe have all urged, in effect, that we not enforce this kind of action upon the District until we know what will happen with the mass transit system in place and operating.

Mr. Chairman, it is a matter of simple justice here because if we leave this provision in the bill, we are overriding the sentiments of the people in the District of Columbia.

Now, this is not the first time we have done this. In 1968, section 23 of the Highway Act mandated certain construction and authorized a study of certain other construction and, in fact, the District has complied with that 1968 act. They have no choice because we blackjacked them into it. We threatened to withhold funds for the subway and for the city itself unless they went ahead with those provisions. But we do not seem to be content with that action of 1968. Now we want to add another injustice to this unfortunate relationship between the Congress and the District by the enactment of paragraph (a) of section 129.

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

Mr. FRASER. I yield to the gentleman from Washington.

Mr. ADAMS. And, is it not a fact that both the gentleman and I sit on the District of Columbia Committee that considered this compromise that would release subway funds and would comply with the 1968 act, and that compromise has been complied with?

Mr. FRASER. The gentleman from Washington is correct.

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

Mr. ADAMS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment.

Now, Mr. Chairman, I want to address myself to the precise point with which the gentleman from Minnesota concluded and I think that is the agreement that took place before the District of Columbia Committee.

Mr. Chairman, I have before me a map that sets forth the program for the District of Columbia. I might say that I have also this day sent a letter to each member of the District of Columbia Committee and I have talked about this matter with members of the Committee on Appropriations and in the past we have discussed this matter with members of the Public Works Committee.

Mr. Chairman, I cannot stress how unhappy I am. I would use the word "bitter" but probably that is not the proper word to use, but somehow I must manifest my terrible unhappiness over what has happened with this bill.

Mr. Chairman, a number of us in committees with jurisdiction got together where we really had great doubt and said that because the highway people in this area had held up the subway funds, we would agree to effect a compromise with reference to the 1968 act as far as the construction of three roads was concerned, and it included the Three Sisters Bridge. The gentleman from Virginia (Mr. BROYHILL) and I worked on this for some period of time. We talked with representatives of the Department of Transportation, we talked with members of the Committee on the District of Columbia, we talked with members of the Public Works Committee, members of the Committee on Appropriations, and a compromise was agreed to. That compromise was passed. I stand with it as I have stood with it on platforms in this city where my skin has been taken off in strips because many people of the District have said, "We do not want any more highways under any circumstances."

Mr. Chairman, what this act does is to go beyond that original compromise, we are going to build these highways to complete the system, when it was agreed that the matter would be studied and the recommendation would come back from the District of Columbia. The highway was studied and a recommendation did come back. They said, "Do not take those houses out of the north section; build it out through another industrial freeway."

This recommendation was filed and later approved by the Department of Transportation with the recommendation of further study on part of this and it exists at the present time.

Mr. Chairman, this bill seeks to overrule the present plan. The committee had to have a special rule to waive the rules of the House to prohibit certain highways being authorized for the city, and they did it. What happened in the District of Columbia Committee? The subcommittee, we just found out, met and said they are going to present a bill that says no money can be appropriated to the District of Columbia unless they comply, not with the 1968 act which was the 1969 compromise, but the 1968 act and any other act of Congress and that "any other act of Congress" is this act before us today.

I just plead with you in the name of common decency that we keep our word as we have required the government of the District of Columbia to keep its word. They have outlined on the map where they will build their freeway, and there is a desparately important reason for this. The difference in the two areas where you build the freeway, one goes through industrial-type lands, and lands that are not homes, and the other goes through a series of homes in the north end. This goes clear back to 1960. This route was shifted from one side of Rock Creek over to the other side of Rock Creek, and it has been shifted back and forth for years and years. All I can say is that by passing this bill in its present form, if we leave this section in, if we do not accept this amendment that has been offered by the gentleman from Minnesota (Mr. FRASER), in my opinion we will simply have broken our word that was agreed to by the White House, the Department of Transportation, and all of the committees of this House, when we all agreed to the 1969 amendment to the District of Columbia Revenue Act, and started the subway.

Mr. GREEN of Pennsylvania. Mr. Chairman, will the gentleman yield?

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

Mr. GREEN of Pennsylvania. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Minnesota (Mr. FRASER).

Mr. Chairman, I want to express my concern about the basic thrust of this legislation.

We have reached a point in our history when we must seriously consider the consequences of the Federal Government's policy in achieving the goals of this society. We have rapidly become a nation of suburbs. We are a nation of automobiles and highways. This interlocking development of highways, automobiles, and suburbs is no accident. It is the product of Government encouragement through the passage of legislation like this bill. In view of the problems this country faces I think it is time we looked at the effects our highway policy has had on the movement of our people.

The clogged traffic, the pollution of the air, and the decline of the cities are no accident. They are the result of Government policies which have encouraged the growth of urban problems. We live in a free society in which people aspire to live better. Fortunately, most Americans are able to live well. They are able to move freely. But if we are going to help the cities—if we are going to encourage central cities to remain the magnets and cultural centers for metropolitan areas—if we are going to make housing programs and job development programs work, then we must begin by encouraging the development of mass transit systems that move people from place to place both efficiently and without the threat of colossal traffic jams and clouds of pollution. We must pass legislation that integrates the development and redevelopment of cities, suburbs, and new towns with other forms of transportation, job opportunities, housing potential, and ecological considerations.

This bill does just the opposite. It uses highways as the prod for development because it changes the funding formulas to make the development of more highways extremely attractive. It makes a pass at recognizing mass transit needs by providing $200 million for the development of bus lanes. It provides funds for alcohol safety programs and highway beautification. In the case of the District of Columbia freeway this legislation completely casts aside the will of the people of Washington and of suburban Montgomery County, Md., who support the building of a subway, but oppose the construction of the North Central Freeway.

This legislation hermetically seals the highway trust fund from any review for another 5 years. In short, I believe this bill is the wrong way to shape the destiny of this country. It places far too much emphasis on highways, without facing up to the problems they create.

Mr. ADAMS. Mr. Chairman, I have some very dear friends in this House, and we have spent many, many hours trying to solve this problem. I am not an antihighway person. I have supported the position that we need highways and freeways for the movement of our automobile traffic. I also have supported, however, that we must have some other system to move people in and out of our cities, because we cannot park our automobiles now. I drive in and out of this city every day, and we cannot get in and out on the freeways, even where they are in existence, and it has nothing to do with building new freeways, because I am driving on the system that has already been established for the city, so that we need to have a comprehensive mass transportation system to go with it.

If we go along with this and then say no more money for the District of Columbia, all I can say is that I think we have done a bad thing.

Mr. McCARTHY. Mr. Chairman, I rise in support of the amendment.

As a member of the Committee on Public Works I support this amendment for the reasons set forth by the gentleman from Iowa and myself in the additional views. I think the strongest reason is that it violates the rules of the House.

One of the finest men who has ever served in this body, the late Dorsey Shackleford, of Missouri, took the initiative in including in the rules of the House a provision against logrolling—that is, inclusion of specific roads within a bill reported out by our committee, and in legislation enacted by the Congress. I think the reasons are obvious why that rule was included, because if you open up this kind of legislation any one of us would be tempted to come before this body and seek to include a specific road in his district.

We are not engineers or planners, and that is not our job, and it is prohibited by the rules.

Now, the argument will be made, I am sure, by some of the opponents of this amendment that the District of Columbia is in a special, unique category in terms of the Congress, that we have a special responsibility for the District. That is true. And the member of the Committee on the District of Columbia just spoke in support of the amendment citing our special responsibility. But I want to point out that section 101 of title 23 of the United States Code, which is the basic legislation relating to highways, treats the District of Columbia and Puerto Rico as States, so that the District of Columbia on highway matters is the same as any State.

The apportionment formulas and qualification requirements are the same as for the State of New York or the State of Pennsylvania or the State of Ohio. They all must submit to the same requirements in order to qualify for highway funds. So I submit to you that section 129 is a violation of the House rules; that it sets a dangerous precedent.

If you can mandate the construction of controversial highways in the District of Columbia, then you can do it in any State in the Union and in Puerto Rico.

The Department of Transportation itself recently set up a two-hearing procedure so that people affected by these highways could come before public bodies and express their views on proposed highways.

Mr. Chairman, the people of the District of Columbia have amply expressed their views on the subject of these highways and with virtual unanimity they have said they are opposed to them—the only thing I have ever seen the people of the District of Columbia, from Georgetown to Northeast, in unanimity on. They are unanimous in saying they are against these highways.

So I say it also violates the spirit and the intent of the Department of Transportation two-hearing procedures, and I hope that this amendment will prevail because I think it sets a dangerous precedent. I think it is a basically undemocratic thing for us to force these highways on people who have said they do not want them.

Mr. KLUCZYNSKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Committee on Public Works has no intention of dictating to the various States what kind of a highway program it should have or where individual routes should be located. In the case of the District of Columbia the courts declared in 1968 that the District of Columbia did not have authority under the regular Federal-aid program to construct interstate freeways. The provisions of the District Code did not permit highways as wide as those required for the interstate program. Only the Congress could change this situation and this it did in the 1968 Federal-Aid Highway Act. The act also authorized and directed a specific system to be built at that time because testimony developed at hearings indicated a complete bureaucratic mess here in the Nation's Capital. The system authorized was one developed over a 20-year period with complete regional cooperation. It was sound and was the product of local study and determination. It was not a creature of the Congress as some would have you believe.

Mr. Chairman and ladies and gentlemen of the House, I would not want to have the Federal Government designate or tell us in Illinois where we should designate our highways. I am sure every State in the Union can designate their own. But in this case, in the District of Columbia, as I have explained, the Congress has the right and the Congress should designate the highways.

Mr. GUDE. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

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

Mr. GUDE. Mr. Chairman, I yield to my friend, the gentleman from Maryland and my colleague from Prince Georges County (Mr. HOGAN), for a unanimous-consent request.

Mr. HOGAN. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I would like to take this opportunity to express my strong support for certain provisions of the Federal-Aid Highway Act of 1970, in which I and residents of the Fifth District of Maryland have a particular interest, and to urge your support of the same.

The first provision of which I speak is actually of prime interest to all residents in the metropolitan area who have occasion to travel on the Baltimore-Washington Parkway. I have long advocated upgrading of the parkway, and this past summer in a letter to Chairman FALLON of the House Public Works Committee, I pointed out my concern over the serious congestion on this vital artery which serves the people of Metropolitan Washington and Baltimore as well as interstate travelers. At that time I expressed my hope that the committee would include in the Federal-Aid Highway Act the funds necessary to widen and upgrade the parkway.

It is a pleasure to see that the Public Works Committee has taken note of my concern and recommended in the bill before us an authorization of $65 million for reconstructing to six lanes the section of the Baltimore-Washington Parkway under the jurisdiction of the Secretary of the Interior and bringing it up to the standards for the National System of Interstate and Defense Highways. Certainly the entire Baltimore-Washington area will benefit from this action.

Another section of the act provides for

a demonstration project for the elimination of all public ground-level railhighway crossings along the route of the high-speed ground transportation demonstration project between Washington, D.C., and Boston, Mass. Undoubtedly the residents of Seabrook, Md., and nearby townships on the Penn Central line will be relieved to know that this provision is in the bill. They are most concerned with seeing existing hazardous ground-level crossings eliminated.

Last, but not least, I would like to express my support for those provisions of the bill which require construction to begin on the North Central Freeway within 90 days of enactment of this legislation. For years I have supported and urged the construction of the rapid transit in the Washington area, which is sorely needed to improve the transportation situation of the area. At the same time, I firmly believe that the interstate highway network is also vital to produce the balanced transportation system which, in my opinion, is the best answer to the transportation problems of the present and the future.

The time is long past due to begin moving forward on both the highways and the rapid rail, toward providing this balanced system. If at this time we change the route of the North Central Freeway, as some are urging, further delays will result. The right-of-way has already been acquired for the proposed route, whereas any change of route will result in additional costs for this purpose. We can probably assume that any alternate route will also be objected to by elements of the community.

For these reasons, I support the language in the bill before us regarding the construction of the freeway and urge the District of Columbia to get construction under way on the North Central Freeway.

I hope my colleagues will join me in opposing the Fraser amendment.

Mr. GUDE. Mr. Chairman, I rise in support of this amendment and strongly urge the members of the committee to give it full and careful consideration because failure to adopt this amendment could well be ordering the District of Columbia to build a road to nowhere.

Section 129 requires the District of Columbia within 30 days to start building the North Central Freeway to the District of Columbia boundary line adjacent to Maryland.

At this time the State of Maryland and local government officials in Montgomery County have indicated that they are in doubt or in opposition to building a North Central Freeway. For us to order the immediate construction of a highway to the border of a jurisdiction that has indicated it does not intend to build it is ludicrous.

The Governor of Maryland, our elected State executive, was recorded earlier this month in opposition to the North Central Freeway. According to today's paper, the Governor has written me that, and I quote from the Evening Star:

He is not certain that the North Central should not be abandoned.

I have not, however, received the letter.

The State Roads Commission indicates to me that under the 1968 Highway Act, two separate hearings must be held before construction could begin on the Maryland portion. Sixteen of the 20 newly elected members of the Montgomery County senatorial and legislative delegations have specifically registered their opposition to the construction of the North Central Freeway. Six of the seven members of our newly elected council have declared their opposition. These local officials possess the decisionmaking powers on highway planning in the sections of Maryland adjacent to the District of Columbia.

Mr. Chairman, in 1968 the transportation planning board of the Washington Metropolitan Council of Governments and the county council and the Montgomery legislative delegation endorsed the North Central Freeway route. Since 1966 the Maryland State Roads Commission has carried the North Central Freeway in Maryland as part of the I–70S connection to the North Central Freeway routing in the District. But now the situation must be clarified as to the position of the several elements of government concerned in regard to the freeway.

Mr. Chairman, since my service in the Maryland General Assembly I have consistently supported a balanced system of mass transit and highways for the Washington metropolitan area, but it must be a well planned system which properly serves all the people.

And so to do what we are doing here today—to order the immediate construction of a controversial freeway in the District of Columbia to the border of a jurisdiction which is obviously not prepared to construct its section—is sheer folly.

I urge the House to reject the order to immediately construct this highway.

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

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

Mr. McCARTHY. Did I correctly understand the gentleman to say that the two-hearing procedure has not been followed with reference to these roads?

Mr. GUDE. The gentleman is exactly correct in regard to the Maryland portion. In regard to the District of Columbia portion there is some question, but in regard to the Maryland portion there would have to be two hearings.

Mr. McCARTHY. But they are related because they are connecting roads. You cannot build a road to nowhere. They have not held the two hearings on the roads that would connect with the District highway in Maryland?

Mr. GUDE. Our Maryland State Roads Commission indicates that they would have to hold two sets of hearings before proceeding with construction of the Maryland section of the North Central Freeway.

Mr. NATCHER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Kentucky is recognized.

Mr. NATCHER. Mr. Chairman, there is a place for both a freeway system and a rapid rail transit system in our Capital City. In order to meet the tremendous day-by-day growth of traffic, the highway program must be carried out along with the present rapid rail transit system that is now under construction.

Our Committee on Appropriations has repeatedly made this statement over the years, and we not only believe this to be true, but are willing to make any and all recommendations which will bring about a proper rapid rail transit system and a freeway system for the District of Columbia. Our committee's position that there is a place for both a freeway system and a rapid transit system in our Capital City is still unchanged. It has been expressed over the years both during the hearings, in its reports, and on the floor of the House.

In the year 1955, I recommended to the Subcommittee on the District of Columbia Budget that the District's share for the mass transportation survey be paid. Here we have the beginning of the program which finally brought about the rapid rail transit program. This was many years before those who want to destroy the freeway program and thereby have caused difficulty with the construction of the rapid rail transit system entered the picture.

In the year 1948 we had the Washington metropolitan area transportation study which was made at a cost of $505,000 by the highway departments of Maryland, Virginia, and the District of Columbia.

In 1950 we had the comprehensive plan for the Nation's Capital and its environs by the National Park and Planning Commission.

In 1952 we had the highway improvement program by the highway departments of Maryland, Virginia, and the District of Columbia with the cost for this project included in the $505,000 which was the overall cost of the 1948 Washington metropolitan area transportation study.

In 1955 the Washington metropolitan area transportation study made by the highway departments of Maryland, Virginia, and the District of Columbia cost $561,000.

The transportation plan for the National Capital region in 1959 made by the National Capital Planning Commission and the National Capital Regional Council cost $450,000.

The National Capital Planning Commision was created in 1952 and beginning in 1955 we had the 4-year study which was sent to the President of the United States in 1959. This study was designated the mass transportation survey and was the most comprehensive and cooperative of all previous planning in the sense that all jurisdictions took part. This study involved both mass transit and highways and the most up-to-date information and analysis methods were used. This survey was authorized by the 84th Congress with instructions that the National Capital Planning Commission and the National Capital Regional Council jointly should conduct a survey of the present and future mass transportation needs of the National Capital region. The results of that study were reported to the President in 1959.

This report found that the present and future needs of the National Capital region required a balanced system of transportation consisting of highways, express buses, and rapid rail transit. The report recommended that as a first step the regulation of the existing privately owned bus carriers should be unified and centralized on a regional basis.

The need for a freeway concept involving an all-out beltway and inner loop and connecting radials was recognized in the comprehensive plan of the National Capital Park and Planning Commission in 1950. This was 6 years before the enactment of the 90–10 interstate financing formula.

On August 2, 1947, pursuant to directions from Congress which specified that there should be designated within the continental United States a national system of interstate highways to connect the principle metropolitan centers, the Administrator of the Federal Works Agency approved a national system of interstate highways but withheld a portion of mileage for later distribution in and around the urban centers. On September 15, 1955, the Commissioner of Public Roads distributed this urban mileage. In 1955 the highway departments of Maryland, Virginia, and the District of Columbia initiated system layouts in accordance with highway legislation. The concepts followed the freeway plans current at that time in the District of Columbia.

The freeway projects adopted for the District of Columbia and approved for construction were:

First. Northeast Freeway—eight studies;

Second. North Central Freeway—six studies;

Third. Palisades Parkway—six studies;

Fourth. Three Sister Bridge—eight studies;

Fifth. 14th Street Bridge—staff studies;

Sixth. Potomac River Freeway—eight studies;

Seventh. South Leg—seven studies;

Eighth. North Leg, West—seven studies;

Ninth. North Leg, Central—seven studies;

Tenth. North East, North Central Freeway—eight studies;

Eleventh. North Leg, East—six studies;

Twelfth. East Leg—six studies; and

Thirteenth. Intermediate Loop—five studies. Eighty-two studies for the 13 projects.

When the urban mileage was distributed by the Commissioner of Public Roads in 1955, the Public Works Committee of the House that is now being criticized by a few people assisted the Highway Department of the District of Columbia and the District officials with their request for projects which had previously been approved by the District Government. Not only in 1955, but every year when mileage for cities was up for decision by the Commissioner of Public Roads or the Bureau of Public Roads, the Public Works Committee of this House fully protected the interests of our Capital City. The action of this committee was proper in every respect.

The 13 elements composing the freeway program were not selected by the Public Works Committee and at no time from the year 1955 down to this day has this committee selected any of the freeway projects for the District of Columbia.

The overall highway programs for the State of Virginia and the State of Maryland since 1955 were planned with the understanding that the approved interstate highway projects in the District of Columbia would be constructed.

After a number of comprehensive plans and studies were approved we finally started appropriating funds for our freeway progam in the year 1957. The rapid rail transit system had not been authorized at this time.

We then passed through 10 turbulent years up to the year 1968 when the Highway Act of 1968 was enacted by the Congress and signed into law by the President. During this 10-year period the Public Works Committee made no move to take part in the freeway-rapid rail transit impasse. If there is a committee in the House that had more right to attempt to straighten out the impasse that has developed than the Committee on Public Works, I am unable to name the committee.

After the Chairman of the National Capital Transportation Agency, the Chairman of the National Capital Planning Commission, and a few others decided that the freeway system must be stopped in order to secure enough support for the authorization of the rapid rail transit system, and further to carry out their wishes to simply destroy the freeway program, the Public Works Committee brought to the floor of the House and passed the Highway Act of 1968. At this time the District officials were dragging their feet and were indicating at every turn that the freeway system must be stopped. The Public Works Committee in the Highway Act of 1968 placed the following provisions:

DISTRICT OF COLUMBIA

SEC. 23. (a) Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall, in addition to those routes already under construction, construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia," submitted to Congress by the Secretary of Transportation with, and as a part of "The 1968 Interstate System Cost Estimate" printed as House Document Numbered 199, Ninetieth Congress. Such construction shall be undertaken as soon as possible after the date of enactment of this Act, except as otherwise provided in this section, and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.

(b) Not later than thirty days after the date of enactment of this section the government of the District of Columbia shall commence work on the following projects:

(1) Three Sisters Bridge, I–266 (section B1 to B2).

(2) Potomac River Freeway, I–266 (section B2 to B4).

(3) Center leg of the inner loop, I–95 (section A6 to C4), terminating at New York Avenue.

(4) East leg of the inner loop, I–295 (section C1 to C4), terminating at Bladensburg Road.

(c) The government of the District of Columbia and the Secretary of Transportation shall study those projects on the Interstate System set forth in "The 1968 Interstate System Cost Estimate," House Document Numbered 199, Ninetieth Congress, within the District of Columbia which are not specified in subsection (b) and shall report to Congress not later than eighteen months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans, and if no such recommendations are submitted within such eighteen-month period then the Secretary of Transportation and the government of the District of Columbia shall construct such routes, as soon as possible thereafter, as required by subsection (a) of this section.

(d) For the purpose of enabling the District of Columbia to have its Federal-aid highway projects approved under section 106 or 117 of title 23, United States Code, the Commissioner of the District of Columbia may, in connection with the acquisition of real property in the District of Columbia for any Federal-aid highway project, provide the payments and services described in sections 505, 506, 507, and 508 of title 23, United States Code.

(e) The Commissioner of the District of Columbia is authorized to acquire by purchase, donation condemnation or otherwise, real property for transfer to the Secretary of the Interior in exchange or as replacement for park, parkway, and playground lands transferred to the District of Columbia for a public purpose pursuant to section 1 of the act of May 20, 1932 (47 Stat. 161; D.C. Code, sec. 8–115) and the Commissioner is further authorized to transfer to the United States title to property so acquired.

(f) Payments are authorized to be made by the Commissioner, and received by the Secretary of the Interior, in lieu of property transferred pursuant to subsection (e) of this section. The amount of such payment shall represent the cost to the Secretary of the Interior of acquiring real property suitable for replacement of the property so transferred as agreed upon between the Commissioner and the head of said agency and shall be available for the acquiring of the replacement property.

The District of Columbia Committee in the 1970 revenue bill also made an attempt to help settle the impasse which had developed in the freeway—rapid rail transit programs. In the bill from this committee we find the following provision:

SEC. 903. No funds may be appropriated for any fiscal year under article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47–2501a–47–2501b) until the President of the United States has reported to the Congress that (1) the District of Columbia Government has begun work on each of the projects listed in section 23(b) of the Federal Aid Highway Act of 1968 and has committed itself to complete these projects, or (2) the District of Columbia Government has not begun work on each of those projects, or made or carried out that commitment, solely because of a court injunction issued in response to a petition filed by a person other than the District of Columbia or any agency, department, or instrumentality of the United States.

Prior to the time the District of Columbia Committee and the Public Works Committee attempted to help settle the freeway-rapid transit impasse, we passed

through 10 hectic years. Just to cite a few of the events that took place during this period we had:

First, well over $10 million invested in plans for an Interstate System by the District that were not used and were filed away.

Second, over $200 million has accumulated in Federal and District of Columbia funds to be used in the freeway program as this impasse is settled.

Third, Chairman of the National Capital Transportation Agency for a number of years made every move possible to destroy the Freeway System.

Fourth, the Chairman of the National Capital Planning Commission moved heaven and earth to destroy the freeway program and finally the Washington newspapers demanded that this Chairman not be reappointed.

Fifth, in 1964 the House recommitted the bill authorizing the construction of a rapid rail transit system due to the fact that the cost was not adequately presented to the House and the total mileage was also indefinite as presented.

Sixth, in 1965 the National Capital Transportation Act provided for a 25-mile rapid rail transit system at a cost of $431 million with $100 million to be Federal and $50 million to be the District of Columbia share and with the balance evidenced by bonds. The bonds were to be retired out of the fare box.

Seventh, the National Capital Transportation Act of 1939 authorized a regional transit system at a total cost of $2.5 million with $1,147,044,000 to be in Federal grants, $216,500,000 to be the District of Columbia share and with the suburban jurisdictions paying $357,000,000 the balance of $835,000,000 would be raised through revenue bonds issued by the Washington Metropolitan Area Transit Authority.

Eighth, in the year 1966, which was after the authorization for the construction of the rapid rail transit 25-mile system, the House refused to appropriate funds for the rapid rail system until the freeway impasse was solved. After the District of Columbia appropriation bill for that year passed the House the National Capital Planning Commission and the District officials finally agreed to start the freeway system and in conference with the Senate our Committee on Appropriations receded and agreed to release the money for the rapid rail transit system. After this action took place a lawsuit was filed which requested that the freeway system be brought to an end. This suit was filed and in February of 1968 the freeway system was stopped by the Circuit Court of Appeals.

Ninth, then we have the Highway Act of 1968 enacted.

Tenth, on April 28, 1969, President Nixon in his message to the Congress on the District of Columbia, stated in part as follows:

> Mass transit must be part of a balanced transportation network. A subway will not relieve local governments of the duty to modernize and improve their highway systems and other forms of transportation, so that all citizens have an adequate choice as to how they travel. Clearly the impasse that has arisen between proponents of road and rail transportation in the Washington metropolitan area has contributed little to the progress of either. There are, however, hopeful signs that a fair and effective settlement of these issues will be reached in the near future. It is in the interest of all those involved—central city dwellers, suburbanites, shoppers, employees, and visitors alike—that this be done.

Eleventh, on August 12, 1969, I received the following letter from President Nixon:

> DEAR BILL: Your diligent efforts through the years to insure that the district of Columbia will enjoy a balanced transportation system are very much appreciated by all of us who are concerned with the welfare of our Capital City. As you know, I have previously expressed my desire that a fair and effective settlement of the issues involved in the transportation controversy be reached to serve the interests of all those concerned —central city dwellers, suburbanites, shoppers, employees, and visitors. It is my conviction that those steps necessary for a fair and effective settlement have been taken.
>
> The City Council of the District of Columbia has now voted in favor of a resolution to complete the requirements of a Federal Aid Highway Act of 1968. Immediately thereafter, the Commissioner of the District of Columbia directed the Department of Highways to implement immediately the requirements of the act. The Secretary of Transportation has directed the Federal Highway Administrator to rescind the letter of his predecessor dated January 17, 1969, thus placing these projects back into the Interstate System. Furthermore, the Federal Highway Administrator has been directed to work closely with the Highway Department of the District of Columbia in order to continue work until completion of all projects and the study called for in the Federal Aid Highway Act of 1968. I trust that these actions will fulfill the criteria which you set forth in your statement of August 11, 1969.
>
> The District of Columbia Government is firmly committed to completion of these projects as the Federal Aid Highway Act of 1968 provides. I join the District of Columbia Government in that commitment, and I have directed the Attorney General and the Secretary of Transportation to provide assistance to the corporation counsel of the District of Columbia to vigorously defend any lawsuits which may be filed to thwart the continuation of the projects called for by this act.
>
> A balanced transportation system is essential for the proper growth and development of the District of Columbia. I hope that this evidence of tangible progress would permit us to assure the citizens of the District of Columbia that your subcommittee will be in a position to approve the $18,737,000 deleted from the supplemental appropriation bill together with the $21,586,000 in the regular appropriation bill for the District of Columbia for fiscal year 1970.
>
> With cordial regards,
> Sincerely,
>
> RICHARD NIXON.

Twelfth, on September 24, 1969, our Committee on Appropriations recommended that rapid rail transit funds be released and shortly thereafter actual construction of the rapid rail transit system started. A few weeks following our action in releasing construction funds for rapid rail transit, another suit was filed in Federal court.

Mr. Chairman, judging from some of the statements that have been made you would assume that only the District of Columbia Committee, the Public Works Committee, and the Appropriations Committee want a freeway system constructed in our Capital City. All down through the years, Washington's two leading newspapers have consistently stated that a balanced system of transportation is necessary for our Nation's Capital which would consist of a freeway-rapid rail transit system.

On July 14, 1968, the Sunday Star in an editorial entitled "Freeway Letter" stated in part as follows:

> Mayor Washington and City Council Chairman Hechinger have urged the Senate-House conferees to strike from the highway bill language which would require the District to proceed with the construction of a freeway system. We think the mandatory language should be kept in the bill and that it should be approved by Congress.
>
> Without such a directive there is little likelihood that work on the freeways will go forward. And lacking an adequate freeway system, combined with rapid transit, the economic life of this city is bound to stagnate. Those who have succeeded in stalling freeway construction for so long are not so much opposed to particular items in the plan; they are against any new freeway facilities. They will kill the whole thing if they can.

The Washington Post in an editorial which appeared in the June 21, 1968, issue entitled "D.C. Freeway Network" stated in part as follows:

> The House Public Works Committee has wisely included the long-stalled District of Columbia freeway projects in its omnibus Federal highways bill. If this legislation is passed, the District will have a mandate to go ahead with its controversial freeway network without further wrangling. At this point many objective observers find it impossible to believe that any law will end the dispute. But there is a powerful argument for Congress to go as far as it can in making the policy decision even if it cannot at this time resolve all the controversial details.
>
> In our view the Potomac Expressway to connect with the George Washington Memorial Parkway on the Maryland side of the river, the North Central Freeway, the Three Sisters Bridge and completion of the inner loops are essential to give this city a modern transportation system.

Again, on July 5, 1968, the Evening Star in an editorial entitled "Freeways and Parking" stated in part as follows:

> Representative Kluczynski, chairman of the Public Works Subcommittee on Roads, was right on target when he told his colleagues that "Washington as a living, operating city will cease to exist" without freeways. In our opinion, this cannot be successfully disputed, certainly not by rhetoric of the case variety. A completed freeway pattern is an essential element of the balanced transportation system planned for this community. The Senate approved provisions in its own bill to ease the impact of freeways on residences and businesses that might be affected. We hope this signifies an intent to deal realistically and forthrightly with a problem which will have calamitous consequences for this city if it is not resolved in the immediate future.

On July 27, 1969, the Washington Post in an editorial entitled "A Helicopter in Every Garage" stated in part as follows:

> So we come down to the nitty gritty—the Three Sisters Bridge and the North Central Freeway. Secretary Volpe says he is going to meet with "all concerned parties" and work "toward a complete solution." That's where he was many weeks ago when President Nixon asked him to do something about the prob-

lem. Tied up in this controversy is the fate of Washington's urgently needed mass transit system. The House of Representatives is unlikely to release money to go ahead with the subway system until the administration clearly signals its intent to carry out the 1969 Highway Act ordering a go-ahead for Three Sisters and a comprehensive 18-month study of the North Central Freeway.

On June 30, 1968, the Sunday Star in an editorial entitled "Congress Must Act" stated in part as follows:

The necessity for Congress to end the ridiculous controversy over Washington freeways by compelling the completion of a moderate, rational highway system has been evident for a long, long time. This week, at last, the House of Representatives will have the opportunity to begin that process. Its Members should not hesitate to do so.

Fortunately, the House Public Works Committee has given assurance that the issue will be faced by inserting a District freeway mandate in the high-priority administration bill—scheduled for debate tomorrow—to extend and broaden Federal aid to highway programs throughout the country.

It is hard to think of a more fitting legislative vehicle. For the national bill contains long-neded reforms, especially in terms of expanded Federal assistance to persons displaced by highways, which have a direct pertinence to the District dispute

A fight on the House floor nevertheless seems assured, since three committee members already have filed a minority report against the District mandate. It seems to us, however, that their arguments have added nothing new to the tired old tirades of those people who seem to believe that the best way to deal with automobiles is to ignore them.

The Chamber of Commerce and the Board of Trade of the District of Columbia are very much in favor of a balanced system of transportation for our Nation's Capital consisting of a freeway system and a rapid rail transit system. Within the last few days I received a letter from the president of the Metropolitan Washington Board of Trade which states in part as follows:

As you may know, we strongly endorse the balanced transportation program which the Congress has firmly supported. We believe it is quite essential to the economic future of the National Capital that these funds be cleared during this session of Congress so construction can proceed on the subway and freeways. We are greatly concerned that any further delay may accelerate the already serious erosion of confidence in the economic future of this city.

The majority of the people who pay the taxes necessary to operate our Capital City are for a balanced system of transportation. Those people who love and respect this city want this impasse settled and they want it settled now. They do not agree with the statement made several years ago by one of the dissidents that there shall be no more exists or entrances into our city.

Mr. Chairman, I intend to support the Public Works Committee. I hope that the committee will pass this bill as it was presented to the House and permit the Public Works Committee to take the bill to conference so that an agreement can be reached which will be for the best interests of our Capital City and for the best interest of a balanced transportation system.

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

(On request of Mr. ADAMS, and by unanimous consent, Mr. NATCHER was allowed to proceed for 2 additional minutes.)

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

Mr. NATCHER. I would be happy to yield to the gentleman from Washington.

Mr. ADAMS. I am very pleased that the gentleman would yield and I thank him for it.

Mr. Chairman, I have no quarrel with the gentleman in the well or with the basic history on this matter. I think the gentleman in the well will agree with me that I first entered into this picture in 1969 at the time the 1969 revenue bill was pending. We did make a compromise and that compromise was supported by the papers and others as stated by the gentleman because it would finish this system and build the subway, and that is all I want to have happen. I am not critical of the Public Works Committee or any other group or person so long as we keep our word on the specifics.

I have gone through the system. Part of it is already open, part of it is in the process of being constructed, but what is happening in this bill—and this is the time I think we have to thresh it out because as the gentleman from Kentucky has said, after it becomes law we are in trouble—is that a change was made because of the last study. This is not asking for another study. This amendment does not refer to a study for building the North Central Freeway or the construction of the Northeast Freeway. All I am saying to the gentleman is that we should not in this bill—because I do not think the Public Works Committee has a great feeling about one recommendation as opposed to another—mandate the North Central Freeway to go through the Northwest instead of the industrial New York Avenue freeway. The bill already provides for completing the loop on the outer side, for completing the center loop and the Three Sisters Bridge, as well as completing something that will connect in the center.

I say to the gentleman and plead with the gentleman to support us in our plea and that is we simply want to carry out the compromise of 1969, and I plead with the gentleman for his opinion.

Mr. NATCHER. Mr. Chairman, let me say to my distinguished friend—and he is my friend—back in 1955 when the Commissioner of Roads allocated the urban mileage, my friend, the gentleman from Maryland (Mr. FALLON) remembers that the mileage for the State of Maryland, and the mileage for the State of Virginia and the District of Columbia was approved at that time. The State of Maryland and the State of Virginia made their plans and they made their surveys and they expected the District of Columbia to carry out its commitments. After 10 long years the action of the Public Works Committee is proper in every respect.

Mr. ADAMS. I agree with the gentleman, but would not the gentleman agree that we did this and we completed this in 1968 and 1969. We finished it. The past history is over.

We do not want to turn over new dirt with a new shovel and start a new controversy by adding to this bill projects that were not required in the 1968 act. That is what this amendment, if adopted, proposes to avoid.

Mr. NATCHER. I would like to say to the gentleman that there are no projects in this bill that were not in the Highway Act of 1968. If I am wrong about that, I want the chairman of the Subcommittee on Roads, the gentleman from Illinois (Mr. KLUCZYNSKI), to correct me.

Mr. ADAMS. I am asking the gentleman for only an explanation so that we will not have any question about it.

Mr. NATCHER. I do not know of any project in this bill that we did not have in the 1968 bill.

Mr. KLUCZYNSKI. The gentleman from Kentucky is correct. We authorized all the projects in the 1968 act.

Mr. ADAMS. I am asking specifically if it were not stated that the northeast, North Central Freeway, project 17, was required to be studied and a return was to be made on that study. They made that return and they recommended what should be built. It was not mandated by the committee that they build the North Central Freeway as now required by this act.

Mr. KLUCZYNSKI. The entire system has been covered.

Mr. ADAMS. I am not questioning that same statements were made but under section 23(b) the North Central Freeway was definitely not mandated by this Congress.

Mr. SCHWENGEL. Mr. Chairman, I move to strike the requisite number of word, and I rise in support of the amendment.

Mr. Chairman, I appreciate this opportunity to speak in opposition to section 129 of the Federal-Aid Highway Act of 1970, which concerns itself with the construction of certain highways within the District of Columbia. I am certain that when my colleagues are informed of the circumstances surrounding this issue and honestly ponder on the consequences they will join with me in removing this section from the bill, H.R. 19504, in its entirety.

There are several points to be made in demonstrating why this section should be stricken from the Federal-Aid Highway Act of 1970.

First, as has already been pointed out, section 129 is in violation of House rule XI which governs the jurisdiction of the Subcommittee on Roads as well as the full Committee on Public Works. Subparagraph (C) of section 16 of this rule states:

It shall not be in order for any bill providing general legislation in relation to roads to contain any provision for any specific road, nor for any bill in relation to a specific road to embrace a provision in relation to any other specific road.

Section 129 is in direct violation of this rule since it pertains to the specific routes; Interstate 66, 70–S, 95, 295, and

695 within the District of Columbia. The Federal-Aid Highway Act of 1970 is itself a general highway bill. This section, therefore, is in direct disagreement with House rule XI. If we allow this section to be passed along with the general legislation, it would create a dangerous precedent for pork-barrel highway legislation and could possibly weigh down future bills with specific interstate routes, which House rule XI was designed to eliminate.

In addition, the Federal Aid Highway Act of 1956 set up a working partnership between the States and the Federal Government. The States were to present their plans to the Bureau of Public Roads asking that the Bureau reimburse the State for up to 90 percent of the cost of interstate highway construction. Section 129, however, demands the construction of certain District highways without regard for the planning or recommendations of the District government. What better way to remove public confidence in the Interstate Highway System than to demand the building of highways which adversely affect the lives of private citizens even after they have raised unified opposition to such highways.

The second point, therefore, is that since it is the residents of the District of Columbia who must sacrifice their homes, businesses and recreational areas in order that these highways be completed, they should have the basic democratic right to decide whether or not this construction should take place.

Certainly, the opposition to urban sections of the Interstate System has been growing in other cities of the country and the duly elected officials of those areas have responded to the wishes of their constituents. Gov. Francis W. Sargent of Massachusetts, for example, has declared a moratorium on most road-building in the Boston area, pending further study of the social and environmental consequences of these new roads. Around the Nation various portions of highways have been delayed or cancelled due to the cries of public outrage to these projects. Why should the citizens of the District of Columbia be treated in a different manner from citizens in any other city in the country? Why should we have double standards?

A statement by President Lincoln portrays this situation much more eloquently than I could ever attempt to state it.

This he said in response to people from the district who even then had problems similar to present day problems. He said:

> I have not now, and never had, any disposition to treat you in any respect otherwise than as my neighbors. I have not now any purpose to withhold from you any of the benefits of the Constitution, under any circumstances, that I would not feel myself constrained to withhold from my neighbors. I hope that, if things shall go on as prosperously as I believe we all desire they may, I may have it in my power to remove something of this misunderstanding, that I may be enabled to convince you, and the people of your section of the country, that we regard you in all things our equals and in all things entitled to the same respect and the same treatment that we claim for ourselves: That we are in nowise disposed, if it were in our power, to oppress you, to deprive you of any of your rights under the Constitution of the United States, or even to split hairs with you in regard to those rights but are determined to give you, as far as is in our hands all your rights under the Constitution, not grudgingly, but fully and fairly.

How indeed can we, as we stand here in this very cradle and symbol of freedom, treat our neighbors in the District of Columbia with any less consideration than we show toward our neighbors and constituents in our respective congressional districts?

It is correct that the Congress possesses unique powers and responsibilities in legislating for the Nation's Capital, but this does not give the Congress the right to abuse this power when it is contrary to the interests of the citizens of the District who must pay the high cost in homes, jobs, and the air they breathe. Since 1940, for example, the central or "Federal City" area of the District has lost more than one-third of its population. Homes have been replaced by highways and parking lots. More than 60 percent of the central business district is now devoted to highways and off-street parking for motor vehicles. It should be evident by now that more highways and parking lots are not the answer to the transportation crisis in the District of Columbia. As Members of Congress we must realize that what we need to do is transport more people in fewer vehicles. There is already a critical shortage of parking spaces in the District. It would be unrealistic to believe that new facilities of this type could keep pace with the growing number of automobiles. In addition, automobile emissions are a primary cause of pollution in the Nation's Capital. The obvious solution to these problems is a rapid transit system capable of transporting large numbers of people swiftly about the city. The citizens of this city have accepted, indeed encouraged, the development of such a system within their city. The District planning groups and the Congress have approved the plans for the construction of a subway system which would greatly expedite the movement of people around the city. The construction of this subway, however, raises another controversial aspect of section 129. The Congress has informed the citizens and Government of the District of Columbia that before the funds necessary for the construction of a rail rapid transit system are released, they must agree to build the controversial highway segments mentioned in section 129 of this bill. The history of this action began with the passage of section 23 of the "1968 Federal-Aid Highway Act." This section, the cause of much debate and legal action, pertains to the controversial highway sections of which section 129 of the present bill is a consequence. Rarely has there been legislation passed by the Congress concerning the District of Columbia which has evoked such a unanimous cry of outrage from its citizens.

If this situation is to be remedied, section 129 must be removed.

Mr. Chairman, the action taken earlier this week by the House District Subcommittee gives even further reason for rejecting section 129 of H.R. 19504, if further justification is really necessary. Reports carried in the press, indicate that the House District Subcommittee has voted to force the District to build the North Central Freeway before it can receive the additional $15 million dollars so badly needed for this year's budget. This sort of blackmail is intolerable. By virtue of having decided to authorize the additional funds, the subcommittee presumably made a finding of sufficient needs to justify the expenditure of these funds. To then say to the District, despite the fact we know you need these funds, you can't have them until you build the North Central Freeway, is blackmail of the worst sort.

The situation is further aggravated by the fact the action of the subcommittee came before the House had even completed action on the highway bill.

The only fair response to these high-handed tactics is to soundly reject section 129 of H.R. 19504.

The people of the District of Columbia have not "had their day in court." Let us not deprive them of that basic right.

Mr. Chairman, at this point I should like to clarify one item contained in the majority report on H.R. 19504. It seems to me the majority report contains several inaccuracies with respect to the Transportation Planning Board of the Council of Governments. At page 23, the committee report states:

> Section 134 of title 23 requires as a prerequisite for approval of highway programs in any urbanized area in the entire country that such programs be based on a continuing comprehensive transportation planning process carried on cooperatively by states and local communities. In the Washington, D.C. area the Transportation Planning Board of the Council of Governments has been officially designated to perform this function.

The report then goes on to observe:

> That body rejected in February of 1969 the highway plan then espoused by the District Government. The Board reaffirmed its position in Feb. of 1970 and emphasized the need for I–70S and I–95 in the District and in Maryland. The Board approved the plan envisioned in the 1968 Highway Act before that Act became law.

I do not believe the committee's report summary of the purpose and function of the Transportation Planning Board of the Council of Governments is accurate.

In 1952, the Congress enacted the National Capital Planning Act. That act created the National Capital Planning Commission and designated the Planning Commission as the central planning agency for the Federal and District Governments, to plan the orderly development of the National Capital. The Planning Commission was charged with the duty, among other things, of preparing and adopting a comprehensive plan for the National Capital. As an element of this comprehensive plan, the Planning Commission was required to prepare a major thoroughfare plan. Following the preparation and adoption of the major thoroughfare plan by the Planning Commission, the National Capital Planning Act of 1952 requires that plan to be submitted to the District of Columbia

City Council. If approved by the Council that plan shall be deemed to be the approved plan.

The Transportation Planning Board of the Council of Governments, on the other hand, originated as an ad hoc body without any official status. When—more than 5 years ago—it appeared that the District Government was participating in the Board's activities without authority, the Congress provided authority in the 1966 District Revenue Act. The House District Committee's Report on the 1966 Revenue Act, however, expressly stated that it was not the intention of the Congress to place any limitation on, or repeal any provision of, the National Capital Planning Act of 1952. Mr. Chairman, I place the pertinent section of the House District Committee's report in the RECORD—House Report No. 1135, 89th Congress, first session, dated October 9, 1965:

TRANSPORTATION PLANNING BOARD

Following the completion of hearings on this bill, your committee was advised that the Board of Commissioners had approved a resolution calling for participation by the District of Columbia in a continuing comprehensive transportation planning process for the National Capital region. Although, for several years, the District of Columbia has cooperated with officials of State and local government jurisdictions of the adjoining States of Virginia and Maryland on matters related to transportation planning, Congress had given no legislative authorization to the Board of Commissioners to engage in or secure appropriations for the activities called for in the resolution.

Because of the stated need for participation by the District of Columbia in such planning processes to comply with the provisions (sec. 134 of title 23, United States Code), relating to interstate planning on Federal-aid highway projects, section 406 was added by your committee to the reported legislation. This section approves the action previously taken by the Board of Commissioners and authorizes appropriations to the District government for its pro rata share of the costs of such transportation planning process. This is to avoid any question as to the eligibility of the District of Columbia for Federal highway aid.

Under the agreement between the District of Columbia and the surrounding jurisdictions, a Transportation Planning Board is established. The voting membership of this Board, established prior to the approval of the resolution by the Commissioners, is composed of the three area highway directors, three elected officials from suburban Maryland, three elected officials from suburban Virginia, three representatives selected by the District Commissioners, and one representative of the Federal Government appointed by the President. Nonvoting members represent the Bureau of Public Roads, the Housing and Home Finance Agency, the National Capital Transportation Agency, and the Washington Metropolitan Area Transit Commission.

Since the Congress will not have had any opportunity to review either the adequacy and balance of the representation for the Federal and District interest on the Transportation Planning Board or to review the agenda of the Board established in advance of the District becoming a party to the agreement, it is the intent of the committee that the authorization provided in section 406 shall not be construed as approval of any plans which may be developed by the Planning Board or as any limitation on or repeal of provisions of previous enactments by Congress for comprehensive transportation planning in the National Capital Planning Act of 1952, the National Capital Transportation Act of 1960, and the Highway Extension Act of 1893, as amended.

Mr. Chairman, in December 1968, the National Capital Planning Commission adopted, and the District of Columbia City Council approved, a major thoroughfare plan as part of the Comprehensive Plan for the National Capital pursuant to the National Capital Planning Act of 1952. That plan did not include 3 of the interstate highways included in section 129 of the present bill—the North Central and Northeast Freeways and the east leg of the inner loop north section.

The Transportation Planning Board of the Council of Governments has never produced a highway plan of any kind. Most of its so-called approvals of highway projects in the National Capital region have been given under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and not under the Federal-Aid Highway Act. Furthermore, the Board has consistently rubber-stamped highway proposals made by the highways directors of the District, Maryland, and Virginia, who are voting members.

Mr. Chairman, it is the National Capital Planning Commission—not the Transportation Planning Board—which Congress has designated the central planning agency for the National Capital. The Planning Commission's authority to plan interstate highways for the Nation's Capital is paramount. I believe that no interstate highway project that is inconsistent with the Planning Commission's major thoroughfare plan could be approved for construction by the Secretary of Transportation under section 134 of the Federal-Aid Highway Act, whether or not section 129 is adopted. Certainly no action taken by the Transportation Planning Board can affect the validity of the major thoroughfare plan adopted and approved pursuant to the National Capital Planning Act of 1952.

I would like to insert in the RECORD at this point the complete additional views of the gentleman from New York (Mr. MCCARTHY) and myself with respect to H.R. 19504:

ADDITIONAL VIEWS OF HON. FRED SCHWENGEL AND HON. RICHARD D. MCCARTHY OPPOSING SECTION 129 OF H.R. 19504

We oppose section 129 of H.R. 19504 and urge that the House delete this section from the bill for the following reasons:

1. Section 129 violates the House rules governing the jurisdiction of this committee and creates a precedent that could be used to attempt to compel the construction of interstate highways in cities throughout the United States in the face of citizen opposition.

2. Section 129 attempts to deprive District citizens of the right to participate in deciding whether interstate highways that drastically affect them should be built.

3. The interstate highway program in the Nation's Capital will desecrate the city and gravely harm its business and its people.

4. The interstate highway program in the Nation's Capital is totally lacking in planning justification and is overexpanded and unnecessary.

5. Section 129 will provide a basis for continuing to impose upon District citizens an interstate highway system they do not want as the price for their support of rapid transit.

I. SECTION 129 VIOLATES A RULE OF THE HOUSE GOVERNING THE JURISDICTION OF THIS COMMITTEE AND CREATES A PRECEDENT FOR PORK-BARREL HIGHWAY LEGISLATION

House Rule XI, 16 governs the jurisdiction of the House Committee on Public Works. Subparagraph (c) of section 16 specifically and plainly provides:

"It shall not be in order for any bill providing general legislation in relation to roads to contain any provision for any specific road, nor for any bill in relation to a specific road to embrace a provision in relation to any other specific road.

This rule was adopted in 1913 as part of a resolution creating the Committee on Roads (H. Res. No. 104, 63d Cong., 1st Sess.). Hon. Dorsey Shakleford of Missouri, the first Chairman of the Roads Committee, explained that the rule was designed to prohibit route selection by log-rolling (Cong. Rec., June 2, 1913, 63d Cong., 1st Sess., p. 1858):

"We have had an example before us of a pork-barrel bill in the shape of a public-building bill, and it was intended here to cut off any such legislation as that in relation to roads. It was intended that if a bill was brought in containing general provisions for the construction that maintenance of roads that Members would not be permitted to load it down with specific roads. We all know the vice of omnibus-bill legislation, and the purpose of these exceptions is to make it impossible to have any fog-rolling or an omnibus bill."

Section 129 of H.R. 19504 is part of general legislation to amend the Federal-Aid Highway Act. But that section relates to five specific interstate highways in the District of Columbia: Interstate Routes 66, 70–S, 95, 295 and 695. The District Highway Department's 1968 Cost Estimate, to which Section 129 refers, contains a precise description of each highway. It includes maps of the proposed routes, cross section references for design, roadside improvements, utility adjustments, and a myriad of other technical details. It is difficult to imagine any more specific provision for specific roads in a bill providing general legislation in relation to roads. It is difficult to imagine any more blatant violation of House Rule XI, 16(c).

In the context of general amendments to the Federal-Aid Highway Act of 1956, House Rule XI, 16(c) is particularly important. Members of Congress lack the planning and engineering expertise to have the last word on the necessity, desirability, location and design of interstate highways. Under the Federal-Aid Highway Act, these decisions were wisely left to local governments and local planning experts, working in cooperation with federal officials. The state governments (including the District of Columbia) plan the interstate highways and present their plans to the Bureau of Public Roads of the Department of Transportation, asking that the Bureau agree in advance of construction to reimburse the state for 90% of the cost. If the Bureau approves a project as complying with the established nation-wide standards for interstate highways, the state government then constructs the highway itself—letting the contracts, supervising the work, paying the cost—and requests reimbursement from the Bureau. Section 129, however, would direct the District to construct specific highways in particular locations with detailed design characteristics, whether or not the highways have been planned or approved by the District Government in the manner prescribed by District law.

State and federal highway administrators have worked together for decades to create professional partnership in implementing the greatest public works program in history. But it is a partnership, not a dictatorship.

If Congress attempts to resolve highway controversies, such as that in the District, through the device of amendments to the Federal-Aid Highway Act, this partnership would be undermined and public confidence in the interstate highway program would be destroyed. The periodic amendments to the Federal-Aid Highway Act would become, as Representative Shakleford warned fifty-seven years ago, log-rolling or omnibus bills loaded down with provisions directing state governments and federal officials to construct specific roads. Even more important, violating House Rule XI, 16(c) by passing Section 129 will constitute a disregard of the law that supposedly binds the House—a demonstration to the country that law and order are subservient to expediency.

II. SECTION 129 ATTEMPTS TO DEPRIVE DISTRICT CITIZENS OF THE RIGHT TO PARTICIPATE IN DECIDING WHETHER INTERSTATE HIGHWAYS THAT WILL DRASTICALLY AFFECT THEM SHOULD BE BUILT

Section 129 of H.R. 19504 directs the District of Columbia government to commence work, not later than thirty days after enactment, on (1) the north section of the East Leg of the Inner Loop, from Bladensburg Road near the southwest corner of the National Arboretum to 10th and Rhode Island Avenue, N.E., and (2) the North Central-Northeast Freeway, from 10th and Rhode Island Avenue, N.E., to the District line near Silver Spring, Maryland. It deletes the South Leg of the Inner Loop, near the Lincoln Memorial, from the District's interstate highway system. And it directs the District government and Secretary of Transportation to study the North Leg of the Inner Loop, across the heart of the city, and report their recommendations, including any recommended alternative routes or plans, to the Congress within twelve months after the date of enactment.

Section 129 is an unhealthy appendix to Section 23 of the 1968 Federal-Aid Highway Act. No legislation for the District of Columbia has evoked a more anguished or unanimous cry of protest from its people than Section 23 of the 1968 Federal-Aid Highway Act. That section provides:

"(a) Notwithstanding any other provision of law, or any court decision or administrative action to the contrary, the Secretary of Transportation and the government of the District of Columbia shall * * * construct all routes on the Interstate System within the District of Columbia as set forth in the document entitled "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia" * * *. Such construction shall be undertaken as soon as possible after the date of enactment of this Act, except as otherwise provided in this section, *and shall be carried out in accordance with all applicable provisions of title 23 of the United States Code.*

"(b) Not later than 30 days after the date of enactment of this section the government of the District of Columbia shall commence work on the following projects:

"(1) Three Sisters Bridge, I-266 (Section B1 to B2).

"(2) Potomac River Freeway, I-266 (Section B2 to B4).

"(3) Center Leg of the Inner Loop, I-95 (Section A6 to C4), terminating at New York Avenue.

"(4) East Leg of the Inner Loop, I-295 (Section C1 to C4), terminating at Bladensburg Road.

"(c) The government of the District of Coumbia and the Secretary of Transportation shall study those projects on the Interstate System set forth in 'The 1968 Interstate System Cost Estimate' . . . which are not specified in subsection (b) and shall report to Congress not later than 18 months after the date of enactment of this section their recommendations with respect to such projects including any recommended alternative routes or plans. * * *"

The interstate highways specified in Section 23 of the 1968 Federal-Aid Highway Act would drastically affect the citizens of the District of Columbia—their homes, their jobs, the air they breathe, the quality of their lives. Section 23 appeared to deny these Americans the fundamental, democratic right to participate in deciding whether these interstate highways should or should not be built. Section 23 appeared to compel construction without the protections afforded by the planning and approval provision of either the Federal-Aid Highway Act or District law.

Opposition to Section 23 of the 1968 Federal-Aid Highway Act was so intense—both within the District and throughout the country—that President Johnson chose to interpret it as preserving the fundamental rights it appeared to deny District citizens. Upon signing the Act, he said:

"By far the most objectionable feature in this bill is the requirement that the District of Columbia Government and the Secretary of Transportation construct all interstate routes passing within the District as soon as possible—with the District required to commence work on four specific projects within 30 days. These provisions are inconsistent with a basic tenet of sound urban development—to permit the local government and the people affected to participate meaningfully in planning their transportation system.

"Under the Constitution, the Congress does possess special and unique responsibilities—different from its powers over fifty states—to legislate for the Nation's Capital. The desire of the Congress to move forward with the construction of a highway system to serve the Washington area is understandable. But it is vitally important that these roads be constructed in accordance with proper planning and engineering concepts and with minimum disruption of the lives of District citizens.

"Fortunately, the Congress has called for construction only in accordance with the applicable provisions of the Federal highway law.

"If the authority of the Executive Branch were not so preserved, I would have no choice but to veto this bill as an infringement of basic principles of good government and Executive responsibility.

"I am advised that under Federal highway law the Secretary of Transportation is required to approve construction only when:

"Funds are available.

"All rights of way can be obtained.

"These projects are shown to be appropriate links in a comprehensive transportation plan for the District.

"Other requirements of sound highway construction are met." [1]

Last April, the United States Court of Appeals for the District of Columbia Circuit upheld President Johnson's interpretation of Section 23 in a landmark decision involving the Three Sisters Bridge. The District and federal defendants in the case contended that Section 23 rendered the planning and approval requirements of the Federal-Aid Highway Act inapplicable to the Bridge. But Circuit Judge J. Skelly Wright's opinion pointed out that this interpretation "would result in discrimination between District residents affected by the Bridge and all other residents affected by highway projects in their localities." Referring specifically to the federal law's requirements for public hearings—"the only form of direct citizen participation in decisions about the construction of massive freeways, decisions which may well have more direct impact on the lives of residents than almost any other governmental action"—Judge Wright warned that the defendants' interpretation of Section 23 "would condemn it as unconstitutional." His opinion also pointed out that the planning requirements of District law were not affected by Section 23 because they were not "to the contrary." (*D.C. Federation of Civic Associations* v. *Volpe*, No. 23, 870, decided April 6, 1970).

The United States Court of Appeals has interpreted Section 23 of the 1968 Federal-Aid Highway Act to provide for equal treatment of District citizens in order to make it constitutional. If Section 129 of the present bill is enacted, it would be subject to the same constitutional defect as Section 23. Of course, Congress might deprive citizens all over the whole country of an opportunity to participate meaningfully in deciding whether interstate highways should be built. But nobody advocates that. Only in the District, where American citizens have no real voice in their own government, would Congress attempt to deprive the people of a voice in planning interstate highways. It is hard to conceive of action more conducive to disrespect for the law in the District of Columbia than enacting Section 129 of the present bill, which disregards and pretends to destroy the long-standing right of the people of the District to participate in planning interstate highways, a right which a Federal Court upheld only a few months ago.

III. THE INTERSTATE HIGHWAY PROGRAM IN THE NATION'S CAPITAL WILL DESECRATE THE CITY AND GRAVELY HARM ITS BUSINESSES AND ITS PEOPLE

The Committee has held no public hearings on Section — of the present bill.

The Committee's hearings on a bill similar to Section 23 of the 1968 Federal-Aid Highway Act, in April, 1968, showed that the District's interstate highway program has become a Frankenstein monster which devours far too great a portion of the District's limited land and financial resources. Through fiscal 1968, approximately $500 million in District of Columbia funds and Federal aid had been obligated for major new highway construction in the District since 1940. Some of this construction has been useful, but much has been overly destructive of homes, businesses, parks, and the best features of decent life in the city. Continuation of this course will bring civic disaster.

A. Preoccupation with highways has wrought severe injury to our Nation's Capital

Since 1940, the central city ("Federal City") area in the District has lost more than one-third of its population. Row houses have been replaced with new highways and parking lots. The city's housing shortage is desperate. More than 60% of the central business district is now devoted to highways and off-street storage of motor vehicles.

Throughout the District, 30% of the land area is pre-empted by highways, while only 35% is privately owned, tax-yielding property. The sprawl generated by past highway construction led to the loss, between 1948 and 1963, of one-fourth of the city's retail establishments. By 1960, over 44 percent of the city's wage earners resided and paid taxes outside of the city.

In return for its highway investment, the city has received increased smog, more traffic fatalities, a drastic loss of patronage in its public transit system, an ever-worsening housing crisis, and permanent scars on residential neighborhoods and monumental areas where older highways have been widened or new highways forced through to make room for more automobile commuters.

B. Congress rejected this all-encompassing devotion to highway ten years ago

When Congress enacted the National Capital Transportation Act of 1960, Congress rejected the recommendations of the "1959

[1] 114 Cong. Rec. 30958–30959 (1968).

Mass Transportation Survey" (MTS), and established a new agency, the National Capital Transportation Agency, to revise that plan. The expanded highway program which MTS had proposed was unacceptable to all—the community, the District of Columbia Commissioners, and the Congress.

The highway program which the Highway Department has proposed for the District of Columbia (embodied in Section 23 of the 1968 Federal-Aid Highway Act and Section 129 of the present bill) is not much different from that rejected by Congress ten years ago. In total cost, in added arterial highway capacity, in destructiveness, the Highway Department's highway program is almost a carbon copy of the program that the public at large, the District Commissioners and the Congress found unacceptable in 1959–60. Although some parks and neighborhoods in Northwest Washington are spared for the moment, relatively greater destruction of parks and neighborhoods will take place in Northeast Washington and along the Potomac and Anacostia River waterfronts.

C. Congress should not become a party to urban suicide in the Nation's Capital

More than ten years ago, in explaining the reasons for the District Commissioners' rejection of the MTS, Engineer Commissioner Welling counseled that the construction of new freeways, which itself encouraged the loss of middle-income and high-income families to the suburbs, also intensified "one of the most critical problems in the District of Columbia: namely, the conditions and welfare of the population living in the deteriorated sections of the city with their ever-increasing requirements for services and facilities other than transportation." That problem is even more critical today. The city and the Nation's Capital simply cannot afford the human and economic costs that would result from the present interstate highway program. These costs, according to estimates by the District Government, are as follows: [2]

(*a*) Destruction of another 180 acres of land in residential use, displacing 15,000 more District residents;

(*b*) Destruction of another 225 acres of land in commercial and industrial use, depriving thousands of workers of their present jobs;

(*c*) Destruction of 245 acres of park, monumental, and other Government-owned land presently used daily by thousands of residents and visitors for recreational purposes;

(*d*) Destruction of 24 acres of land presently used for schools and education;

(*e*) Destruction of 17 acres of land presently used for churches, cemeteries, and other tax-exempt charitable or institutional purposes.

In property taxes alone, the District would lose at least $2 million annually. Including related tax losses resulting from displacement—*i.e.*, losses in income, sales, and corporate taxes—the annual loss to the depleted general fund would likely exceed $6 million each year.

In a January, 1970 report to the District government, the District Highway Department estimated that the North Central Freeway and the north section of the East Leg of the Inner Loop referred to in Section 129 of the present bill would together displace 380 families and 144 businesses. The total cost of construction of approximately four and one-third miles of the North Central Freeway was estimated to be $144 million—approximately $27 million per mile.

[2] These estimates were furnished to the House District Committee in 1965 (Hearings on H.R. 11487, 89th Cong., 1st Sess., pp. 124–25). The highways in the District's 1968 Cost Estimate are the same as those for which estimates were given, but the Center Leg is now partially completed.

D. The Highway program will impose great and unnecessary hardship on people who will be forced to move

The plain and unvarnished fact is that the highway program will, as the Senate Committee said when it reported the NCTA legislation in 1960 (S. Rept. 1631 86th Cong., p. 5), "wreck the city—it will demolish residential neighborhoods, violate parks and playgrounds, desecrate the monumental portions of the Nation's Capital, and remove much valuable property from the tax rolls." Many thousands of District families will be unnecessarily displaced, and the burden of this forced dislocation will bear heaviest, and cause untold hardship, on low-income and middle-income families. The majority of these families will be nonwhite, and the difficulties they would have in obtaining substitute housing are well known.

The District does not provide any facilities for relocation of these people. Public housing in the District has no room for them, if they are eligible, since there already is a waiting list of many thousands of families. The relocation assistance provided in the Federal-Aid Highway Act will not solve the housing shortage or make the refugees from Washington's interstate highways more welcome in the suburbs. These meager bounties cannot begin to pay the highways' cost to the people of the District in dislocation of their lives and destruction of their urban values.

IV. THE DISTRICT OF COLUMBIA INTERSTATE HIGHWAY PROGRAM IS TOTALLY LACKING IN PLANNING JUSTIFICATION, AND IS OVEREXPANDED AND UNNECESSARY

All of the major highway projects completed since 1940, as well as those now under construction, were originally planned on the premise that Washington would have an all-highway transportation system. That policy was changed when Congress, in the National Capital Transportation Act of 1960, directed the planning of a "balanced" transportation system, including rapid transit. The task of planning and recommending such system was given to a new agency, the National Capital Transportation Agency (now the Washington Metropolitan Area Transit Authority). This change of policy was also approved by the National Capital Planning Commission in its "Year 2000 Plan," which stated, as a primary goal for Washington, that "every attempt should be made to encourage rush-hour use of transit to and from Metro-Center."

It is obvious, however, that the highway program specified in Section 23 of the 1968 Federal-Aid Highway Act and Section 129 of the present bill openly mocks and repudiates these planning decisions. Most of the highway projects that have been added since 1960 are radial highways designed to serve the same commuting needs for which rapid transit is being constructed and, in most instances, they are directly competitive with projected rapid transit routes.

The District Highway Department has failed to supply this committee with sound and detailed justification for the highway program specified in Section 129 of the present bill.

Predictions of future traffic growth are based upon the so-called "gravity model" computer forecasting technique originally applied for Washington by the Mass Transportation Survey of 1959. Experience to date verifies that this technique produces ludicrous and meaningless results. Thus, the Mass Transportation Survey based its freeway recommendations primarily upon a "1965" forecast indicating that, without rapid transit (which it correctly assumed would not then be in operation), average weekday traffic between Montgomery County and Washington would increase from 193,000 in 1955 to 494,000 in 1965. Instead, with completion of the Capital Beltway in mid-1964, such traffic actually increased to only 255,000 in 1965. The original forecast, which was the basis for the MTS recommendation that 14 freeway lanes would be urgently needed by 1965, exaggerated actual 1965 traffic by almost 100 percent—an error equivalent to 20 lanes of freeways.

It is also clear that the errors of the MTS cannot be attributed to the fact that the freeways proposed in that study have not been built. Across the Potomac River, where the MTS forecast that by 1965 average daily traffic would be 495,000, all bridges proposed by the MTS for completion by 1965 in fact were completed. Nevertheless, actual traffic was more than 100,000 less than forecast.

It is not surprising that the Arthur D. Little Report of March, 1966, the only independent review of transportation planning in the District, found pervasive shortcomings in the "gravity model" techniques used by MTS and concluded (p. 41) "the validity of *any* transportation plans based on them is open to question."

The Arthur D. Little Report also found that the District's highway plans had grown like Topsy around a basic design of loops and radials that had been chosen in the early 1950's and never "subjected to thorough examination by those responsible for preparing the transportation plans for the area" (p. 61). Because of basic deficiencies in data and traffic forecasting techniques, and because transportation planning had been "carried out with inadequate regard for long-range economic and social impact" (p. x), the Little Report recommended that the District Government "delay action on all proposals for extending the District's freeway network until the highway plan has been re-examined" (p. xi). The recommendations of the Arthur D. Little Report should have been followed. They were not followed. There was no valid reason or justification for not following them.

V. IT IS A NATIONAL DISGRACE TO IMPOSE UPON DISTRICT CITIZENS AN INTERSTATE HIGHWAY SYSTEM THEY DO NOT WANT AS THE PRICE FOR SUPPORTING RAPID TRANSIT

Although no public hearings were held on Section of the present bill, the overwhelming civic protest against accelerated highway construction within the District is well known to the Committee. When hearings were held in April, 1968, a bill similar to Section 23 of the Federal-Aid Highway Act met with unanimous opposition from civic groups, including such District-wide or area-wide organizations as the District of Columbia Federation of Citizens Associations, the District of Columbia Federation of Civic Associations, and the Committee of 100 on the Federal City. Other groups opposing the bill included the following: Democratic Central Committee; Emergency Committee on the Transportation Crisis; Black United Front; Neighbors Inc.; Arlingtonians for Preservation of the Palisades; Assembly of the Faculty of The Catholic University of America; and representatives of numerous churches and individual civic groups such as the Palisades, Georgetown, Brookland, Lamond-Riggs, and North Takoma Park civic or citizens associations. Not a single civic group in the District or Arlington County, Virginia, testified in favor of the District Highway Department's interstate highway program.

A. The highway plans are widely opposed by virtually all elements of the community

The singular and overriding fact that emerged from the hearings in April, 1968 was the unanimity of civic opposition to the present District of Columbia highway program. Never in the history of this committee has there been such an outpouring of civic protest against a highway program. Groups that ordinarily have little in common on

other public issues stood shoulder to shoulder in opposition.

Initially, this protest against expansion of the District's highway program was evident in Northwest Washington where proposals to eviscerate Rock Creek Park, Glover-Archbold Park, and Northwest residential neighborhoods evoked unanimous opposition from civic groups in the area. Action by Congress in 1960, later endorsed by the National Capital Planning Commission and the President, postponed these threats.

The resulting benefits were not overlooked by the residents of this area or citizens elsewhere. Even though there has been no major arterial highway improvement west of Rock Creek or north of M street since 1950, the predicted "strangulation" and "blight" from traffic growth have not materialized in this area. Growth in vehicular traffic in this area during the past decade has been virtually nonexistent. This area alone has not suffered material losses in transit patronage. And, contrary to claims that such a "no nothing" policy on highways would cause deterioration of property values, the tax appraisals in this area increased 44 percent between 1960 and 1965 compared with an increase of 18 percent elsewhere in the city.

By November 1959, when a joint subcommittee of the House and Senate District Committees extensively reviewed the findings of the 1959 Mass Transportation Survey, the flame of public protest had spread to the entire city. In recommending approval of the National Capital Transportation Act of 1960, both the House and Senate reports stated:

"At the same time, the November hearings produced relatively little support for the idea of an expanded highway program. Indeed, many witnesses protested that even the highways already planned will damage the beauty and livability of the Nation's Capital, while taking valuable property off the tax rolls."

When the District Government, in the face of these warning signals, continued to expand its major highway program, the protests grew more persistent. In 1962, a special subcommittee of the House District Committee investigated the expansion and acceleration of highway construction and concluded in its report:

"The testimony taken by the subcommittee on the proposed acceleration of the District's highway program reveals that public opposition to the accelerated highway program, which was vigorously expressed during the aforementioned 1958–60 hearings, has increased with the passage of time. Apart from the testimony by the Engineer Commissioner and representatives of the District Highway Department, the acceleration of the highway program received minimal support. On the other hand, the District Democratic and Republican committees and a considerable number of civic organizations, representing the District and the suburbs, opposed acceleration of the highway program.

"These objections hinge on three basic factors: (1) Relocation and other social problems engendered by the highway program; (2) the impact of the highway program on the District's financial problems; and (3) the need for coordination of transportation planning."

The 1962, special subcommittee investigation confirmed that the District highway planners were secretly ignoring the mandate of Congress in the National Capital Transportation Act of 1960 and were continuing to plan added highway capacity on the unfounded assumption that all increased metropolitan area travel would be by private automobile. Under this rationale, they increased the scope of District highway proposals by over $250 million in the 2 years subsequent to enactment of the 1960 legislation. After another year in which the District highway planners continued to ignore the policy of Congress, President Kennedy, June 1, 1963, found it necessary to direct the District Commissioners to reappraise their entire highway program, not only to assume a balanced transportation system including rapid transit, but also to obtain "a consensus which can command general support."

As far as can be ascertained from the record of the hearing in April, 1968, and previous hearings before Congress, this reappraisal has never been made. Although the District officials say that the present District of Columbia highway program assumes the existence of a complete rapid transit system, they have submitted no evidence to support that proposition. On the contrary, the whole history of the expansion of the highway program since the 1962 investigation demonstrates the falsity of their assertion.

Since the hearings before this committee in April, 1968, District citizens have spoken out again against accelerated highway construction—before the National Capital Planning Commission and D.C. City Council in November, 1968 and before the D.C. City Council again in February, 1970. On November 4, 1969, in connection with the District School Board election, an informal referendum was held on the question, "Do you favor construction of the Three Sisters Bridge and its connecting freeway system?" 84% of the voters voted "No."

This overwhelming civic protest against accelerated highway construction within the District of Columbia is not a device to promote rapid transit by "killing" freeways. The numerous hearings by the House District Committee since 1958 on Washington's knotty transportation problems confirm that public opposition to new highway construction arises from a concern about their neighborhood, their city, and their taxes. Such opposition predated serious consideration of rapid transit plans, and it is destined to continue regardless of decisions on rapid transit development.

It is entirely clear that the interstate highway program embodied in Section 23 of the 1968 Federal-Aid Highway Act and Section 129 of the present bill is totally devoid of community support. Without this essential community support, Congress should not have enacted Section 23 of the 1968 Federal-Aid Highway Act and it should not approve Section 129 of the present bill.

B. Plans for the Washington metropolitan area's metro system, which the Congress has authorized and approved, find unanimous support in the community

Public support for the Washington Metropolitan Area Metro System is a matter of common knowledge. The depth of this community conviction was confirmed in the House District Committee's 1963 hearings on the initial NCTA transit development program. It would ordinarily be expected that the commuter, particularly the auto commuter, would favor additional highways and more intown parking facilities to a rapid transit system. Yet, when asked about their own preferences, 76.3 percent of the bus commuters and 62 percent of the auto commuters throughout the Washington metropolitan area expressed preference for new rapid transit facilities. Between 1957 and 1963 the percentage of Washington area auto commuters who stated that the transportation problem of the area would be better solved by a new rapid transit system rather than by new highways had risen from 47 to 62 percent.

The National Capital Transportation Act of 1965 provided for construction of a 25-mile rail rapid transit system in the District of Columbia. It authorized appropriations not to exceed $150 million—$100 million for the federal portion and $50 million for the District portion. Since that time, an unique experiment in local inter-jurisdictional cooperation has resulted in plans for a 97.2 mile Metro System for the Washington Metropolitan Area. In November, 1968, voters in five metropolitan area jurisdictions approved local financing for the Metro System. The vote in favor averaged 71.4%.

In June, 1969, Joint Congressional hearings were held on the National Capital Transportation Act of 1969, to approve federal financing for more than $1 billion for the Metro System. The Joint Committee's Report declared: "A regional rapid rail transit plan and program is essential for the continued and effective performance of the functions of the Government of the United States, for the welfare of the District of Columbia, for the orderly growth and development of the National Capital region, and for the preservation of the beauty and dignity of the Nation's Capital." The Act was passed by the Congress in November, 1969. It is eminently clear that there is overwhelming public support for the urgently-needed Metro System.

C. The Washington Metropolitan Area Metro System has been held hostage for the District Highway Department's Interstate Highway program

When President Johnson signed the 1968 Federal-Aid Highway Act, he interpreted Section 23 to direct the construction of the specified interstate highways only if they were found "to be appropriate links in a comprehensive transportation plan for the District." He said that he "therefore directed the Secretary of Transportation promptly to convene the representatives of all interested executive agencies to support the Government of the District of Columbia in developing a comprehensive plan for a D.C. highway system."[3]

To comply with the President's directive, the National Capital Planning Commission and the D.C. City Council held extensive public hearings in November, 1968. One month later, they adopted and approved the major thoroughfare portion of the 1985 Comprehensive Plan for the National Capital. That plan rejected the District Highway Department's interstate highway program. On the basis of independent advice from the National Capital Planning Commission's staff of urban planning experts, the plan adopted a dramatic new concept: no "new gateway arteries that would increase vehicular flow into the District." The plan deleted both the Three Sisters Bridge and the North Central-Northwest Freeway from the highway program because they were inconsistent with that concept. The major thoroughfare plan, however, was not an anti-highway plan, since it called for construction of more than $500 million of additional highways within the District.

Some Members of Congress disagreed with President Johnson's interpretation of Section 23 of the 1968 Federal-Aid Highway Act. Pressure was exerted on the District government from various sources to proceed immediately with construction of the Three Sisters Bridge and the other interstate highways specified in Section 23(b), even though the District and Federal governments had not complied with the planning and approval requirements of the Federal-Aid Highway Act and local District law. During the summer of 1969, it became clear that these pressures were designed to compel the citizens of the District of Columbia to accept the District Highway Department's destructive over-expanded interstate highway program, which they do not need and do not want, as the penalty for obtaining appropriations for the Metro System and revenue for normal operations of the District government.

On August 9, 1969, the D.C. City Council yielded, voting 6–2 to construct the Three Sisters Bridge and connecting freeways. The remarks of three Councilmen *who voted for the resolution* reflect the tragic absence of

[3] 114 Cong. Rec. 30959 (1968).

democracy in the Nation's Capital.[4] The Chairman of the D.C. City Council, Gilbert Hahn, Jr., said:

"This City needs and requires a subway as part of its overall mass transportation system. The people who need the subway the most are those for whom we are most concerned, the low income citizen of our inner city. Unfortunately, this citizen cannot produce the subway system for himself and he needs the $1.5 billion which the Congress is prepared to provide as the District's share of the subway system. There is no other way.

"The Congress of the United States has said clearly that it will not provide the subway money unless the bridge is started. This is a fact. In my opposition to this decree, I had hoped to persuade the Congress to my views. I believe the building of the bridge is wrong and I am still not convinced that it is in the best interests of the City. However, we do not live in the world we wish, we live in the world as it is. We are forced at times to make rather hard choices—either build the bridge or no subway. * * *"

The Vice-Chairman of the D.C. City Council, Sterling Tucker, said:

"I take this step only because I believe there is no other course, short of chaos, available to the City Council. I concur with the unanimous vote of the City Council of last December 12 to put into effect a mass transportation and major thoroughfare plan which did not include the Three Sisters Bridge and the North Central Freeway. That decision reflected the best technical advice available to the Council and the views of the community as expressed in the public hearing preceding the Council action.

"No individual, group or private or public agency has proposed anything since to suggest there are new planning considerations. Only political considerations, then, reopen this entire subject."

And Joseph Yeldell, a Council Member, said:

"The Washington region desperately needs the metro system and in the final analysis, I must take that action which will enable us to begin at long last construction of the new subway system.

"It has been my firm position throughout that any act by this council to reverse its position to break the impasse should result in the releasing of the subway from bondage. * * * If the District government proceeds with highway plans dictated by the Congress, then the subway funds also will be released even though legal action may be undertaken by citizens of this city. * * *

"This city council acting upon the expert advice of its federal planning arm—the NCPC—adopted a comprehensive transportation plan which, based upon sound planning objectives, disagreed with certain elements of the 1968 Highway Act. Since no new planning data or any other supportive evidence has been presented to NCPC to cause it to alter its original recommendations, this council has seen no reason, heretofore, to change its position either.

"We are all painfully aware that this is no longer just a transportation issue but one that strikes at the very heart of the operation of this city. Congress has seen fit to withhold the federal payment to the city until we conform to the 1968 Highway Act. * * * Just this past Thursday the Board of Directors of WMATA seriously considered a phasing-out plan. * * * Painful and pressing political realities indicate that we must yield."

The blunt truth is that Section 129 of the present bill provides the basis for continued blackmail of the District of Columbia. It directs the District to "commence work" on the north section of the East Leg of the Inner Loop and the North Central-Northeast Freeway within thirty days, regardless of the law and regardless of the needs and wishes of District citizens. It will be the mechanism for holding the Metro System hostage for the completion of these destructive freeways. Even if there were a demonstrated need or public support for the District Highway Department's interstate highway program (and there is not), we dissent against this disgraceful blackmail of voteless American citizens.

CONCLUSION

Section 129 of H.R. 19504 would impose upon the people of the District of Columbia an overexpanded interstate highway program that is harmful socially, economically and esthetically, a highway program that lacks both planning justification and essential community support. Section 129 may provide a precedent for equally arbitrary action elsewhere in the country. Worst of all, it will provide a basis for the continued blackmail of the District by imposing this highway program on its people as the price for rail rapid transit. We dissent.

FRED SCHWENGEL,
Member of Congress, First District, Iowa.
RICHARD D. MCCARTHY,
Member of Congress, 39th District, New York.

I urge my colleagues to remove this highly controversial and undemocratic section from H.R. 19504 in the interest of the people of the District of Columbia and the preservation of the beauty of our Nation's Capitol. Let us treat our neighbors here in the District of Columbia as we would treat neighbors at home. Let us give them their "day in court."

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

Mr. SCHWENGEL. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Chairman, I could take the gentleman to a dozen towns and cities in which decisions with regard to highways have been made and carried out in defiance of the wishes of local residents. I could take the gentleman to literally dozens of them in my own district where this has happened. So if there is a decision made with regard to highways in the District of Columbia that local people within the city do not approve of it is certainly no unique experience. I will guarantee the gentleman that it has happened in dozens and hundreds of cities and towns across the country.

The CHAIRMAN. For what purpose does the gentleman from Illinois (Mr. KLUCZYNSKI) rise?

Mr. KLUCZYNSKI. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment do now close.

Mr. JACOBS. Mr. Chairman, I appreciate the urgency here——

The CHAIRMAN. The Chair recognized the gentleman from Illinois (Mr. KLUCZYNSKI), chairman of the subcommittee. What was the gentleman's request?

Mr. KLUCZYNSKI. Mr. Chairman, I ask unanimous consent that all debate on this amendment do now close.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. JACOBS. Mr. Chairman, I object.

MOTION OFFERED BY MR. KLUCZYNSKI

Mr. KLUCZYNSKI. Mr. Chairman, I move that all debate on the pending amendment do now close.

The CHAIRMAN. The question is on the motion.

The question was taken; and on a division (demanded by Mr. FRASER), there were—ayes 62, noes 21.

Mr. FRASER. Mr. Chairman, I ask for tellers, and make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred forty-two Members are present, a quorum.

Those who are in favor of taking the vote by tellers will rise and remain standing until counted.

Nineteen Members have risen, an insufficient number.

Tellers are refused.

So the motion to close debate on the amendment was agreed to.

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

Mr. JACOBS. Mr. Chairman, after all, I was recognized before the Chair recognized the gentleman from New York.

Mr. Chairman, a parliamentary inquiry. Are men on their feet going to be permitted to speak for their 3 seconds?

The CHAIRMAN. The Chair had not recognized the gentleman from New York or the gentleman from Indiana. The Chair had recognized the gentleman from Illinois (Mr. KLUCZYNSKI), The gentleman from Indiana misunderstood the Chair had recognized him. The Chair had to recognize the gentleman from Illinois as chairman of the subcommittee.

PARLIAMENTARY INQUIRIES

Mr. JACOBS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. JACOBS. What about those of us who were on our feet when debate was choked off? Will we be recognized?

The CHAIRMAN. There was no count made of Members standing for time, and the motion of the gentleman from Illinois was to close debate, and that motion was agreed to.

Mr. KLUCZYNSKI. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Illinois will state his parliamentary inquiry.

Mr. KLUCZYNSKI. Has there been a vote on the amendment?

The CHAIRMAN. The vote was on the motion of the gentleman from Illinois to close the debate. The motion was agreed to. It is now in order for the amendment offered by the gentleman from Minnesota to be voted upon.

The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. FRASER) there were—ayes 26, noes 101.

So the amendment was rejected.

[4] The statements of Messrs. Hahn, Tucker and Yeldell appear in the official minutes of the D.C. City Council, August 9, 1969.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: page 15, strike out line 15 and all that follows down through and including the line following line 14 on page 16, and insert in lieu thereof the following:

"URBAN PUBLIC TRANSPORTATION

"SEC. 111. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 142. Urban public transportation

"'(a) To encourage the development, improvement, and use of public mass transportation systems within urbanized areas, sums apportioned in accordance with paragraphs (3), (5), and (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects for the construction of facilities to serve bus and other public mass transportation passengers.

"'(b) The establishment of routes and schedules of such public mass transportation systems shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of title 23, United States Code.

"'(c) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and, except as provided in subsection (d) of this section, the Federal share payable on account of such project shall be that provided in section 120 of this title.

"'(d) No project authorized by this section shall be approved unless no other feasible or prudent highway project can provide the additional capacity for the movement of persons provided by this project.

"'(e) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will have adequate capability to fully utilize the proposed project.'

"(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"'142. Urban public transportation.'"

Mr. HARSHA (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with, since both the majority and the minority have copies of the amendment, and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BINGHAM. Mr. Chairman, the purpose of the amendment, which is to section 142 of the bill, is to strike out certain words in that section which limit the supplementary assistance that this bill now provides for mass transportation to highway transportation.

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

Mr. BINGHAM. If the gentleman can get me additional time, I shall be glad to yield.

Mr. FALLON. It will take less than a minute.

Mr. BINGHAM. I yield to the chairman of the committee.

Mr. FALLON. Would the gentleman's amendment transfer money out of the trust fund to be used for any other purpose?

Mr. BINGHAM. I cannot answer that question that way, Mr. Chairman. If the chairman would allow me to proceed——

Mr. FALLON. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman rises too late for that purpose. The gentleman from New York will proceed.

Mr. BINGHAM. Mr. Chairman, this amendment, as I was saying, simply deletes certain words on pages 14 and 15. It makes no additions. It does not change anything in the section. It simply proposes to delete certain words. The committee in this year's bill has made a substantial advance over previous bills in that it has recognized that certain improvements for mass transit are related to highway use and will improve the usefulness of our highways.

If I can quote from the committee report—page 39—for example, the present bill permits funds to be used for certain "facilities, where the project will move at least as many persons as an avoided highway project." That refers to parking and other facilities such as a lane for buses that will be of help in bus transportation.

What my amendment would do would be to remove the restriction for that type of mass transit facility that says it must be for buses so that it could be for rail transit as well. If a single lane is constructed for buses, why could not such a lane be used for a rail line, as is done in the city of Chicago right alongside a major expressway.

What the bill does is to say that we will help mass transit but only to the extent that buses are involved. I suggest that is an unreasonable limitation.

It has been suggested that using highway fund moneys for mass transit is not proper use of the excise taxes involved but if it is proper for bus mass transit, why not for rail mass transit?

We have other excise taxes that are not strictly limited to certain narrow purposes. We do not say that liquor taxes must be used for bigger and better bars, or that taxes on perfume are to be used only for facilities relating to perfume. It is interesting to speculate what they might be.

So let us face the fact that we have here excise taxes which could be and should be used for the purpose of making our highway transportation more efficient, including the needs of our cities as well as the needs of the countryside. The needs of our highways in New York would be vastly better met by improving our mass transit facilities in New York.

This would not be in any sense a departure from a commitment we have made to any taxpayers, because this is a new bill creating the extension of a tax. It is not dependent on any commitment made in 1956. It is a new bill. It is a new era. It is an era when we should have a balanced transportation system, and this amendment would make it possible for us to have a balanced transportation system.

Mr. KLUCZYNSKI. Mr. Chairman, I rise in opposition to the amendment. I oppose it the same as the amendment the gentleman introduced earlier.

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

Mr. KLUCZYNSKI. I yield to my chairman, the gentleman from Maryland (Mr. FALLON).

Mr. FALLON. Mr. Chairman, in 1968, the same amendment in substance was offered. I made a point of order against the amendment then and the chairman at that time sustained my point of order.

Mr. HARSHA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, very simply, all this amendment would do would be to open up the trust fund to the construction of mass transportation, rail transportation, and even water and air transportation. It would go completely beyond the highway trust fund purposes. It would be a raid on it and open it up to all systems of mass transportation.

By looking at just one or two lines in the amendment, we can bring this out very clearly. In subparagraph (a) it says:

To encourage the development, improvement, and use of public mass transportation systems . . .

That opens it up to any mass transportation system.

Then at the end of that paragraph it says:

To finance the Federal share of the costs of projects for the construction of facilities to serve bus and other public mass transportation systems.

Quite obviously it is an endeavor to open up the highway trust fund to any transportation system that can be envisioned. This is contrary to the 1956 Highway Revenue Act and will delete the trust fund so that we will not be able to complete any of the highway systems that are needed in this country.

Under the present program of collecting revenues under existing laws there are not enough funds to be collected to provide half enough money to complete the highway needs of this country. The highway needs report filed in January of this year by the Department of Transportation indicated that between now and 1985 there will be a need for some $320 billion to adequately finance needed highways and highway facilities in this country.

If we open up this highway trust fund to any form of mass transportation then we certainly will never be able to conclude a viable and effective highway program.

I oppose the amendment.

Mr. KOCH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I do not believe that any of the proponents of the amendment or those of us who have spoken about mass transit expect to win on any of the proposals which we are making this afternoon. What we are trying to do, and trying to do in a rational way, is to bring to the attention of Members the real need for a comprehensive approach to our transportation requirements, as well as the need for more money for mass transit.

On September 29 a bill was brought up on this floor by the Banking and Cur-

rency Committee providing for a $5 billion authorization over the next 5 years for mass transit; but it was reduced to $3.1 billion by this body.

Today we are authorizing a Federal expenditure of $17 billion over a 4-year period for highways.

What we who support the amendment are saying, Is there not something irrational about the way we are proceeding? Is there not something irrational about talking about the need for $320 billion for highways over the next 15 years and at the same time having the House reduce to $3 billion what was really a very modest sum of $5 billion that was going to be authorized for mass transit for 5 years?

We recognize that there is a need for highways. We are not the enemies of highways, although there are particular highways to which we object.

What we are saying is: You have an interest in the total transportation picture. The people who drive cars are sometimes also pedestrians and are delighted to find a form of public transportation to carry them to their final destination. Those who live in the cities of this country know what it means to be on the highway for 2 hours to get home when a mass transit facility—if available—could get them home in 35 minutes. The committee in its report provides an estimate of the number of man-hours that have been saved by travelers on the Interstate System; but, it fails to mention the millions of man-hours that are lost each day in traffic congestion—hours that could be saved if public transportation were available.

Members of this House are not acting against the interests of their automobile-driving constituents when they attempt to appropriate sums for mass transit. They are helping these constituents.

Is there anything wrong with saying that where a highway is appropriate we would build a highway and where a mass transit facility—a subway, a bus, or an elevated structure—is appropriate, that is what we would build? What we say is that the locality is in the best position to know what form of transportation will best meet its needs and that it should be given this choice. If a Governor should determine that a form of mass transit can serve the public more efficiently and economically than a proposed highway, why should the Federal Government refuse to fund anything other than a highway?

We are not saying take the money and automatically put it into mass transit. We are saying use the money where it makes the best sense and does the most good.

This is why I have proposed that we establish a single transportation trust fund combining the mass transit, highway, railroad, and airport programs. If all transportation funds were dispensed from a single source, we would then be in a position to effect the rational, integrated approach desired and weigh the priorities and efficiency of one form of transportation against another.

Whether the single transportation trust fund comes under the jurisdiction of the Committee on Public Works, the Committee on Banking and Currency, or some other committee, this unified funding program will have to be established if we are to make effective use of our transportation resources and if we are to maintain—and hopefully improve—the mobility of a growing population.

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

Mr. KOCH. I will be delighted to yield to the distinguished gentleman.

Mr. CONYERS. I thank the gentleman for yielding.

I want to commend him on a very cogent and persuasive argument. I join him in supporting the amendment offered by the gentleman from New York (Mr. BINGHAM).

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

Mr. KOCH. I am glad to yield to the gentleman from New York.

Mr. LOWENSTEIN. Mr. Chairman, I, too, would like to thank the gentleman for his presentation and add my voice in support of the amendment offered by the gentleman from New York (Mr. BINGHAM).

Mr. KOCH. I thank the gentleman.

Mr. KLUCZYNSKI. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto end in 10 minutes.

The CHAIRMAN. On titles I and II?

Mr. KLUCZYNSKI. That is right.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. STRATTON. Mr. Chairman, I object.

MOTION OFFERED BY MR. KLUCZYNSKI

Mr. KLUCZYNSKI. Mr. Chairman, I move that all debate on titles I and II of the bill close in 10 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The CHAIRMAN. Does any Member wish to speak to the Bingham amendment?

Mr. BINGHAM. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BINGHAM. Mr. Chairman, I just want to emphasize that the amendment I have proposed is not as shattering an amendment as has been suggested here. The committee already recommended, and properly so, that mass transit be included within the terms of this bill to help highway transportation. This assistance would go for bus lanes, bus terminals, and the like where it would help highway transportation. It is my point that the improving of mass transit facilities in many cases—and it is certainly true in New York—would improve the highway traffic tieups that we have there and which we suffer under. So I do not think that this is such a far-reaching amendment that I have proposed.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, I intend to offer a straight motion to recommit the bill to the Committee on Public Works. The benefits to all Americans from an efficient highway system have already been clearly demonstrated by the Interstate System. We should at this time demonstrate our faith in the program by extending the taxes for a sufficient period of time to enable completion of the system.

While the report of the Ways and Means Committee, which handled title III of the bill extending the taxes, states that the committee favors completion of the Interstate System, it goes on to say:

> It is not clear that the five-year extension to 1977 provided by this bill is sufficient to achieve this result.

Mr. Chairman, 96 percent of the system is in the pipeline; with 70 percent completed and being used, 12 percent under construction; and 14 percent being designed. When we are this close to completing this great undertaking and the committee is clearly committed to completion of the program, we should extend the taxes for a sufficient period to accomplish this result.

My motion will enable the committee to determine the necessary additional time that we should extend the taxes for—probably not more than 1 or 2 years—to give us a reasonable assurance the program can be completed. The American people are committed to this magnificent task, realizing the economic and social benefits the Interstate System provides the entire Nation. I share this commitment. My motion will better enable us to fulfill this commitment we share.

The CHAIRMAN. Is there any other Member who wishes to speak on the Bingham amendment? If not, the question is on the amendment offered by the gentleman from New York (Mr. BINGHAM).

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, I sat here while my friend, the gentleman from Kentucky (Mr. NATCHER), for whom I have profound respect, spoke for approximately 17 minutes and I made no objection at all. And then I listened to the chairman of the subcommittee make a motion which I have rarely heard in my 6 years in this House, that the Members who wished to speak could not speak even 3, 2, or 1 second; no seconds at all.

There is an election pending for a nonvoting District of Columbia delegate to this body. That delegate will be allowed to speak, not vote. I am a member of the House District of Columbia Committee. I had something which I considered important to say on the amendment that was killed. I am permitted to speak on behalf of the District of Columbia not at all.

I remember that night 4 years ago when nothing would do but that certain Members of this body catch an airplane to the Paris air show. Debate was slashed off so that 60 seconds was divided among all Members of this body to discuss the question of college draft deferments during the following 4 years.

Now Members have to catch airplanes tonight for Thanksgiving.

So again luxury takes precedence over duty.

For the people of the District of Columbia this body, in effect, has adopted the policy: "Give them some day their American rights on certain conditions."

Congratulations on an outrage well done.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. STRATTON).

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON: Page 13, after line 5, insert the following:

"PUBLIC HEARINGS

"SEC. 109. Section 128 of title 23, United States Code, is amended to read as follows:

"'§ 128. Public hearings

"'(a) In order to ensure that an opportunity is afforded for effective participation by interested persons in the process of determining the need for, and the location of, a Federal-aid highway, the Governor or other duly constituted State authority shall, prior to the submission of any plans for any highway project to be constructed under the provisions of this title, certify to the Secretary that at least two sets of public hearings (one set basically concerned with location and one with design) have been held by a duly authorized State or local official and that the people of the area or community involved have been afforded an opportunity to be heard and that full opportunity has been afforded during such hearings for the presentation of testimony and other evidence on not less than two proposed alternative highway locations offered by the State authority and on the economic and social effects of such alternative plans, highway locations or designs, their impact on the environment and, to the extent applicable, their consistency with goals and objectives set forth in any applicable urban transportation plan for the area. Such certification shall be accompanied by a report which indicates the extent to which those views expressed during the hearings concerning the economic, social, environmental and other effects of the various proposed alternative plans, or highway locations or designs and which were presented by the State authority or were raised during the hearings or which were otherwise considered did actually influence or determine the final selection of one proposed alternative over the others presented.

"'(b) When hearings have been held under subsection (a), the Governor or other duly constituted State authority shall submit a copy of such hearings to the Secretary together with the certification and report.'"

"Renumber succeeding sections and references thereto accordingly."

Mr. STRATTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

(By unanimous consent, Mr. GRAY yielded his time to Mr. STRATTON.)

Mr. STRATTON. Mr. Chairman, I have been waiting patiently in an effort to offer this amendment. It is a serious amendment. What it would do would be to incorporate in our bill very much the same language that appears in the Senate bill, to spell out in somewhat more detail not only the dual hearing approach that has been referred to, but to make some additional requirement that the views of the people who appear at these dual hearings are actually taken into account by those who make the final decision on the highway location and design. This has not been done in my own district in Schenectady and Albany Counties and in upstate New York, for example, in connection with Interstate Highway 88.

Mr. Chairman, I think State and Federal highway officials ought to be required to make some concrete response and adjustment in their plans to meet the wishes of the people most directly concerned.

So I hope this amendment will be adopted.

I am also going to request when we get back in the House permission to include in the RECORD at this point a memorandum circulated by the Federal highway department to the regional highway heads and also to the State transportation officials showing them how it is possible for them to conduct these hearings without paying any real attention to the will of the people, in other words, how it is possible to "con" the people into going along with the particular proposal that the highway officials want.

This is an official document issued by Mr. Swanson of the Federal Highway Administration. I hope you will get an opportunity to read it because I think it will shock you. For example, if you will look closely, you will note that the memorandum says this in its opening paragraph:

Strident citizen protest will increasingly interfere with our most accomplished and sophisticated planning efforts, unless and until we learn the techniques of working together at the grass roots.

Toward the end it makes this rather blunt conclusion, that even if all these fancy techniques of persuasion fail:

Then the highway agency has to take its stand, however difficult or painful that may be. New political pressures, demonstrations or even civil disobedience may result, but that should not deter the highway agency from taking the stand that it thinks is most in the public interest.

Not only what really is in the public interest, but what the highway people think should be the public interest. Surely, this is not the kind of language of an agency that really wants to adjust itself to the wishes of the people concerned. This is the language of an agency that simply hopes to manipulate the public so that in the end it can have its own way. And here is the final proof, in this closing paragraph: When the proposed process works the way it should work, these hearings do not really mean a darn thing, they simply become "academic."

The central point, however, about this process as experienced in highway planning and in other settings, is that when it is conscientiously and sensitively carried out, significant community resistance is not likely to develop and the issue of who makes the final decision is largely academic.

The full text of the administration's memo follows:

HIGHWAY PROJECT PLANNING WITH LOCAL CITIZENS—A PARTNERSHIP CONCEPT

(Remarks by Kent R. Larrabee, ACSW Environmental Development Division, U.S. Bureau of Public Roads)

In a recent address to the National Limestone Institute (January 22, 1970), Federal Highway Administrator, Frank C. Turner said, "We must be concerned not only with the problems of the physical environment, but also with what might be called the social environment—with the interaction of highways and people—with a highway's impact on individuals and communities." There have been several statements in this vein since the 1968 Highway Act and the January 1969 PPM 20–8, but we are still pretty much in the dark as to how-to-do-it, on how to proceed with this concern. It is the practical application, then, that I wish to talk about today.

The context for my remarks is the local highway project.[1] It is here at the grassroots, that we especially need to hammer out new approaches as we seek to deal with the hard realities of community work including the problems of lack of communication, distrust and suspicion, apathy, disorganization, fear, open hostility and, occasionally, the threat of violence.

Let us, then, look past the Urban Transportation Planning Process, important as that may be, past coming to term with the so-called Establishment agencies and leaders within the Power Structure, past the local governmental structures, past the technical and professional inputs of the multidiscipline or joint concept teams and past the older approach to highway planning symbolized by cost estimates, travel time and highway user benefits. All of these, of course, are important and have a bearing on planning with citizens, but these "establishment" efforts are often short-circuited by our inability to develop a viable citizen planning program within the framework of the State or local highway department. Strident *citizen* protest will increasingly interfere with our most accomplished and sophisticated planning efforts, unless and until we learn the techniques of working together at the grassroots.

NO ONE UNIVERSAL FORMULA

First, it is important to understand that there can be no guaranteed, "workable" approach to citizen involvement in highway planning. Every project situation, where the need for community participation is indicated, will have its peculiarities and restraints and must be considered flexibly and creatively in order to come up with the best workable approach to citizen inputs.

I. LEVELS OF CITIZEN INVOLVEMENT

One approach to relating to citizens in a neighborhood, while it is often thought of as citizen participation, in reality falls short of this goal. It could be called:

A. The educational approach

The idea is to educate the people with respect to what is being planned or what has been decided. Techniques of public relations, use of the mass media, public information meetings and other methods of informing the people and trying to sell the ideas and concepts that the engineers and planners have come up with are the usual characteristics of this approach.

Although such techniques can have merit within the context of *genuine* citizen in-

[1] The approach to highway location and design which is outlined here presupposes that the highway corridor has been defined and that location and design decisions must be made within the corridor restraints. The width of the corridor will vary greatly depending on the situation and the nature of the community, such as whether it is in a rural or an urban setting.

volvement, by themselves they do not constitute meaningful participation. It is more accurate to characterize this approach as salesmanship, public relations or a means of manipulating. As for the citizens, it is essentially non-involvement.

B. The advisory approach

In this approach, the highway and community planners will not only inform the citizens about the plans that are being developed, but in one way or another will ask their advice, perhaps in small meetings of selected leaders or in larger public meetings prior to the public hearing.

This is a minimal approach to citizen involvement that can all too easily carry disadvantages: a. Citizens may not be well enough informed to be able to give intelligent advice, b. The neighborhood may not be organized with enough depth or people-involvement to be alive to the issues and to overcome neighborhood apathy, or c. While local residents may lack enough involvement to feel really included in the decision-making process, they nevertheless may be informed just enough to be aroused to organized protest.

C. The partnership approach

The most workable model for citizen involvement within the context of highway project planning is that of a partnership between highway engineers and other agency professionals, on the one hand, and the citizens and their representatives on the other.

I hasten to add that a partnership arrangement should not be construed as leaving the highway or local public agencies open to the final decision being made or vetoed by citizen groups. In highway project planning, the power to make the final decision is clearly in the hands of the designated members of government and it is one of the tasks of a good community relations program to enable citizens to accept this as a "given" and to make a creative contribution within this framework.

Lack of citizen power to make the final decision will probably be seen as a limitation to some who question the effectiveness of representative government. But this complaint is met through the partnership approach which establishes the creative process of citizens to accept this as a "given" and to make through the problems, issues and alternatives together, becoming familiar with each others' values, constraints and point-of-view, coming up with creative concepts and ideas, and hammering out the compromises together.

D. The delegated power approach

The delegated power approach is the model for citizen control. It implies the power to make or somehow determine the final policy decisions. Community controlled schools and neighborhood control of public projects, as through a neighborhood corporation, are examples. These and other models for citizen control will undoubtedly emerge in the years ahead as the "have-nots" continue to press for greater authority in determining their own destiny.

Suffice it to say here that this is a kind of citizen participation that does not adapt well to the uniqueness of highway planning. More important, however, delegating the power to decide to citizen groups is not necessary for the democratic process to be fully operative within the highway context.

II. IMPLEMENTING A HIGHWAY-COMMUNITY PARTNERSHIP IN PROJECT PLANNING

How the citizen-highway partnership will evolve in a given locale will depend on the character and size of the neighborhood or area affected, the nature of the highway project, the presence of racial, ethnic or other "minority group" factors, the corridor definition and restraints, the amount of time available for involving citizens in planning and the history of community reaction to past highway improvements for the area involved.[2] These and similar variables are so widespread that it is not possible to establish a "typical" situation around which to describe a pat, how-to-do-it formula.

Nevertheless, given adequate funding for a thorough community relations approach, given a professionally trained community relations worker on the staff of the State or local highway agency and given an adequate amount of time in which to develop a meaningful community relations process regarding the highway's location and design it is possible within a hypothetical situation to outline some useful guidelines. The following 13 steps constitute a practical attempt to spell out the dimensions of the citizen-highway planning partnership. There will, of course, be variations from community to community in the emphasis on these steps and the sequence in which they are considered. They are presented here as suggestions for your consideration.

1. Conduct a socio-economic study of the area

It is of first importance to become knowledgeable about the neighborhood or community which is likely to be affected by a highway project.

A socio-economic study conducted "in-house" would not need to be extensive, excessively detailed or drawn out, but rather a *working profile* of the major socio-economic characteristics of the area. There are techniques for obtaining essential data that avoid the danger of over-researching and piling up a mass of unneeded data.

The Environmental Development Division has developed a list of the social, economic and other environmental factors which could be a main guideline for such a study.[3] Census data, consultation with other agencies, study of newspaper files, first hand observation, and use of the reports and studies of other groups are often feasible alternatives to expensive and time-consuming original research. Additional pertinent data can be added to the socio-economic study as the community organization process continues.

2. Conduct an initial survey of the agencies and organizations of the area including leadership

Again, this survey would not need to be exclusive and should be kept open-ended for groups to be added later and for further assessment of leadership strength as the process evolves.

The leadership and organizational survey should include both public and private agencies as well as religious, social and fraternal groups. It should embrace civic organizations of all kinds. It should begin to assess the informal organization and informal leadership structures of the area, though much of this will need to come at a later stage.

These first two steps are preliminary in character and, in most cases, would not involve the citizenry.

3. Conversations with local leaders and key citizens

The aim at this next stage is to establish some type of organizational structure for consideration of the community and highway issues in planning the local project. To do this meaningfully, relationships must be established with local leaders and citizens.

While being candid about the possibility of a highway, the community relations specialist's approach should be, "We need your help in deciding where the highway should be located and how its related projects can help to improve the neighborhood, protect local values and assist in meeting individual needs." Questions from citizens such as: "Should the highway be built at all?" and "What other transportation modes might be considered?" may well arise and should be dealt with forthrightly.

Through many conversations with local leaders the community worker soon learns what the leadership structure is, who the 10 to 20 most influential or most respected leaders are and what the patterns are of leadership competition for prestige and power. He also finds out that leaders of informal groups, or "natural" leaders with no organized group at all, may be more important to contact than "established" leaders.

4. Informal meetings with key leaders to develop a strategy and plan

The community work specialist should not himself try to be a leader in the community organization process. Rather, he is an enabler, helping to bring people together, giving suggestions when asked and offering his expertise in making resources available to local leaders.

The main problems and needs of the area are reviewed in these informal sessions with key leaders, and goals are established for neighborhood betterment. Ways in which the projected highway might help achieve those goals are examined. Most important is the citizen leader's *own* articulation of local problems and desires, his perception of how desirous these are and what the priorities should be for work on their solutions.

In these meetings, the community relations specialist can further establish in the eyes of citizen leaders that he is concerned for community development as a whole. He can exhibit his good faith by offering his services in a helping capacity. He may be able to open doors to community resources that can be used to solve certain problems and help the neighborhood to organize its approach to other community-wide agencies. Such involvement might be on neighborhood needs and problems quite unrelated to the highway.

5. Establish the local citizens' organization for highway project planning

In the informal sessions with leaders, discussion should be held on the creation of the best kind of local organization with which to pursue the goals and objectives of the area through the instrumentality of a possible highway project. Establishment of *an umbrella organization* of some kind is the most likely possibility, such as a committee or a council. Another possibility is to structure a working group, widely representative of the neighborhood, *in connection with an agency or organization* that is already in existence and has the good will and support of the area generally. A method of wide, volunteer, citizen involvement in the program of the umbrella organization would need to be worked out.

Prior to any public announcement, the leadership of the new organization and makeup of the council or central committee should be carefully considered on the basis of criteria established by the preliminary group in its informal meetings. Working committees should be established.

Public announcements and descriptive accounts through the mass media and through local organizations can now be made about the new organization. This public relations effort should be designed to create wide interest, to establish the prestige of the new group and to emphasize that this is an indigenous effort with local leadership.

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[2] Corridor restraints refer to such matters as determination of the termini of the project, study limits and the determination of location (physical) controls.

[3] For a comprehensive list of environmental factors see Harold C. King: "Multiple Use of Land and Joint Development" presented to the AASHO Conference, October 29, 1970.

6. Conduct an initial public meeting

One is now in a position to launch the citizen involvement effort in a more dramatic manner. A public meeting can help to establish legitimacy, can popularize the positive goals of the citizen group and can outline the community organization process. Top community leaders (both local and areawide) who command respect from citizens in the project area might be on hand to help launch the cooperative effort. The possible positive benefits from the new highway facility and a frank discussion of the problems which should be avoided could be presented. The citizen council's role as "watchdog," in addition to the role of making positive planning inputs, might also be highlighted. This additional role helps to overcome suspicion and to establish wide neighborhood backing and confidence.

7. Arrange discussions with all possible neighborhood organizations

All kinds of groups should be included: men's and women's clubs, churches, unions, businessmen's groups, public and private agency boards or commissions, PTAs, service organizations, block groups and many others. This should be a saturation effort carried out by highway-citizen teams.

Make a point of going directly to groups that are apt to be antagonistic, particularly militant groups or groups that might use disruptive tactics. Find ways to have these groups positively involved in the program.

The suggestions, complaints, problems and offers of citizen assistance made at all meetings of community organizations should be noted and followed up on.

Arrangements should be made for continuous contact between the citizen council and groups being visited. Newsletters and periodic meetings to hear progress reports and consider issues are two methods. Also, develop a plan to return to meet with each group a second time once the central organization has developed a set of tentative recommendations.

An appropriate technique at this stage may be to conduct a neighborhood centered "charrette." This is an experience of intensive study of local problems involving top community officials, and citizen leaders and residents. Participants meets to work out the differences that arise and to emerge with an agreed upon plan. The "charrette" may be especially useful if insurmountable conflict develops or is threatened. It may also be planned at a later stage.[4]

8. Consideration of each feasible location and design alternative in turn

The neighborhood planning group or council is now ready for the difficult task of considering the pros and cons of various location and design possibilities. It is here that the citizens turn to the resources of the establishment agencies for various kinds of professional and technical help.

Full use should be made of the expertise of the local highway agency in helping the citizen organization understand the engineering problems, costs and other restraints involved.

The incorporation of multiple use and joint development projects should be fully explored for each location possibility. This will probably involve consultation with other agencies and their service programs.

The complete list of social, economic and other environmental factors as developed by the Federal Highway Administration should be carefully thought thru at this stage. Additional study of these may be called for.

Full advantage should be taken of the relocation program with emphasis on improving the housing conditions and quality of life of those affected. At the same time, care should be taken to obviate any increased housing costs of those who are indirectly affected.

Throughout this process, it will be important to establish the cooperation and goodwill of the community's political forces. Agreement from political leaders should be sought at the beginning on the general approach to the partnership concept of citizen involvement. Efforts to explore service resources from other community agencies should be politically understood in order to avoid jealousy or competition. At the same time, the citizen involvement process should establish the independence of the organized citizen group and care should be taken to avoid a "political take-over" of the process.

9. Reach a consensus as to the most feasible location and design

The citizen-highway partnership finally arrives at the place of carefully weighing the advantages and disadvantages of each location alternative with the accompanying design features. Members of the council will probably need to work out a procedure for establishing and weighing priorities on various factors as an aid to reaching a set of recommendations.

In all these considerations, highway staff should allow and encourage the citizen members to fully participate in examining costs and benefits, in establishing weights and values, and in exploring creative and innovative possibilities.

As agreements between highway officials, community leaders and citizens are arrived at, every method possible should be used to give credit to citizens for insights, established values, innovations and stands taken and won.

10. Present the jointly-arrived-at recommendations to the citizenry

We are now ready for the promised return engagement to all the neighborhood organizations and groups that were met with early in the process. If there are areas of difference that the citizens council and highway officials have not been able to resolve, then these should be discussed openly with citizens at the grassroots in order to obtain new insights and a clearer consensus.

Again, if there are major unresolved differences, *this* may be the time to conduct a neighborhood "charrette" or a return engagement of an earlier charrette. (See page 10)

After all the discussion meetings have been held for the second time and on the basis of final citizen inputs, the council and highway agency partnership would then rework the location and preliminary design plans as necessary.

Up to this point, the feasibility considerations and the decisions have been handled jointly between the citizen organization and the highway agency. As a practical matter, this has been a relationship of equal partners.

11. Obtain highway agency and local governmental concurrences

Establishing approval of the joint findings of the citizen council and the highway department from the top authorities in the highway agency and the local governmental agencies should present little technical or political difficulty because of the care with which technical and citizen inputs have been made throughout the process. In obtaining broader community concurrence, it will also be important to clear with and seek the support of citywide business, industrial and social groups who have not been directly involved in the project level neighborhood effort.

12. Hold a public meeting to present findings

As with earlier meetings, citizen leaders should be in charge of the final public meeting and should present the council-highway agency case as their own. *They* should field the questions and handle any last minute complaints.

The positive benefits should be stressed. Praise and credit should be given to the individuals and neighborhood groups who contributed time, ideas and leadership. City and highway officials who participated in the process might well be on hand, though not out front, in this final public meeting.

An expresson of popular consent might be sought if the climate for this is right.

The mass media could be put to full use in underscoring the values in the democratic process and the expected positive benefits and in giving credit to the key indigenous contributions.

13. Select a delegation of citizen leaders to present the joint highway-citizen plan at the public hearings

In most cases, this would be a formality, though at the same time a ritual with profound symbolism for cooperative action and the democratic process.

In some cases, there may be last minute objections from some special interest group in the community. Such a group may wish to state its case at the public hearing contrary to the joint recommendations. There is every reason to believe, however, that with the broad based support that has been generated thru the process described, the recommendations would be successfully defended *by the citizenry.*

The Community Relations Program should be viewed as supplementing and preparing for the official public hearings which are spelled out in the Policy and Procedure Memorandum 20–8 which is currently in force.

III. COMMENT AND APPRAISAL

The hypothetical situation described here would have wide variations in practice, depending on the local situation. The methods described, however, make possible a maximum contribution of highway agencies to community development and the strengthening of citizen initiative, self-help and responsibility so germane to American ideals.

This is an "in-house", approach which seizes the initiative before a vacuum of misinformation, despair and negative psychology can develop at the neighborhood level. It is based on the belief that if citizens are genuinely in on the planning and the decision making, they will be responsible for helping to see that plans are carried out.

For the community relations program to emanate from the highway agency is to assure that all divisions of that agency will be making their input and mingling with citizens at various steps of project planning. The community relations effort then becomes an integral part of the agency *as a whole* as well of the community. In order to carry out the complicated community relations work

[4] A highway facilities "charrette" is a technique for studying and resolving highway and other development problems within the context of total community planning needs. The technique requires broad representation of community residents and neighborhood leaders, on the one hand, and a majority involvement of key agency and governmental heads on the other. Also, involved would be multidiscipline resource professionals and technicians including educators, planners, architects, engineers, economists, psychologists, social scientists, business representatives, local officials, students, etc. These meet to intensely study community problems in open public forum to achieve creative solutions. Emphasis may be given to the highway program as a catalyst for revitalization of the *total* community. The principle purpose is to arrive at implementable plans and solutions to community problems in a *compressed time* period. The "charrette" is kept practical and viable through commitment of local resources which leads to a high probability of implementation of "charrette" solutions.

implied in this process, it will be important for the highway department to add to its staff one or more persons who have had practical experience and training in community organization work, or some related profession within the social sciences.

This approach means that the highway agency sees itself in part as an instrument of the people and responsive to their values and desires. It means that highway personnel would take an enabling or supportive role, (not an out-in-front, leadership role) when it comes to working with groups, public presentations, community meetings and hearings.

It does *not* mean that the citizens are taking over, outvoting the official agencies, or making the final decision by themselves. If, in some situations, the community work process should break down, either partially or wholly, and if after exhausting all possible avenues to a compromise, a working consensus on recommendations cannot be reached, then the highway agency has to take its stand, however difficult or painful that may be. New political pressures, demonstrations or even civil disobedience may result but that should not deter the highway agency from taking the stand that it thinks is most in the public interest.

The *central point*, however, about this process as experienced in highway planning and in other settings, is that when it is conscientiously and sensitively carried out, significant community resistance is not likely to develop and the issue of who makes the final decision is largely academic. An experience of "community" grows up between the highway agency and the citizenry which is not likely to be broken. Polarization is avoided. Both elements are open to change and innovation. All are committed to hammering out a workable, reasonable compromise. The plan that evolves has been nurtured as the plan of the people, though it will necessarily have substantial highway inputs and final highway concurrence.

Surely, if the community is going to cooperate with the highway program, especially in controversial and impacted areas, some approach which embodies the principles outlined here will need to be given serious consideration.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. STRATTON).

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I use my inadequate three-quarters of a minute to deplore the fact that three-quarters of a minute is not sufficient for discussion of amendments to come before this House. I deplore this process. It seems to me that our great committees lend great wisdom to the process of the House, but there is a little wisdom that can come from outside the committees.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. DORN).

Mr. DORN. Mr. Chairman, my purpose in rising is to ask the distinguished chairman of our subcommittee a question concerning the concern of the Southern Governors, and Governors in general, concerning the alcohol safety demonstration project.

The Governors are concerned that the language on lines 11 through 14, page 52, seems to them to restrict this demonstration project to Federal-aid system highways and exclude other public road systems.

Some of the Governors have suggested an amendment which would, on page 52, line 14, following the word "systems," add "and public road systems," in order to make it clear that these projects are not limited to Federal-aid highways.

My question is: Is it the intent of the committee that these projects on alcohol safety be limited to Federal-aid systems?

Mr. KLUCZYNSKI. Mr. Chairman, we understand the request of the Governors in respect to safety. All of their requests are adequately covered under this bill.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I think the Members will be very delighted with the fact that a dream of several generations is about to come true. As early as 1830 Henry Clay spoke of the need for a hemispheric highway to connect all republics and nations in this hemisphere. For the past 40 years men of good will have worked and striven to make that goal a reality.

This bill authorizes the final completion of the remaining 250 miles through the primitive fastness of the Darien Jungle that connects Central and South America, so that for more than 14,000 miles there will be one continuous highway at last. From the southernmost tip of the hemisphere at Tierra del Fuego to the ice-locked tundra of Alaska we will have one connecting ribbon of highway that will unite the spirits and hopes and the economies of the peoples of the Western Hemisphere. This surely is one of the most historically significant and far-reaching acts we have performed in many years.

The President of the United States was outspoken and enthusiastic in his endorsement of his section of the bill. In addition to this, we are authorizing the President to enter into negotiations with the Government of Canada for the improvement and upgrading of the Alaskan portion of this highway.

Mr. Chairman, I think this is a great day for hemispheric relations.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, may I inquire if there are any amendments pending at this time?

The CHAIRMAN. The Chair will state that there are no amendments pending.

Mr. HARSHA. Mr Chairman, if there are no amendments pending, I will yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. KLUCZYNSKI) to close debate on titles I and II.

Mr. KLUCZYNSKI. Mr. Chairman, I want to thank all the Members of the House for their cooperation in handling this bill. I know that they are aware that this is a very important piece of legislation, and I hope that they will vote in support of it.

The CHAIRMAN. All debate is now closed on titles I and II of the bill.

Under the rule, title III is considered as having been read for amendment, and no amendments shall be in order to title III except amendments offered by direction of the Committee on Ways and Means.

Title III is as follows:

TITLE III—EXTENSION OF HIGHWAY TRUST FUND AND CERTAIN RELATED PROVISIONS

SEC. 301. HIGHWAY TRUST FUND.

Subsections (c), (e), and (f) of section 209 of the Highway Revenue Act of 1956 (relating to the Highway Trust Fund; 23 U.S.C. 120 note) are amended—

(1) by striking out "1972" each place it appears and inserting in lieu thereof "1977"; and

(2) by striking out "1973" each place it appears and inserting in lieu thereof "1978".

SEC. 302. TRANSFER FROM LAND AND WATER CONSERVATION FUND.

Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–11) is amended—

(1) by striking out "1972" and inserting in lieu thereof "1977"; and

(2) by striking out "1973" each place it appears and inserting in lieu thereof "1978".

SEC. 303. POSTPONEMENT OF CERTAIN EXCISE TAX REDUCTIONS.

(a) The following provisions of the Internal Revenue Code of 1954 are amended by striking out "1972" each place it appears and inserting in lieu thereof "1977":

(1) Section 4041(c)(3) (relating to rate of tax on fuel for noncommercial aviation).

(2) Section 4041(e) (relating to rate reduction).

(3) Section 4061(a)(1) (relating to imposition of tax on trucks, buses, etc.).

(4) Section 4061(b)(1) (relating to imposition of tax on parts and accessories).

(5) Section 4071(d) (relating to imposition of tax on tires and tubes).

(6) Section 4081(b) (relating to imposition of tax on gasoline).

(7) Section 4481(a) (relating to imposition of tax on use of highway motor vehicles).

(8) Section 4481(e) (relating to period tax in effect).

(9) Section 4482(c)(4) (defining taxable period).

(10) Section 6156(e)(2) (relating to installment payments of tax on use of highway motor vehicles).

(11) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems).

(b) Section 6412(a)(2) of such Code (relating to floor stock refunds) is amended—

(1) by striking out "1972" each place it appears and inserting in lieu thereof "1977";

(2) by striking out "January 1, 1973" each place it appears and inserting in lieu thereof "January 1, 1978"; and

(3) by striking out "February 10, 1973" each place it appears and inserting in lieu thereof "March 31, 1978".

The CHAIRMAN. The Chair will ask the gentleman from Arkansas (Mr. MILLS) whether there are any committee amendments to title III of the bill?

Mr. MILLS. There are no committee amendments to title III of the bill, Mr. Chairman.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. HOLIFIELD, 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. 19504) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, pursuant to House Resolution 1267, he reported the bill back to the

House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

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.

Mr. SCHWENGEL. Mr. Speaker——

Mr. BROYHILL of Virginia. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Virginia (Mr. BROYHILL) rise?

MOTION TO RECOMMIT OFFERED BY MR. BROYHILL OF VIRGINIA

Mr. BROYHILL of Virginia. Mr Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman from Virginia opposed to the bill?

Mr. BROYHILL of Virginia. I am, Mr. Speaker.

PARLIAMENTARY INQUIRIES

Mr. SCHWENGEL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. SCHWENGEL. Mr. Speaker, I speak as a member of the Committee on Public Works. This is a public works bill. I have a recommital motion at the desk which was filed earlier this afternoon.

The SPEAKER. The Chair will state that title III of the bill is a provision that has come from the Committee on Ways and Means. The gentleman from Virginia (Mr. BROYHILL) is a member of the Committee on Ways and Means.

Mr. ADAMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. ADAMS. Mr. Speaker, would a specific motion to recommit with instructions have priority over a general motion to recommit? Did the gentleman from Virginia announce that his motion was a general motion to recommit?

It is my understanding that the motion to recommit by the gentleman from Iowa is a motion to recommit with instructions and, therefore, has priority.

The SPEAKER. The Chair will state in response to the parliamentary inquiry that a motion to recommit with instructions does not have priority.

Mr. ADAMS. Mr. Speaker, a further parliamentary inquiry.

It is my understanding that under the rules, a motion to recommit with instructions is a motion that, if not described by the word "priority" is entitled to prior recognition by the Chair because a motion with specific instructions is entitled to recognition over a general motion to recommit.

The SPEAKER. The Chair will state that a motion to recommit with instructions does not have priority over a straight motion to recommit.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BROYHILL of Virginia moves to recommit the bill, H.R. 19504, to the Committee on Public Works.

Mr. MILLS. I move the previous question on the motion to recommit.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks on the bill just passed and to include extraneous matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17970) entitled "An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3562. An Act to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO FILE REPORT ON H.R. 19868, EXCISE, ESTATE AND GIFT TAX ADJUSTMENT ACT OF 1970

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until midnight Monday, November 30, 1970, to file a report on the bill, H.R. 19868, the Excise, Estate, and Gift Tax Adjustment Act of 1970, along with any supplemental and additional views.

The SPEAKER. Without objection it is so ordered.

There was no objection.

FEDERAL-AID HIGHWAY ACT OF 1970

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4418), authorizing appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Mr. JACOBS. I object.

The SPEAKER. Objection is heard.

CONFERENCE REPORT ON S. 2224, INVESTMENT COMPANY AMENDMENTS ACT OF 1970

Mr. FRIEDEL submitted the following conference report and statement on the bill (S. 2224) to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–1631)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2224) to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Investment Company Amendments Act of 1970".

SEC. 2. (a) Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)) is amended as follows:

(1) Paragraph (5) is amended by striking out "under section 11(k) of the Federal Reserve Act, as amended" and inserting in lieu thereof "under the authority of the Comptroller of the Currency".

(2) Paragraphs (19) through (35) are redesignated as paragraphs (20) through (36), respectively, and paragraphs (36) through (42) are redesignated as paragraphs (38) through (44), respectively.

(3) A new paragraph is inserted immediately after paragraph (18) to read as follows:

"(19) 'Interested person' of another person means—

"(A) when used with respect to an investment company—

"(i) any affiliated person of such company,

"(ii) any member of the immediate family of any natural person who is an affiliated person of such company,

"(iii) any interested person of any investment adviser of or principal underwriter for such company,

"(iv) any person or partner or employee of any person who at any time since the beginning of the last two fiscal years of such company has acted as legal counsel for such company,

"(v) any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer, and

"(vi) any natural person whom the Commission by order shall have determined to be an interested person by reason of having had,

at any time since the beginning of the last two fiscal years of such company, a material business or professional relationship with such company or with the principal executive officer of such company or with any other investment company having the same investment adviser or principal underwriter or with the principal executive officer of such other investment company:

Provided, That no person shall be deemed to be an interested person of an investment company solely by reason of (aa) his being a member of its board of directors or advisory board or an owner of its securities, or (bb) his membership in the immediate family of any person specified in clause (aa) of this proviso; and

"(B) when used with respect to an investment adviser of or principal underwriter for any investment company—

"(i) any affiliated person of such investment adviser or principal underwriter,

"(ii) any member of the immediate family of any natural person who is an affiliated person of such investment adviser or principal underwriter,

"(iii) any person who knowingly has any direct or indirect beneficial interest in, or who is designated as trustee, executor, or guardian of any legal interest in, any security issued either by such investment adviser or principal underwriter or by a controlling person of such investment adviser or principal underwriter,

"(iv) any person or partner or employee of any person who at any time since the beginning of the last two fiscal years of such investment company has acted as legal counsel for such investment adviser or principal underwriter,

"(v) any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer, and

"(vi) any natural person whom the Commission by order shall have determined to be an interested person by reason of having had at any time since the beginning of the last two fiscal years of such investment company a material business or professional relationship with such investment adviser or principal underwriter or with the principal executive officer or any controlling person of such investment adviser or principal underwriter.

For the purposes of this paragraph (19), 'member of the immediate family' means any parent, spouse of a parent, child, spouse of a child, spouse, brother, or sister, and includes step and adoptive relationships. The Commission may modify or revoke any order issued under clause (vi) of subparagraph (A) or (B) of this paragraph whenever it finds that such order is no longer consistent with the facts. No order issued pursuant to clause (vi) of subparagraph (A) or (B) of this paragraph shall become effective until at least sixty days after the entry thereof, and no such order shall affect the status of any person for the purposes of this title or for any other purpose for any period prior to the effective date of such order."

(4) A new paragraph is inserted immediately after redesignated paragraph (36) (formerly paragraph (35)) as follows:

"(37) 'Separate account' means an account established and maintained by an insurance company pursuant to the laws of any State or territory of the United States, or of Canada or any province thereof, under which income, gains and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains, or losses of the insurance company."

(5) A new paragraph is inserted immediately after redesignated paragraph (44) (formerly paragraph (42)) as follows:

"(45) 'Savings and loan association' means a savings and loan association, building and loan association, cooperative bank, homestead association, or similar institution, which is supervised and examined by State or Federal authority having supervision over any such institution, and a receiver, conservator, or other liquidating agent of any such institution."

(b) Section 13(b) of such Act (15 U.S.C. 80a–13(b)) is amended by striking out "paragraph (40)" and inserting in lieu thereof "paragraph (42)".

SEC. 3. (a) The second sentence of paragraph (2) of section 3(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(b)(2)) is amended by inserting "in good faith" after "paragraph".

(b) Section 3(c) of such Act (15 U.S.C. 80a–3(c)) is amended as follows:

(1) The material preceding paragraph (1) is amended to read as follows:

"(c) Notwithstanding subsection (a), none of the following persons is an investment company within the meaning of this title:".

(2) Strike paragraph (8); redesignate paragraphs (5) through (15) as paragraphs (4) through (13), respectively; and strike "paragraphs (3), (5), and (6)" in redesignated paragraph (6) (formerly paragraph (7)) and insert in lieu thereof "paragraphs (3), (4), and (5)".

(3) Redesignated paragraph (5) (formerly paragraph (6)) is amended by inserting "redeemable securities," before "face-amount certificates".

(4) Redesignated paragraph (8) (formerly paragraph (10)) is amended to read as follows:

"(8) Any company subject to regulation under the Public Utility Holding Company Act of 1935."

(5) Redesignated paragraph (11) (formerly paragraph (13)) is amended to read as follows:

"(11) Any employees' stock bonus, pension, or profit-sharing trust which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954; or any collective trust fund maintained by a bank consisting solely of assets of such trusts; or any separate account the assets of which are derived solely from (A) contributions under pension or profit-sharing plans which meet the requirements of such section or the requirements for deduction of the employer's contribution under section 404 (a)(2) of such Code, and (B) advances made by an insurance company in connection with the operation of such separate account."

(c)(1) Section 8(b)(2) of such Act (15 U.S.C. 80a–8(b)(2)) is amended to read as follows:

"(2) a recital of all investment policies of the registrant, not enumerated in paragraph (1), which are changeable only if authorized by shareholder vote;".

(2) Paragraphs (3) and (4) are redesignated as paragraphs (4) and (5), respectively.

(3) A new paragraph is inserted immediately after paragraph (2) to read as follows:

"(3) a recital of all policies of the registrant, not enumerated in paragraphs (1) and (2), in respect of matters which the registrant deems matters of fundamental policy;".

(d) Section 13(a)(3) of such Act (15 U.S.C. 8a–13(a)(3)) is amended to read as follows:

"(3) deviate from its policy in respect of concentration of investments in any particular industry or group of industries as recited in its registration statement, deviate from any investment policy which is changeable only if authorized by shareholder vote, or deviate from any policy recited in its registration statement pursuant to section 8(b)(3);".

SEC. 4. (a) That part of section 9(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(a)) which precedes paragraph (1) is amended by inserting "employee," before "officer".

(b) Section 9 of such Act (15 U.S.C. 80a–9) is further amended by redesignating subsection (b) as subsection (c) and inserting immediately after subsection (a) a new subsection to read as follows:

"(b) The Commission may, after notice and opportunity for hearing, by order prohibit, conditionally or unconditionally, either permanently or for such period of time as it in its discretion shall deem appropriate in the public interest, any person from serving or acting as an employee, officer, director, member of an advisory board, investment adviser or depositor of, or principal underwriter for, a registered investment company or affiliated person of such investment adviser, depositor, or principal underwriter, if such person—

"(1) has willfully made or caused to be made in any registration statement, application or report filed with the Commission under this title any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any such registration statement, application, or report any material fact which was required to be stated therein; or

"(2) has willfully violated any provision of the Securities Act of 1933, or of the Securities Exchange Act of 1934, or of title II of this Act, or of this title, or of any rule or regulation under any of such statutes; or

"(3) has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of the Securities Act of 1933, or of the Securities Exchange Act of 1934, or of title II of this Act, or of this title, or of any rule or regulation under any of such statutes."

SEC. 5. (a) Section 10(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–10(a)) is amended to read as follows:

"(a) No registered investment company shall have a board of directors more than 60 per centum of the members of which are persons who are interested persons of such registered company."

(b) Section 10(b) of such Act (15 U.S.C. 80a–10(b)) is amended—

(1) by striking out "After one year from the effective date of this title, no" and inserting in lieu thereof "No"; and

(2) by striking out "affiliated", each place it appears in paragraph (2) and inserting in lieu thereof "interested".

(c) Section 10(c) of such Act (15 U.S.C. 80a–10(c)) is amended to read as follows:

"(c) No registered investment company shall have a majority of its board of directors consisting of persons who are officers, directors, or employees of any one bank, except that, if on March 15, 1940, any registered investment company had a majority of its directors consisting of persons who are directors, officers, or employees of any one bank, such company may continue to have the same percentage of its board of directors consisting of persons who are directors, officers, or employees of such bank."

(d) Section 10(d) of such Act (15 U.S.C. 80a–10(d)) is amended to read as follows:

"(d) Notwithstanding subsections (a) and (b)(2) of this section, a registered investment company may have a board of directors all the members of which, except one, are interested persons of the investment adviser of such company, or are officers or employees of such company, if—

"(1) such investment company is an open-end company;

"(2) such investment adviser is registered under title II of this Act and is engaged principally in the business of rendering investment supervisory services as defined in title II;

"(3) no sales load is charged on securities issued by such investment company;

"(4) any premium over net asset value charged by such company upon the issuance of any such security, plus any discount from net asset value charged on redemption thereof, shall not in the aggregate exceed 2 per centum;

"(5) no sales or promotion expenses are incurred by such registered company; but expenses incurred in complying with laws regulating the issue or sale of securities shall not be deemed sales or promotion expenses;

"(6) such investment adviser is the only investment adviser to such investment company, and such investment adviser does not receive a management fee exceeding 1 per centum per annum of the value of such company's net assets averaged over the year or taken as of a definite date or dates within the year;

"(7) all executive salaries and executive expenses and office rent of such investment company are paid by such investment adviser; and

"(8) such investment company has only one class of securities outstanding, each unit of which has equal voting rights with every other unit."

SEC. 6. Section 11(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–11(b)) is amended to read as follows:

"(b) The provisions of this section shall not apply to any offer made pursuant to any plan of reorganization, which is submitted to and requires the approval of the holders of at least a majority of the outstanding shares of the class or series to which the security owned by the offeree belongs."

SEC. 7. Section 12(d) of the Investment Company Act of 1940 (15 U.S.C. 80a–12(d)) is amended to read as follows:

"(d)(1)(A) It shall be unlawful for any registered investment company (the 'acquiring company') and any company or companies controlled by such acquiring company to purchase or otherwise acquire any security issued by any other investment company (the 'acquired company'), and for any investment company (the 'acquiring company') and any company or companies controlled by such acquiring company to purchase or otherwise acquire any security issued by any registered investment company (the 'acquired company'), if the acquiring company and any company or companies controlled by it immediately after such purchase or acquisition own in the aggregate—

"(i) more than 3 per centum of the total outstanding voting stock of the acquired company;

"(ii) securities issued by the acquired company having an aggregate value in excess of 5 per centum of the value of the total assets of the acquiring company; or

"(iii) securities issued by the acquired company and all other investment companies (other than Treasury stock of the acquiring company) having an aggregate value in excess of 10 per centum of the value of the total assets of the acquiring company.

"(B) It shall be unlawful for any registered open-end investment company (the 'acquired company'), any principal underwriter therefor, or any broker or dealer registered under the Securities Exchange Act of 1934, knowingly to sell or otherwise dispose of any security issued by the acquired company to any other investment company (the 'acquiring company') or any company or companies controlled by the acquiring company, if immediately after such sale or disposition—

"(i) more than 3 per centum of the total outstanding voting stock of the acquired company is owned by the acquiring company and any company or companies controlled by it; or

"(ii) more than 10 per centum of the total outstanding voting stock of the acquired company is owned by the acquiring company and other investment companies and companies controlled by them.

"(C) It shall be unlawful for any investment company (the 'acquiring company') and any company or companies controlled by the acquiring company to purchase or otherwise acquire any security issued by a registered closed-end investment company, if immediately after such purchase or acquisition the acquiring company, other investment companies having the same investment adviser, and companies controlled by such investment companies, own more than 10 per centum of the total outstanding voting stock of such closed-end company.

"(D) The provisions of this paragraph (1) shall not apply to a security received as a dividend or as a result of an offer of exchange approved pursuant to section 11 or of a plan of reorganization of any company (other than a plan devised for the purpose of evading the foregoing provisions).

"(E) The provisions of this paragraph (1) shall not apply to a security (or securities) purchased or acquired by an investment company if—

"(i) if the depositor of, or principal underwriter for, such investment company is a broker or dealer registered under the Securities Exchange Act of 1934, or a person controlled by such a broker or dealer;

"(ii) such security is the only investment security held by such investment company (or such securities are the only investment securities held by such investment company, if such investment company is a registered unit investment trust that issues two or more classes or series of securities, each of which provides for the accumulation of shares of a different investment company); and

"(iii) in the event such investment company is not a registered investment company, the purchase or acquisition is made pursuant to an arrangement with the issuer of, or principal underwriter for the issuer of, the security whereby such investment company is obligated—

"(aa) either to seek instructions from its security holders with regard to the voting of all proxies with respect to such security and to vote such proxies only in accordance with such instructions, or to vote the shares held by it in the same proportion as the vote of all other holders of such security, and

"(bb) to refrain from substituting such security unless the Commission shall have approved such substitution in the manner provided in section 26 of this Act.

"(F) The provisions of this paragraph (1) shall not apply to securities purchased or otherwise acquired by a registered investment company if—

"(i) immediately after such purchase or acquisition not more than 3 per centum of the total outstanding stock of such issuer is owned by such registered investment company and all affiliated persons of such registered investment company; and

"(ii) such registered investment company has not offered or sold after January 1, 1971, and is not proposing to offer or sell any security issued by it through a principal underwriter or otherwise at a public offering price which includes a sales load of more than 1½ per centum.

No issuer of any security purchased or acquired by a registered investment company pursuant to this subparagraph shall be obligated to redeem such security in an amount exceeding 1 per centum of such issuer's total outstanding securities during any period of less than thirty days. Such investment company shall exercise voting rights by proxy or otherwise with respect to any security purchased or acquired pursuant to this subparagraph in the manner prescribed by subparagraph (E) of this subsection.

"(G) For the purposes of this paragraph (1), the value of an investment company's total assets shall be computed as of the time of a purchase or acquisition or as closely thereto as is reasonably possible.

"(H) In any action brought to enforce the provisions of this paragraph (1), the Commission may join as a party the issuer of any security purchased or otherwise acquired in violation of this paragraph (1), and the court may issue any order with respect to such issuer as may be necessary or appropriate for the enforcement of the provisions of this paragraph (1).

"(2) It shall be unlawful for any registered investment company and any company or companies controlled by such registered investment company to purchase or otherwise acquire any security (except a security received as a dividend or as a result of a plan of reorganization of any company, other than a plan devised for the purpose of evading the provisions of this paragraph) issued by any insurance company of which such registered investment company and any company or companies controlled by such registered company do not, at the time of such purchase or acquisition, own in the aggregate at least 25 per centum of the total outstanding voting stock, if such registered company and any company or companies controlled by it own in the aggregate, or as a result of such purchase or acquisition will own in the aggregate, more than 10 per centum of the total outstanding voting stock of such insurance company.

"(3) It shall be unlawful for any registered investment company and any company or companies controlled by such registered investment company to purchase or otherwise acquire any security issued by or any other interest in the business of any person who is a broker, a dealer, is engaged in the business of underwriting, or is either an investment adviser of an investment company or an investment adviser registered under title II of this Act unless (A) such person is a corporation all the outstanding securities of which (other than short-term paper, securities representing bank loans, and directors' qualifying shares) are, or after such acquisition will be, owned by one or more registered investment companies; and (B) such person is primarily engaged in the business of underwriting and distributing securities issued by other persons, selling securities to customers, or any one or more of such or related activities, and the gross income of such person normally is derived principally from such business or related activities."

SEC. 8. (a) Section 15(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–15(a)) is amended to read as follows:

"(a) It shall be unlawful for any person to serve or act as investment adviser of a registered investment company, except pursuant to a written contract, which contract, whether with such registered company or with an investment adviser of such registered company, has been approved by the vote of a majority of the outstanding voting securities of such registered company, and—

"(1) precisely describes all compensation to be paid thereunder;

"(2) shall continue in effect for a period more than two years from the date of its execution, only so long as such continuance is specifically approved at least annually by the board of directors or by vote of a majority of the outstanding voting securities of such company;

"(3) provides, in substance, that it may be terminated at any time, without the payment of any penalty, by the board of directors of such registered company or by vote of a majority of the outstanding voting securities of such company on not more than sixty days' written notice to the investment adviser; and

"(4) provides, in substance, for its automatic termination in the event of its assignment."

(b) Section 15(b) of such Act (15 U.S.C. 80a–15(b)) is amended to read as follows:

"(b) It shall be unlawful for any principal underwriter for a registered open-end company to offer for sale, sell, or deliver after sale any security of which such company is the issuer, except pursuant to a written contract with such company, which contract—

"(1) shall continue in effect for a period more than two years from the date of its execution, only so long as such continuance is specifically approved at least annually by the board of directors or by vote of a majority of the outstanding voting securities of such company; and

"(2) provides, in substance, for its automatic termination in the event of its assignment."

(c) Section 15(c) of such Act (15 U.S.C. 80a–15(c)) is amended to read as follows:

"(c) In addition to the requirements of subsections (a) and (b) of this section, it shall be unlawful for any registered investment company having a board of directors to enter into, renew, or perform any contract or agreement, written or oral, whereby a person undertakes regularly to serve or act as investment adviser of or principal underwriter for such company, unless the terms of such contract or agreement and any renewal thereof have been approved by the vote of a majority of directors, who are not parties to such contract or agreement or interested persons of any such party, cast in person at a meeting called for the purpose of voting on such approval. It shall be the duty of the directors of a registered investment company to request and evaluate, and the duty of an investment adviser to such company to furnish, such information as may reasonably be necessary to evaluate the terms of any contract whereby a person undertakes regularly to serve or act as investment adviser of such company."

(d) Section 15 of such Act (15 U.S.C. 80a–15) is amended by striking out subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 9. (a) Section 17(f) of the Investment Company Act of 1940 (15 U.S.C. 80a–17(f)) is amended to read as follows:

"(f) Every registered management company shall place and maintain its securities and similar investments in the custody of (1) a bank or banks having the qualifications prescribed in paragraph (1) of section 26(a) of this title for the trustees of unit investment trusts; or (2) a company which is a member of a national securities exchange as defined in the Securities Exchange Act of 1934, subject to such rules and regulations as the Commission may from time to time prescribe for the protection of investors; or (3) such registered company, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Subject to such rules, regulations, and orders as the Commission may adopt as necessary or appropriate for the protection of investors, a registered management company or any such custodian, with the consent of the registered management company for which it acts as custodian, may deposit all or any part of the securities owned by such registered management company in a system for the central handling of securities established by a national securities exchange or national securities association registered with the Commission under the Securities Exchange Act of 1934, or such other person as may be permitted by the Commission, pursuant to which system all securities of any particular class or series of any issuer deposited within the system are treated as fungible and may be transferred or pledged by bookkeeping entry without physical delivery of such securities. Rules, regulations, and orders of the Commission under this subsection, among other things, may make appropriate provision with respect to such matters as the earmarking, segregation, and hypothecation of such securities and investments, and may provide for or require periodic or other inspections by any or all of the following: Independent public accountants, employees and agents of the Commission, and such other persons as the Commission may designate. No such member which trades in securities for its own account may act as custodian except in accordance with rules and regulations prescribed by the Commission for the protection of investors. If a registered company maintains its securities and similar investments in the custody of a qualified bank or banks, the cash proceeds from the sale of such securities and similar investments and other cash assets of the company shall likewise be kept in the custody of such a bank or banks, or in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors, except that such a registered company may maintain a checking account in a bank or banks having the qualifications prescribed in paragraph (1) of section 26(a) of this title for the trustees of unit investment trusts with the balance of such account or the aggregate balances of such accounts at no time in excess of the amount of the fidelity bond, maintain pursuant to section 17(g) of this title, covering the officers or employees authorized to draw on such account or accounts."

(b) Section 17(g) of such Act (15 U.S.C. 80a–17(g)) is amended to read as follows:

"(g) The Commission is authorized to require by rules and regulations or orders for the protection of investors that any officer or employee of a registered management investment company who may singly, or jointly with others, have access to securities or funds of any registered company, either directly or through authority to draw upon such funds or to direct generally the disposition of such securities (unless the officer or employee has such access solely through his position as an officer or employee of a bank) be bonded by a reputable fidelity insurance company against larceny and embezzlement in such reasonable minimum amounts as the Commission may prescribe."

(c) Section 17 of such Act (15 U.S.C. 80a–17) is further amended by adding at the end thereof a new subsection as follows:

"(j) It shall be unlawful for any affiliated person of or principal underwriter for a registered investment company or any affiliated person of an investment adviser of or principal underwriter for a registered investment company, to engage in any act, practice, or course of business in connection with the purchase or sale, directly or indirectly, by such person of any security held or to be acquired by such registered investment company in contravention of such rules and regulations as the Commission may adopt to define, and prescribe means reasonably necessary to prevent such acts, practices, or courses of business as are fraudulent, deceptive or manipulative. Such rules and regulations may include requirements for the adoption of codes of ethics by registered investment companies and investment advisers of, and principal underwriters for, such investment companies establishing such standards as are reasonably necessary to prevent such acts, practices, or courses of business."

SEC. 10. Section 18(f)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–18(f)(2)) is amended to read as follows:

"(2) 'Senior security' shall not, in the case of a registered open-end company, include a class or classes or a number of series of preferred or special stock each of which is preferred over all other classes or series in respect of assets specifically allocated to that class or series: *Provided*, That (A) such company has outstanding no class or series of stock which is not so preferred over all other classes or series, or (B) the only other outstanding class of the issuer's stock consists of a common stock upon which no dividend (other than a liquidating dividend) is permitted to be paid and which in the aggregate represents not more than one-half of 1 per centum of the issuer's outstanding voting securities. For the purpose of insuring fair and equitable treatment of the holders of the outstanding voting securities of each class or series of stock of such company, the Commission may by rule, regulation, or order direct that any matter required to be submitted to the holders of the outstanding voting securities of such company shall not be deemed to have been effectively acted upon unless approved by the holders of such percentage (not exceeding a majority) of the outstanding voting securities of each class or series of stock affected by such matter as shall be prescribed in such rule, regulation, or order."

SEC. 11. Section 19 of the Investment Company Act of 1940 (15 U.S.C. 80a–19) is amended by inserting "(a)" after "SEC. 19.", and by adding at the end thereof a new subsection as follows:

"(b) It shall be unlawful in contravention of such rules, regulations, or orders as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors for any registered investment company to distribute long-term capital gains, as defined in the Internal Revenue Code of 1954, more often than once every twelve months."

SEC. 12. (a) Section 22(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–22(b)) is amended to read as follows:

"(b)(1) Such a securities association may also, by rules adopted and in effect in accordance with said section 15A, and notwithstanding the provisions of subsection (b)(8) thereof but subject to all other provisions of said section applicable to the rules of such an association, prohibit its members from purchasing in connection with a primary distribution of redeemable securities of which any registered investment company is the issuer, any such security from the issuer or from any principal underwriter except at a price equal to the price at which such security is then offered to the public less a commission, discount, or spread which is computed in conformity with a method or methods, and within such limitations as to the relation thereof to said public offering price, as such rules may prescribe in order that the price at which such security is offered or sold to the public shall not include an excessive sales load but shall allow for reasonable compensation for sales personnel, broker-dealers, and underwriters, and for reasonable sales loads to investors. The Commission shall on application or otherwise, if it appears that smaller companies are subject to relatively higher operating costs, make due allowance therefor by granting any such company or class of companies appropriate qualified exemptions from the provisions of this section.

"(2) At any time after the expiration of eighteen months from the date of enactment of the Investment Company Amendments Act of 1970, or after a securities association has adopted rules as contemplated by this subsection, the Commission may make such rules and regulations pursuant to section 15(b)(10) of the Securities Exchange Act of 1934 as are appropriate to effectuate the purpose of this subsection with respect to sales of shares of a registered investment company by broker-dealers subject to regulation under section 15(b)(8) of that Act: *Provided*, That the underwriter of such shares may file with the Commission at any time a notice of election to comply with the rules prescribed pursuant to this subsection by a national securities association specified in such notice, and thereafter the sales load shall not exceed that prescribed

by such rules of such association, and the rules of the Commission as hereinabove authorized shall thereafter be inapplicable to such sales.

"(3) At any time after the expiration of eighteen months from the date of enactment of the Investment Company Amendments Act of 1970, (or, if earlier, after a securities association has adopted for purposes of paragraph (1) any rule respecting excessive sales loads) the Commission may alter or supplement the rules of any securities association as may be necessary to effectuate the purposes of this subsection in the manner provided by section 15A(k)(2) of the Securities Exchange Act of 1934.

"(4) If any provision of this subsection is in conflict with any provision of any law of the United States in effect on the date this subsection takes effect, the provisions of this subsection shall prevail."

(b) Section 22(c) of such Act (15 U.S.C. 80a–22(c)) is amended to read as follows:

"(c) The Commission may make rules and regulations applicable to registered investment companies and to principal underwriters of, and dealers in, the redeemable securities of any registered investment company, whether or not members of any securities association, to the same extent, covering the same subject matter, and for the accomplishment of the same ends as are prescribed in subsection (a) of this section in respect of the rules which may be made by a registered securities association governing its members. Any rules and regulations so made by the Commission, to the extent that they may be inconsistent with the rules of any such association, shall so long as they remain in force supersede the rules of the association and be binding upon its members as well as all other underwriters and dealers to whom they may be applicable."

(c) Section 22(d) of such Act (15 U.S.C. 80a–22(d)) is amended to read as follows:

"(d) No registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus. Nothing in this subsection shall prevent a sale made (i) pursuant to an offer of exchange permitted by section 11 including any offer made pursuant to section 11(b); (ii) pursuant to an offer made solely to all registered holders of the securities, or of a particular class or series of securities issued by the company proportionate to their holdings or proportionate to any cash distribution made to them by the company (subject to appropriate qualifications designed solely to avoid issuance of fractional securities); or (iii) in accordance with rules and regulations of the Commission made pursuant to subsection (b) of section 12."

SEC. 13. (a) Section 24(d) of the Investment Company Act of 1940 (15 U.S.C. 80a–24(d)) is amended to read as follows:

"(d) The exemption provided by paragraph (8) of section 3(a) of the Securities Act of 1933 shall not apply to any security of which an investment company is the issuer. The exemption provided by paragraph (11) of said section 3(a) shall not apply to any security of which a registered investment company is the issuer, except a security sold or disposed of by the issuer or bona fide offered to the public prior to the effective date of this title, and with respect to a security so sold, disposed of, or offered, shall not apply to any new offering thereof on or after the effective date of this title. The exemption provided by section 4(3) of the Securities Act of 1933 shall not apply to any transaction in a security issued by a face-amount certificate company or in a redeemable security issued by an open-end management company or unit investment trust if any other security of the same class is currently being offered or sold by the issuer or by or through an underwriter in a distribution which is not exempted from section 5 of said Act, except to such extent and subject to such terms and conditions as the Commission, having due regard for the public interest and the protection of investors, may prescribe by rules or regulations with respect to any class of persons, securities, or transactions."

(b) Section 24 of such Act (15 U.S.C. 80a–24) is further amended by adding at the end thereof a new subsection to read as follows:

"(f) In the case of securities issued by a face-amount certificate company or redeemable securities issued by an open-end management company or unit investment trust, which are sold in an amount in excess of the number of securities included in an effective registration statement of any such company, such company may, in accordance with such rules and regulations as the Commission shall adopt as it deems necessary or appropriate in the public interest or for the protection of investors, elect to have the registration of such securities deemed effective as of the time of their sale, upon payment to the Commission, within six months after any such sale, of a registration fee of three times the amount of the fee which would have otherwise been applicable to such securities. Upon any such election and payment, the registration statement of such company shall be considered to have been in effect with respect to such shares. The Commission may also adopt rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors to permit the registration of an indefinite number of the securities issued by a face-amount certificate company or redeemable securities issued by an open-end management company or unit investment trust."

SEC. 14. Section 25(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–25(c)) is amended to read as follows:

"(c) Any district court of the United States in the State of incorporation of a registered investment company, or any such court for the district in which such company maintains its principal place of business, is authorized to enjoin the consummation of any plan of reorganization of such registered investment company upon proceedings instituted by the Commission (which is authorized so to proceed upon behalf of security holders of such registered company, or any class thereof), if such court shall determine that any such plan is not fair and equitable to all security holders."

SEC. 15. (a) Section 26 of the Investment Company Act of 1940 (15 U.S.C. 80a–26) is amended by redesignating subsections (b) and (c) thereof as subsections (c) and (d), respectively, and by inserting immediately after subsection (a) a new subsection as follows:

"(b) It shall be unlawful for any depositor or trustee of a registered unit investment trust holding the security of a single issuer to substitute another security for such security unless the Commission shall have approved such substitution. The Commission shall issue an order approving such substitution if the evidence establishes that it is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title."

(b) Redesignated subsection (c) (formerly subsection (b)) of section 26 of such Act is amended to read as follows:

"(c) In the event that a trust indenture, agreement of custodianship, or other instrument pursuant to which securities of a registered unit investment trust are issued does not comply with the requirements of subsection (a) of this section, such instrument will be deemed to meet such requirements if a written contract or agreement binding on the parties and embodying such requirements has been executed by the depositor on the one part and the trustee or custodian on the other part, and three copies of such contract agreement have been filed with the Commission."

SEC. 16. Section 27 of the Investment Company Act of 1940 (15 U.S.C. 80a–27) is amended by adding at the end thereof the following new subsections:

"(d) Notwithstanding subsection (a) of this section, it shall be unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless the certificate provides that the holder thereof may surrender the certificate at any time within the first eighteen months after the issuance of the certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from such underwriter or depositor, equal to that part of the excess paid for sales loading which is over 15 per centum of the gross payments made by the certificate holder. The Commission may make rules and regulations applicable to such underwriters and depositors specifying such reserve requirements as it deems necessary or appropriate in order for such underwriters and depositors to carry out the obligations to refund sales charges required by this subsection.

"(e) With respect to any periodic payment plan certificate sold subject to the provisions of subsection (d) of this section, the registered investment company issuing such periodic payment plan certificate, or any depositor of or underwriter for such company, shall in writing (1) inform each certificate holder who has missed three payments or more, within thirty days following the expiration of fifteen months after the issuance of the certificate, or, if any such holder has missed one payment or more after such period of fifteen months but prior to the expiration of eighteen months after the issuance of the certificate, at any time prior to the expiration of such eighteen-month period, of his right to surrender his certificate as specified in subsection (d) of this section, and (2) inform the certificate holder of (A) the value of the holder's account as of the time the written notice was given to such holder, and (B) the amount to which he is entitled as specified in subsection (d) of this section. The Commission may make rules specifying the method, form, and contents of the notice required by this subsection.

"(f) With respect to any periodic payment plan, the custodian bank for such plan shall mail to each certificate holder, within sixty days after the issuance of the certificate, a statement of charges to be deducted from the projected payments on the certificate and a notice of his right of withdrawal as specified in this section. The Commission may make rules specifying the method, form, and contents of the notice required by this subsection. The certificate holder may within forty-five days of the mailing of the notice specified in this subsection surrender his certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from the underwriter or depositor, equal to the difference between the gross payments made and the net amount invested. The Commission may make rules and regulations applicable to underwriters and depositors of companies issuing any such certificates specifying such reserve requirements as it deems necessary or appropriate in order for such underwriters and depositors to carry out the obligations to

refund sales charges required by this subsection.

"(g) Notwithstanding the provisions of subsections (a) and (d), a registered investment company issuing periodic payment plan certificates may elect, by written notice to the Commission, to be governed by the provisions of subsection (h) rather than the provisions of subsections (a) and (d) of this section.

"(h) Upon making the election specified in subsection (g), it shall be unlawful for any such electing registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate, if—

"(1) the sales load on such certificate exceeds 9 per centum of the total payments to be made thereon;

"(2) more than 20 per centum of any payment thereon is deducted for sales load, or an average of more than 16 per centum is deducted for sales load from the first forty-eight monthly payments thereon, or their equivalent;

"(3) the amount of sales load deducted from any one of the first twelve monthly payments, the thirteenth through twenty-fourth monthly payments, the twenty-fifth through thirty-sixth monthly payments, or the thirty-seventh through forty-eighth monthly payments, or their equivalents, respectively, exceeds proportionately the amount deducted from any other such payment, or the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment;

"(4) the deduction for sales load on the excess of the payment or payments in any month over the minimum monthly payment, or its equivalent, to be made on the certificate exceeds the sales load applicable to payments subsequent to the first forty-eight monthly payments or their equivalent;

"(5) the first payment on such certificate is less than $20, or any subsequent payment is less than $10;

"(6) if such registered company is a management company, the proceeds of such certificate or the securities in which such proceeds are invested are subject to management fees (other than fees for administrative services of the character described in clause (C) of paragraph (2) of section 26(a)) exceeding such reasonable amount as the Commission may prescribe, whether such fees are payable to such company or to investment advisers thereof; or

"(7) if such registered company is a unit investment trust the assets of which are securities issued by a management company, the depositor of or principal underwriter for such trust, any affiliated person of such depositor or underwriter, is to receive from such management company or any affiliated person thereof any fee or payment on account of payments on such certificate exceeding such reasonable amount as the Commission may prescribe."

SEC. 17. Section 28 of the Investment Company Act of 1940 (15 U.S.C. 80a–28) is amended by adding at the end thereof a new subsection as follows:

"(i) The foregoing provisions of this section shall apply to all face-amount certificates issued prior to the effective date of this subsection; to the collection or acceptance of any payment on such certificates; to the issuance of face-amount certificates to the holders of such certificates pursuant to an obligation expressed or implied in such certificates; to the provisions of such certificates; to the minimum certificate reserves and deposits maintained with respect thereto; and to the assets that the issuer of such certificate was and is required to have with respect to such certificates. With respect to all face-amount certificates issued after the effective date of this subsection, the provisions of this section shall apply except as hereinafter provided.

"(1) Notwithstanding subparagraph (A) of paragraph (2) of subsection (a), the reserves for each certificate of the installment type shall be based on assumed annual, semi-annual, quarterly, or monthly reserve payments according to the manner in which gross payments for any certificate year are made by the holder, which reserve payments shall be sufficient in amount, as and when accumulated at a rate not to exceed 3½ per centum per annum compounded annually, to provide the minimum maturity or face amount of the certificate when due. Such reserve payments may be graduated according to certificate years so that the reserve payment or payments for the first three certificate years shall amount to at least 80 per centum of the required gross annual payment for such years; the reserve payment or payments for the fourth certificate year shall amount to at least 90 per centum of such year's required gross annual payment; the reserve payment or payments for the fifth certificate year shall amount to at least 93 per centum of such year's gross annual payment; and for the sixth and each subsequent certificate year the reserve payment or payments shall amount to at least 96 per centum of each such year's required gross annual payment: *Provided*, That such aggregate reserve payments shall amount to at least 93 per centum of the aggregate gross annual payments required to be made by the holder to obtain the maturity of the certificate. The company may at its option take as loading from the gross payment or payments for a certificate year, as and when made by the certificate holder, an amount or amounts equal in the aggregate for such year to not more than the excess, if any, of the gross payment or payments required to be made by the holder for such year, over and above the percentage of the gross annual payment required herein for such year for reserve purposes. Such loading may be taken by the company prior to or after the setting up of the reserve payment or payments for such year and the reserve payment or payments for such year may be graduated and adjusted to correspond with the amount of the gross payment or payments made by the certificate holder for such year less the loading so taken.

"(2) Notwithstanding paragraphs (1) and (2) of subsection (d), (A) in respect of any certificate of the installment type, during the first certificate year, the holder of the certificate, upon surrender thereof, shall be entitled to a value payable in cash not less than 80 per centum of the amount of the gross payments made on the certificate; and (B) in respect of any certificate of the installment type, at any time after the expiration of the first certificate year and prior to maturity, the holder of the certificate, upon surrender thereof, shall be entitled to a value payable in cash not less than the then amount of the reserve for such certificate required by clauses (1) and (2) of subparagraph (D) of paragraph (2) of subsection (a), less a surrender charge that shall not exceed 2 per centum of the face or maturity amount of the certificate, or 15 per centum of the amount of such reserve, whichever is the lesser, but in no event shall such value be less than 80 per centum of the gross payments made on the certificate. The amount of the surrender value for the end of each certificate year shall be set out in the certificate."

SEC. 18. Section 32(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–31(a)) is amended to read as follows:

"(a) It shall be unlawful for any registered management company or registered face-amount certificate company to file with the Commission any financial statement signed or certified by an independent public accountant, unless—

"(1) such accountant shall have been selected at a meeting held within thirty days before or after the beginning of the fiscal year or before the annual meeting of stockholders in that year by the vote, cast in person, of a majority of those members of the board of directors who are not interested persons of such registered company;

"(2) such selection shall have been submitted for ratification or rejection at the next succeeding annual meeting of stockholders if such meeting be held, except that any vacancy occurring between annual meetings, due to the death or resignation of the accountant, may be filled by the vote of a majority of those members of the board of directors who are not interested persons of such registered company, cast in person at a meeting called for the purpose of voting on such action;

"(3) the employment of such accountant shall have been conditioned upon the right of the company by vote of a majority of the outstanding voting securities at any meeting called for the purpose to terminate such employment forthwith without any penalty; and

"(4) such certificate or report of such accountant shall be addressed both to the board of directors of such registered company and to the security holders thereof.

If the selection of an accountant as been rejected pursuant to paragraph (2) or his employment terminated pursuant to paragraph (3), the vacancy so occurring may be filled by a vote of a majority of the outstanding voting securities, either at the meeting at which the rejection or termination occurred or, if not so filled, at a subsequent meeting which shall be called for the purpose. In the case of a common-law trust of the character described in section 16(b), no ratification of the employment of such accountant shall be required but such employment may be terminated and such accountant removed by action of the holders of record of a majority of the outstanding shares of beneficial interest in such trust in the same manner as is provided in section 16(b) in respect of the removal of a trustee, and all the provisions therein contained as to the calling of a meeting shall be applicable. In the event of such termination and removal, the vacancy so occurring may be filled by action of the holders of record of a majority of the shares of beneficial interest either at the meeting, if any, at which such termination and removal occurs, or by instruments in writing filed with the custodian, or if not so filed within a reasonable time then at a subsequent meeting which shall be called by the trustees for the purpose. The provisions of paragraph (42) of section 2(a) as to a majority shall be applicable to the vote cast at any meeting of the shareholders of such a trust held pursuant to this subsection."

SEC. 19. Section 33 of the Investment Company Act of 1940 (15 U.S.C. 80a–32) is amended to read as follows:

"FILING OF DOCUMENTS WITH COMMISSION IN CIVIL ACTIONS

"SEC. 33. Every registered investment company which is a party and every affiliated person of such company who is a party defendant to any action or claim by a registered investment company or a security holder thereof in a derivative or representative capacity against an officer, director, investment adviser, trustee, or depositor of such company, shall file with the Commission, unless already so filed, (1) a copy of all pleadings, verdicts, or judgments filed with the court or served in connection with such action or claim, (2) a copy of any proposed settlement, compromise, or discontinuance of such action, and (3) a copy of such motions, transcripts, or other documents filed in or issued by the court or served in connection with such action or claim as may be re-

quested in writing by the Commission. If any document referred to in clause (1) or (2)—

"(A) is delivered to such company or party defendant, such document shall be filed with the Commission not later than ten days after the receipt thereof; or

"(B) is filed in such court or delivered by such company or party defendant, such document shall be filed with the Commission not later than five days after such filing or delivery."

SEC. 20. Section 36 of the Investment Company Act of 1940 (15 U.S.C. 80a-35) is amended to read as follows:

"BREACH OF FIDUCIARY DUTY

"SEC. 36. (a) The Commission is authorized to bring an action in the proper district court of the United States, or in the United States court of any territory or other place subject to the jurisdiction of the United States, alleging that a person serving or acting in one or more of the following capacities has engaged within five years of the commencement of the action or is about to engage in any act or practice constituting a breach of fiduciary duty involving personal misconduct in respect of any registered investment company for which such person so serves or acts—

"(1) as officer, director, member of any advisory board, investment adviser, or depositor; or

"(2) as principal underwriter, if such registered company is an open-end company, unit investment trust, or face-amount certificate company.

If such allegations are established, the court may enjoin such person from acting in any or all such capacities either permanently or temporarily and award such injunctive or other relief against such person as may be reasonable and appropriate in the circumstances, having due regard to the protection of investors and to the effectuation of the policies declared in section 1(b) of this title.

"(b) For the purposes of this subsection, the investment adviser of a registered investment company shall be deemed to have a fiduciary duty with respect to the receipt of compensation for services, or of payments of a material nature, paid by such registered investment company, or by the security holders thereof, to such investment adviser or any affiliated person of such investment adviser. An action may be brought under this subsection by the Commission, or by a security holder of such registered investment company on behalf of such company, against such investment adviser, or any affiliated person of such investment adviser, or any other person enumerated in subsection (a) of this section who has a fiduciary duty concerning such compensation or payments, for breach of fiduciary duty in respect of such compensation or payments paid by such registered investment company or by the security holders thereof to such investment adviser or person. With respect to any such action the following provisions shall apply:

"(1) It shall not be necessary to allege or prove that any defendant engaged in personal misconduct, and the plaintiff shall have the burden of proving a breach of fiduciary duty.

"(2) In any such action approval by the board of directors of such investment company of such compensation or payments, or of contracts or other arrangements providing for such compensation or payments, and ratification or approval of such compensation or payments, or of contracts or other arrangements providing for such compensation or payments, by the shareholders of such investment company, shall be given such consideration by the court as is deemed appropriate under all the circumstances.

"(3) No such action shall be brought or maintained against any person other than the recipient of such compensation or payments, and no damages or other relief shall be granted against any person other than the recipient of such compensation or payments. No award of damages shall be recoverable for any period prior to one year before the action was instituted. Any award of damages against such recipient shall be limited to the actual damages resulting from the breach of fiduciary duty and shall in no event exceed the amount of compensation or payments received from such investment company, or the security holders thereof, by such recipient.

"(4) This subsection shall not apply to compensation or payments made in connection with transactions subject to section 17 of this title, or rules, regulations, or orders thereunder, or to sales loans for the acquisition of any security issued by a registered investment company.

"(5) Any action pursuant to this subsection may be brought only in an appropriate district court of the United States.

"(6) No finding by a court with respect to a breach of fiduciary duty under this subsection shall be made a basis (A) for a finding of a violation of this title for the purposes of sections 9 and 49 of this title, section 15 of the Securities Exchange Act of 1934, or section 203 of title II of this Act, or (B) for an injunction to prohibit any person from serving in any of the capacities enumerated in subsection (a) of this section."

SEC. 21. The last sentence of section 43(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-42(a)) is amended by striking out "sections 239 and 240 of the Judicial Code, as amended" and inserting in lieu thereof "section 1254 of title 28, United States Code".

SEC. 22. Section 44 of the Investment Company Act of 1940 (15 U.S.C. 80a-43) is amended—

(1) by striking out the next to the last sentence and inserting in lieu thereof "Judgments and decrees so rendered shall be subject to review as provided in sections 1254, 1291, 1292, and 1294 of title 28, United States Code."; and

(2) by adding at the end thereof a new sentence as follows: "The Commission may intervene as a party in any action or suit to enforce any liability or duty created by, or to enjoin any noncompliance with, section 36(b) of this title at any stage of such action or suit prior to final judgment therein."

SEC. 23. Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)) is amended as follows.

(1) Paragraph (2) is amended by striking out "under section 11(k) of the Federal Reserve Act, as amended" and inserting in lieu thereof "under the authority of the Comptroller of the Currency".

(2) Paragraphs (17) through (20) are redesignated as paragraphs (18) through (21), respectively, and a new paragraph is inserted immediately after paragraph (16) to read as follows:

"(17) The term 'person associated with an investment adviser' means any partner, officer, or director of such investment adviser (or any person performing similar functions), or any person directly or indirectly controlling or controlled by such investment adviser, including any employee of such investment adviser, except that for the purposes of section 203 of this title (other than subsection (f) thereof), persons associated with an investment adviser whose functions are clerical or ministerial shall not be included in the meaning of such term. The Commission may by rules and regulations classify, for the purposes of any portion or portions of this title, persons, including employees controlled by an investment adviser."

SEC. 24. (a) Section 203(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(b)) is amended to read as follows:

"(b) The provisions of subsection (a) shall not apply to—

"(1) any investment adviser all of whose clients are residents of the State within which such investment adviser maintains his or its principal office and place of business, and who does not furnish advice or issue analyses or reports with respect to securities listed or admitted to unlisted trading privileges on any national securities exchange;

"(2) any investment adviser whose only clients are insurance companies; or

"(3) any investment adviser who during the course of the preceding twelve months has had fewer than fifteen clients and who neither holds himself out generally to the public as an investment adviser nor acts as an investment adviser to any investment company registered under title I of this Act."

(b) Section 203(c) of such Act (15 U.S.C. 80b-3(c)) is amended by striking out subparagraph (F) and inserting in lieu thereof the following:

"(F) whether such investment adviser, or any person associated with such investment adviser, is subject to any disqualification which would be a basis for denial, suspension, or revocation of registration of such investment adviser under the provisions of subsection (e), and".

(c) Section 203 of such Act (15 U.S.C. 80b-3) is further amended by redesignating subsection (d) as subsection (e), redesignating subsection (e) as subsection (g), and inserting after subsection (c) a new subsection as follows:

"(d) Any provision of this title (other than subsection (a) of this section) which prohibits any act, practice, or course of business if the mails or any means or instrumentality of interstate commerce are used in connection therewith shall also prohibit any such act, practice, or course of business by any investment adviser registered pursuant to this section or any person acting on behalf of such an investment adviser, irrespective of any use of the mails or any means or instrumentality of interstate commerce in connection therewith."

(d) Redesignated subsection (e) (formerly subsection (d) of section 203 of such Act) (15 U.S.C. 80b-3(d)) is amended to read as follows:

"(e) The Commission shall, after appropriate notice and opportunity for hearing, by order censure, deny registration to, or suspend for a period not exceeding twelve months, or revoke the registration of, an investment adviser, if it finds that such censure, denial, suspension, or revocation is in the public interest and that such investment adviser or any person associated with such investment adviser, whether prior to or subsequent to becoming such—

"(1) has willfully made or caused to be made in any application for registration or report filed with the Commission under this title, or in any proceeding before the Commission with respect to registration, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or who has omitted to state in any such application or report any material fact which is required to be stated therein; or

"(2) has been convicted within ten years preceding the filing of the application or at any time thereafter of any felony or misdemeanor which the Commission finds (A) involves the purchase or sale of any security, (B) arises out of the conduct of the business of a broker, dealer, or investment adviser, (C) involves embezzlement, fraudulent conversion, or misappropriation of funds or securities, or (D) involves the violation of section 1341, 1342, or 1343 of title 18, United States Code; or

"(3) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, or dealer, or an affiliated person or em-

ployee of any investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security; or

"(4) has willfully violated any provision of the Securities Act of 1933, or of the Securities Exchange Act of 1934, or of title I of this Act, or of this title, or of any rule or regulation under any of such statutes; or

"(5) has aided, abetted, counseled, commanded, induced, or procured the violation by any other person of the Securities Act of 1933, or the Securities Exchange Act of 1934, or of title I of this Act, or of this title, or of any rule or regulation under any of such statutes or has failed reasonably to supervise, with a view to preventing violations of such statutes, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision: *Provided*, That for the purposes of this paragraph (5), no person shall be deemed to have failed reasonably to supervise any person, if—

"(A) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to present and detect, insofar as practicable, any such violation by such other person; and

"(B) such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with; or

"(6) is subject to an order of the Commission entered pursuant to subsection (f) of this section barring or suspending the right of such person to be associated with an investment adviser, which order is in effect with respect to such person."

(e) Section 203 of such Act (15 U.S.C. 80b–3) is further amended by redesignating subsections (f) and (g) as subsections (h) and (i), respectively, and inserting after redesignated subsection (e) a new subsection as follows:

"(f) The Commission may, after appropriate notice and opportunity for hearing, by order censure any person or bar or suspend for a period not exceeding twelve months any person from being associated with an investment adviser, if the Commission finds that such censure, barring, or suspension is in the public interest and that such person has committed or omitted any act or omission enumerated in paragraph (1), (4), or (5) of subsection (e) of this section, or has been convicted of any offense specified in paragraph (2) of subsection (e) within ten years of the commencement of the proceedings under this subsection, or is enjoined from any action, conduct, or practice specified in paragraph (3) of subsection (e). It shall be unlawful for any person as to whom such an order barring or suspending him from being associated with an investment adviser is in effect, willfully to become, or to be, associated with an investment adviser, without the consent of the Commission, and it shall be unlawful for any investment adviser to permit such a person to become, or remain, a person associated with such investment adviser without the consent of the Commission, if such investment adviser knew, or in the exercise of reasonable care should have known of such order."

SEC. 25. Section 205 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–5) is amended to read as follows:

"INVESTMENT ADVISORY CONTRACTS

"SEC. 205. No investment adviser, unless exempt from registration pursuant to section 203(b), shall make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to enter into, extend, or renew any investment advisory contract, or in any way to perform any investment advisory contract entered into, extended, or renewed on or after the effective date of this title, if such contract—

"(1) provides for compensation to the investment adviser on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client;

"(2) fails to provide, in substance, that no assignment of such contract shall be made by the investment adviser without the consent of the other party to the contract; or

"(3) fails to provide, in substance, that the investment adviser, if a partnership, will notify the other party to the contract of any change in the membership of such partnership within a reasonable time after such change.

Paragraph (1) of this section shall not (A) be construed to prohibit an investment advisory contract which provides for compensation based upon the total value of a fund averaged over a definite period, or as of definite dates, or taken as of a definite date, or (B) apply to an investment advisory contract with—

"(i) an investment company registered under title I of this Act, or

"(ii) any other person (except a trust, collective trust fund or separate account referred to in section 3(c)(11) of title I of this Act), provided that the contract relates to the investment of assets in excess of $1 million,

which contract provides for compensation based on the asset value of the company or fund under management averaged over a specified period and increasing and decreasing proportionately with the investment performance of the company or fund over a specified period in relation to the investment record of an appropriate index of securities prices or such other measure of investment performance as the Commission by rule, regulation, or order may specify. For purposes of clause (B) of the preceding sentence, the point from which increases and decreases in compensation are measured shall be the fee which is paid or earned when the investment performance of such company or fund is equivalent to that of the index or other measure of performance, and an index of securities prices shall be deemed appropriate unless the Commission by order shall determine otherwise. As used in paragraphs (2) and (3) of this section, 'investment advisory contract' means any contract or agreement whereby a person agrees to act as investment adviser or to manage any investment or trading account of another person other than an investment company registered under title I of this Act."

SEC. 26. The Investment Advisers Act of 1940 (15 U.S.C. 80b–1–21) is further amended by inserting immediately after section 206 a new section as follows:

"EXEMPTIONS

"SEC. 206A. The Commission, by rules and regulations, upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons, or transactions, from any provision or provisions of this title or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title."

SEC. 27. (a) Section 2 of the Securities Act of 1933 (15 U.S.C. 77b) is amended by adding at the end thereof two new paragraphs as follows:

"(13) The term 'insurance company' means a company which is organized as an insurance company, whose primary and predominant business activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and which is subject to supervision by the insurance commissioner, or a similar official or agency, of a State or territory or the District of Columbia; or any receiver or similar official or any liquidating agent for such company, in his capacity as such.

"(14) The term 'separate account' means an account established and maintained by an insurance company pursuant to the laws of any State or territory of the United States, the District of Columbia, or of Canada or any province thereof, under which income, gains and losses, whether or not realized from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains, or losses of the insurance company."

(b) Section 3(a)(2) of such Act (15 U.S.C. 77c(a)(2)) is amended to read as follows:

"(2) Any security issued or guaranteed by the United States or any territory thereof, or by the District of Columbia, or by any State of the United States, or by any political subdivision of a State or territory, or by any public instrumentality of one or more States or territories, or by any person controlled or supervised by and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States; or any certificate of deposit for any of the foregoing; or any security issued or guaranteed by any bank; or any security issued by or representing an interest in or a direct obligation of a Federal Reserve bank; or any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian; or any interest or participation in a single or collective trust fund maintained by a bank or in a separate account maintained by an insurance company which interest or participation is issued in connection with (A) a stock bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, or (B) an annuity plan which meets the requirements for the deduction of the employer's contribution under section 404(a)(2) of such Code, other than any plan described in clause (A) or (B) of this paragraph (i) under which an amount in excess of the employer's contribution for any period is allocated to the purchase of securities issued by the employer or any company directly or indirectly controlling, controlled by or under common control with the employer or (ii) which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of such Code. The Commission, by rules and regulations or order, shall exempt from the provisions of section 5 of this title any interest or participation issued in connection with a stock bonus, pension, profit-sharing, or annuity plan which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of the Internal Revenue Code of 1954, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title. For the purposes of this paragraph, a security issued or guaranteed by a bank shall not include any interest or participation in any collective trust fund maintained by a bank; and the term 'bank' means any national bank, or any banking institution organized under the laws of any State, territory, or the District of Columbia, the business of which is substantially confined to banking and is supervised by the State or territorial banking commission or similar official; except that in the case of a common trust fund or similar fund, or a collective trust fund, the term

'bank' has the same meaning as in the Investment Company Act of 1940."

(c) Section 3(a)(5) of such Act (15 U.S.C. 77c(a)(5)) is amended to read as follows:

"(5) Any security issued (A) by a savings and loan association, building and loan association, cooperative bank, homestead association, or similar institution, which is supervised and examined by State or Federal authority having supervision over any such institution, except that the foregoing exemption shall not apply with respect to any such security where the issuer takes from the total amount paid or deposited by the purchaser, by way of any fee, cash value or other device whatsoever, either upon termination of the investment at maturity or before maturity, an aggregate amount in excess of 3 per centum of the face value of such security; or (B) by (i) a farmer's cooperative organization exempt from tax under section 521 of the Internal Revenue Code of 1954, (ii) a corporation described in section 501(c)(16) of such Code and exempt from tax under section 501(a) of such Code, or (iii) a corporation described in section 501(c)(2) of such Code which is exempt from tax under section 501(a) of such Code and is organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization or corporation described in clause (i) or (ii);".

SEC. 28. (a) Section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)) is amended to read as follows:

"(12) The term 'exempted security' or 'exempted securities' includes securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States; such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors; securities which are direct obligations of or obligations guaranteed as to principal or interest by a State or any political subdivision thereof, or by any agency or instrumentality of a State or any political subdivision thereof, or by any municipal corporate instrumentality of one or more States; any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian; any interest or participation in a collective trust fund maintained by a bank or in a separate account maintained by an insurance company which interest or participation is issued in connection with (A) a stock-bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, or (B) an annuity plan which meets the requirements for the deduction of the employer's contribution under section 404(a)(2) of such Code, other than any plan described in clause (A) or (B) of this paragraph which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of such Code; and such other securities (which may include, among others, unregistered securities the market in which is predominantly intrastate) as the Commission may, by such rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors, either unconditionally or upon specified terms and conditions or for stated periods, exempt from the operation of any one or more provisions of this title which by their terms do not apply to an 'exempted security' or to 'exempted securities'."

(b) Section 3(a)(19) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(19)) is amended to read as follows:

"(19) the terms 'investment company', 'affiliated person', 'insurance company', and 'separate account' have the same meanings as in the Investment Company Act of 1940."

(c) Section 12(g)(2) of such Act (15 U.S.C. 781(g)(2)) is amended by adding at the end thereof a new subparagraph as follows:

"(H) any interest or participation in any collective trust funds maintained by a bank or in a separate account maintained by an insurance company which interest or participation is issued in connection with (i) a stock-bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, or (ii) an annuity plan which meets the requirements for deduction of the employer's contribution under section 404(a)(2) of such Code."

SEC. 29. The provisions of the Securities Act of 1933 and the Investment Company Act of 1940 shall not apply, except for purposes of definition of terms used in this section, to any interest or participation (including any separate account or other fund providing for the sharing of income or gains and losses, and any interest or participation in such account or fund) in any contract, certificate, or policy providing for life insurance benefits which was issued prior to March 23, 1959, by an insurance company, if (1) the form of such contract, certificate, or policy was approved by the insurance commissioner, or similar official or agency, of a State, territory or the District of Columbia, and (2) under such contract, certificate, or policy not to exceed 49 per centum of the gross premiums or other consideration paid was to be allocated to a separate account or other fund providing for the sharing of income or gains and losses. Nothing herein contained shall be taken to imply that any such interest or participation constitutes a "security" under any other laws of the United States.

SEC. 30. This Act shall take effect on the date of its enactment, except that—

(1) sections 5(a), (b), and (c); 8; 9(a); 11; 18; 24(a); and 25 (amending sections 10(a), (b), and (c); 15; 17(f); 19; and 32(a) of the Investment Company Act of 1940; and sections 203(b) and 205 of the Investment Advisers Act of 1940, respectively) shall take effect upon the expiration of one year after the date of enactment of this Act;

(2) that part of section 5(d) which substitutes "interested persons" for "affiliated persons" in section 10(d) of the Investment Company Act of 1940 shall take effect upon the expiration of one year after the date of enactment of this Act;

(3) sections 16 and 17 (amending sections 27 and 28 of the Investment Company Act of 1940) shall take effect upon the expiration of six months after the date of enactment of this Act; and

(4) that part of section 20 which adds a subsection (b) to section 36 of the Investment Company Act of 1940 shall take effect upon the expiration of eighteen months after the date of enactment of this Act.

And the House agree to the same.

HARLEY O. STAGGERS,
JOHN E. MOSS,
JOHN M. MURPHY,
WILLIAM L. SPRINGER,
HASTINGS KEITH,
Managers on the Part of the House.

JOHN SPARKMAN,
WILLIAM PROXMIRE,
HARRISON WILLIAMS, Jr.,
THOMAS J. MCINTYRE,
WALLACE F. BENNETT,
JOHN TOWER,
BOB PACKWOOD,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2224) to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck all after the enacting clause of the Senate bill and inserted a substitute text. The conference agreed to a substitute for both the text of the House amendment and the text of the Senate bill.

Except for technical, clerical, and minor drafting changes, the substantive differences between the bill as passed by the Senate, the House amendment, and the substitute agreed to in conference are noted below.

OIL AND GAS EXEMPTION

The Senate bill modified the existing exemption for oil and gas funds in the Investment Company Act of 1940, (the "Act"). The modification would have resulted in the inclusion of many existing oil and gas funds into the regulatory pattern of the Act.

The House amendment did not alter in any way the existing exemption in the Act for oil and gas funds.

The conference substitute follows the House version but with the firm understanding that representatives of the oil and gas industry will cooperate with the Securities and Exchange Commission (the "Commission"), in working out a reasonable regulatory statute consistent with the need for protection of investors in this area. Such proposal will be submitted to the Congress within eighteen months from the passage of this legislation. If, however, the Commission fails to receive prompt cooperation from the oil and gas industry on this matter, it is understood by the conferees that the Commission will submit early in the next Congress appropriate legislation to provide necessary investor protection in this area.

FUND HOLDING COMPANIES

The Senate bill provided that the restrictions on fund holding companies would not apply to companies which have not offered after July 1, 1970, shares with a sales load of more than 1½ percent.

The House amendment provided that the restrictions on fund holding companies would not apply to companies which have not offered after January 1, 1971, shares with a sales load which, when added to the maximum sales load applicable to the acquisition of its portfolio securities, is excessive within the meaning of section 22(b) of the Act. In addition, the House amendment made it clear in section 12(d)(1)(E)(ii) that the restrictions on fund holding companies did not apply to the traditional type of registered unit investment trusts which sometimes issue two or more classes or series of securities, each of which provides for the accumulation of shares of a different investment company.

The conference agreement embodies the 1½ percent sales load limitation of the Senate version but includes the January 1, 1971, date found in the House amendment. The agreement also follows the House version with respect to the application of section 12 to unit investment trusts.

CUSTODY OF FUND ASSETS

The House amendment provided that, subject to rules promulgated by the Commission, custodians of fund assets might place

the shares on deposit in a central certificate depository service.

The Senate bill had no comparable provision.

The conference agreement includes the provision found in the House amendment.

SALES LOAD

The Senate bill provided that, in promulgating rules with respect to excessive sales loads, the National Association of Securities Dealers, Inc. (the "NASD"), should allow reasonable compensation for broker-dealers and underwriters. In addition, the Senate version granted to the Commission oversight over the NASD rules on sales loads eighteen months after the date of enactment.

The House amendment provided that, in promulgating rules on this subject, the NASD should allow reasonable opportunity for profit for broker-dealers and underwriters. With respect to Commission oversight over the NASD rules, the House version provided that the Commission would have such oversight eighteen months after the date of enactment or whenever the NASD adopted the rules contemplated by the section, whichever occurred first. The House amendment also provided that the Commission, upon application, could grant qualified exemptions from the sales load provisions for smaller companies subject to relatively higher operating costs.

The conference agreement follows the Senate version with respect to the NASD rules allowing for reasonable compensation for broker-dealers and underwriters and follows the House version with respect to the timing of the Commission oversight over the NASD rules. The conference agreement also includes the House provision giving the Commission authority to grant qualified exemptions for smaller companies.

BANK COMMINGLED AGENCY ACCOUNTS

The Senate bill specifically authorized banks and savings and loan associations to create and operate commingled agency accounts (really a bank "mutual fund") and set certain terms for them. In addition, the Senate bill added a new section to the Act which would have had the effect of permitting directors of federal reserve system banks to serve as directors of such companies and other no-load investment companies.

The House amendment provided that, if no other provision of state or federal law prohibited the operation by a bank or savings and loan association of an investment company, such investment company could be operated subject to certain terms set forth in the amendment. The terms in the House amendment were identical to the ones set forth in the Senate bill.

The conference agreement contains no provisions on these matters.

PERIODIC PAYMENT PLANS

The Senate bill provided that the existing front end load on contractual plans, that is 50 percent of the first year's payments, could be continued, but it added a required refund provision. Under this provision, if at any time during the first three years of the plan the plan holder terminated the plan for any reason, the plan holder would be entitled to receive in cash the sum of (1) the value of his account and (2) an amount from the underwriter equal to that part of the excess paid for sales loading which was over 15 percent of the gross payments made by the certificate holder. The bill also provided that the Commission would have rule making authority to specify reserve requirements it deemed necessary or appropriate to enable underwriters and depositors to carry out their obligations to refund charges under the section. In addition, the Senate bill required that, within sixty days of the issuance of the plan certificate, the custodian bank mail to every certificate holder a statement of charges to be deducted from the projected payments. Under the Senate provisions the plan holder would then have sixty days from the date of the mailing of such notice to cancel the plan and receive back the value of the account plus the sales and other charges paid. The Senate bill also would have deleted section 27(b) from the Act which grants the Commission power to exempt smaller companies with higher operating costs from some of the restrictions of section 27(a).

The House amendment included similar provisions for a refund to investors if the existing practice of withholding 50 percent of the first year's payments was continued. However, the House version set the refund period at one year and the refund amount at (1) the value of the account plus (2) an amount from the underwriter equal to that part of the excess paid for sales loading which was over 20 percent of the gross payments made by the certificate holder. The House version further authorized the Commission to make rules specifying reserve requirements as may be reasonably necessary. In addition, the House version provided that the custodian bank should notify the plan holders of the charges to be deducted, and it provided that plan holders would have a period of thirty days from the mailing of such notice to cancel the plan and receive back the same amounts as specified in the Senate bill. Finally, the House amendment did not remove the existing section 27(b) from the Act.

The conference agreement provides for a refund period of eighteen months and a refund amount of the sum of (1) the value of the account, and (2) an amount from the underwriter equal to that part of the excess paid for sales loading which is over 15 percent of the gross payments made. It also grants to the Commission authority to make rules specifying reserve requirements as it deems necessary or appropriate. The agreement continues the requirement that the custodian bank notify the plan holder of the charges to be deducted, and it provides that the plan holder shall have forty-five days from the mailing of the notice to cancel the plan and receive back the amounts specified. The conference agreement makes no change in the existing section 27(b) of the Act.

FILING OF DOCUMENTS WITH COMMISSION IN CIVIL ACTIONS

The Senate bill required that investment companies and other specified persons involved in civil actions under the Act file certain documents with the Commission. Any specified documents delivered to the company would be required to be filed by the company with the commission no later than five days after their receipt by the company and any specified documents filed in court or drafted by such company would be required to be filed with the Commission no later than two days after their filing or delivery.

The House amendment contained the same provision, but the respective time periods for filing with the Commission were ten days and five days.

The conference agreement follows the House version.

MANAGEMENT FEES

The Senate bill included in section 32(a) of the Act authority for the Commission to seek injunctive relief against certain persons for breach of fiduciary duty involving personal misconduct. The court could grant injunctive or such other relief as it, in its discretion, deemed appropriate in the circumstances. The Senate bill also required, in actions under the new section 36(b) for breach of fiduciary duty, that the plaintiff be a security holder of the investment company involved and that the plaintiff bear the burden of proof.

The House amendment authorized a court to grant under section 32(a) injunctive or such other relief as may be reasonable and appropriate in the circumstances. In addition the House amendment required, in a suit alleging a breach of fiduciary duty under the new section 36(b) of the Act, that the plaintiff be a bona fide security holder acting in good faith and with justifiable cause and that the plaintiff bear the burden of proving his case by clear and convincing evidence.

The conference agreement follows the House version with respect to courts granting injunctive or other relief under section 36(a)—that is, it may grant such relief as may be reasonable and appropriate in the circumstances. The conference agreement follows the Senate version by requiring in an action under section 36(b) that the plaintiff be a security holder of the investment company and that he bear the burden of proof.

PERFORMANCE FEES

The Senate bill provided that registered investment advisers could contract for a limited type of performance fee with registered investment companies. The limited performance fee permitted would have been one which increased and decreased proportionately with the investment performance of the company or fund over a specified period in relation to the investment record of an appropriate index of securities prices or such other measure of investment performance as the Commission may specify.

The House amendment would have permitted the same type of limited performance fee with not only registered investment companies, but also with (1) certain trusts, collective trust funds, or separate accounts with $5 million or more in assets to be managed, and (2) with any person with assets in excess of $1 million to be managed. The House version would also have made it clear that the base point for measuring proportionate increases and decreases would have to be the point at which the fund performance equalled the index or other measure used. In addition the House amendment provided that the restrictions on performance fees would not apply if the advisory contract was with a foreign-based investment company (the so-called "off-shore funds").

The conference agreement provides that registered investment advisers may contract for a limited type of performance fee with (1) registered investment companies, and (2) any person (other than certain trusts, collective trust funds, or separate accounts) with assets in excess of $1 million to be managed. The limited type of performance fee permitted by the conference agreement is one which increases and decreases proportionately with the investment performance of the company or fund over a specified period in relation to the investment record of an appropriate index or other measure provided that the point from which increases and decreases in compensation are measured shall be the fee which is paid or earned when the investment performance of the company or fund is equivalent to that of the index or measure chosen.

EXEMPTIONS FROM REGISTRATION UNDER THE SECURITIES ACT OF 1933 FOR CERTAIN TRUST ACCOUNTS

The Senate bill exempted from the registration requirements of the 1933 Act certain collective trust funds maintained by a bank or in a separate account maintained by an insurance company.

The House amendment would have codified a long established administrative practice of the Commission by making it clear that this exemption applied not only to collective trust funds, but also to single trust funds.

The conference agreement follows the House version.

EXEMPTION FROM REPORTING REQUIREMENTS OF THE SECURITIES EXCHANGE ACT OF 1934

The House amendment exempted certain H.R. 10 plans from the reporting requirements under section 12(g) of the Securities Exchange Act of 1934.

The Senate bill did not so exempt these plans.

The conference agreement follows the House version.

FINGERPRINTING

The House amendment required that persons in the exchange and broker-dealer communities be fingerprinted as a condition of employment and that such fingerprints be submitted to the Commission for appropriate processing.

The Senate bill contained no comparable provision.

The conference agreement contains no provisions on this subject.

HARLEY O. STAGGERS,
JOHN E. MOSS,
JOHN M. MURPHY,
WILLIAM L. SPRINGER,
HASTINGS KEITH,
Managers on the Part of the House.

LEGISLATIVE PROGRAM

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of the week, if any, and the schedule for next week.

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

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, we have finished the legislative business for the week and, of course, pursuant to concurrent resolution heretofore adopted, we will adjourn over until Monday from today.

The program for next week is as follows:

Monday: H.R. 16443, Federal policy concerning architectural, engineering, and related services, open rule, 1 hour of debate; and

H.R. 18884, to amend the Agricultural Marketing Agreement Act of 1937, open rule, 1 hour of debate.

Tuesday is Private Calendar day. Also on Tuesday we plan to bring up:

H.R. 19333, Securities Investor Protection Act of 1970, open rule, 1 hour of debate;

H.R. 19599, assistance for training in the field of family medicine, open rule, 1 hour of debate.

On Wednesday, H.R. 19436, Housing and Urban Development Act of 1970, open rule, 2 hours of debate.

For Thursday and the balance of the week:

H.R. 19868. Excise, Estate, and Gift Tax Adjustment Act of 1970, subject to a rule being granted;

House Resolution 1147, relating to certain allowances of Members, open rule, 1 hour of debate; and

H.R. 18214, Consumer Protection Act of 1970, subject to a rule being granted.

This announcement is made subject to the usual reservations that conference reports may be brought up at any time, and that any further program may be announced later.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next, December 2, 1970.

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

There was no objection.

AUTHORIZATION TO RECEIVE MESSAGES FROM THE SENATE AND FOR THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday, November 30, 1970, the clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

There was no objection.

FEDERAL-AID HIGHWAY ACT OF 1970

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 4418) to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill.

MOTION OFFERED BY MR. KLUCZYNSKI

Mr. KLUCZYNSKI. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. KLUCZYNSKI moves to strike out all after the enacting clause of S. 4418 and insert in lieu thereof the provisions contained in H.R. 19504, as passed, as follows:

Strike out all after the enacting clause, and insert:

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1970".

REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "and the additional sum of $2,225,000,000 for the fiscal year ending June 30, 1974" and inserting in lieu thereof the following: "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1977, and the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1978".

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1972, and June 30, 1973, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in revised table 5, House Document Numbered 91-317.

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 104. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "eighteen years" and inserting in lieu thereof "twenty-two years" and by striking out "June 30, 1974" and inserting in lieu thereof "June 30, 1978".

(b)(1) The introductory phrase and the second and third sentences of section 104(b)(5) of title 23, United States Code, are amended by striking out "1974" each place it appears and inserting in lieu thereof at each such place "1978".

(2) Such section 104(b)(5) is further amended by striking out the two sentences preceding the last sentence and inserting in lieu thereof the following: "The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives on April 20, 1970. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1972, and June 30, 1973. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1972. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1974, and June 30, 1975. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1974. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1976, and June 30, 1977. The Secretary shall make a final revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1976. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal year ending June 30, 1978."

HIGHWAY AUTHORIZATIONS

SEC. 105. For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system

and the Federal-aid secondary system and for their extension within urban areas, out of the Hgihway Trust Fund, $1,100,000,000 for the fiscal year ending June 30, 1972, and $1,100,000,000 for the fiscal year ending June 30, 1973. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 45 per centum for projects on the Federal-aid primary highway system;

(B) 30 per centum for projects on the Federal-aid secondary highway system; and

(C) 25 per centum for projects on extensions of the Federal-aid primary and Federal-aid secondary highway systems in urban areas.

(2) For the Federal-aid primary system and the Federal-aid secondary system, exclusive of their extensions in urban areas, out of the Highway Trust Fund, $125,000,000 for the fiscal year ending June 30, 1972, and $125,000,000 for the fiscal year ending June 30, 1973, such sums to be in addition to the sums authorized in paragraph (1) of this subsection. The sums authorized in this paragraph for each fiscal year shall be available for expenditure as follows:

(A) 60 per centum for projects on the Federal-aid primary highway system; and

(B) 40 per centum for projects on the Federal-aid secondary system.

(3) For the Federal-aid urban system, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973.

(4) For traffic operation projects in urban areas as authorized in section 135 of title 23, United States Code, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973.

(5) For forest highways, $33,000,000 for the fiscal year ending June 30, 1972, and $33,000,000 for the fiscal year ending June 30, 1973.

(6) For public lands highways, $16,000,000 for the fiscal year ending June 30, 1972, and $16,000,000 for the fiscal year ending June 30, 1973.

(7) For forest development roads and trails, $170,000,000 for the fiscal year ending June 30, 1972, and $170,000,000 for the fiscal year ending June 30, 1973.

(8) For public lands development roads and trails, $5,000,000 for the fiscal year ending June 30, 1972, and $5,000,000 for the fiscal year ending June 30, 1973.

(9) For park roads and trails, $30,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973.

(10) For parkways, $11,000,000 for the fiscal year ending June 30, 1972, and $11,000,000 for the fiscal year ending June 30, 1973, and $25,000,000 for construction of the Palisades Parkway in the District of Columbia, and $65,000,000 for reconstructing to six lanes the section of the Baltimore-Washington Parkway under the jurisdiction of the Secretary of the Interior to the standards for the National System of Interstate and Defense Highways.

(11) For Indian reservation roads and bridges, $30,000,000 for the fiscal year ending June 30, 1972, and $30,000,000 for the fiscal year ending June 30, 1973.

(12) Nothing in this section shall be construed to authorize the appropriations of any sums to carry out sections 131, 136, 319(b) or chapter 4 of title 23, United States Code.

(13) In addition to all other authorizations for the Interstate System for the two fiscal years ending June 30, 1972, and June 30, 1973, there is authorized to be appropriated out of the Highway Trust Fund not to exceed $55,000,000 for each such fiscal year for such System. Such authorization shall be apportioned to each of the States receiving apportionments under section 103 of this Act of less than one-half of 1 per centum for each such fiscal year, so as to ensure that each such State will receive for each such fiscal year an amount equal to one-half of 1 per centum of the total apportionment for each such fiscal year under section 103 of this Act.

FEDERAL-AID URBAN SYSTEM

SEC. 106. (a) Subsection (a) of section 101 of title 23, United States Code, is amended as follows:

(1) After the definition of the term "Secretary" add the following new paragraph:

"The term 'urbanized area' means an area so designated by the Bureau of the Census."

(2) After the definition of the term "Federal-aid secondary system" add the following new paragraph:

"The term 'Federal-aid urban system' means the Federal-aid highway system described in section (d) of section 103 of this title."

(3) The definition of the term "Interstate System" is amended to read as follows:

"The term 'Interstate System' means the National System of Interstate and Defense Highways described in subsection (e) of section 103 of this title."

(b)(1) Subsections (d) and (e) of section 103 of title 23, United States Code, are relettered (e) and (f) respectively, including all references thereto, and section 103 is further amended by adding immediately after subsection (c) the following subsection (d):

"(d) The Federal-aid urban system shall be established in each urbanized area. The system shall be so located as to serve the major centers of activity, the highest traffic volume corridors, and the longest trips within such area, and shall be selected from those routes included in the mileage figures for the urban principal arterial system as set forth in the '1970 National Highway Needs Report Supplement' other than routes on the Interstate System. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Each route of the system shall connect with another route on a Federal-aid system. The establishment of the system and the selection of the routes shall be based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title. Routes on the Federal-aid urban system shall be selected by the State highway departments and the appropriate local road officials in cooperation with each other, subject to approval by the Secretary as provided in subsection (f) of this section. The provisions of chapters 1, 3, and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system except as determined by the Secretary to be inconsistent with this subsection."

(2) Relettered subsection (f) of section 103 of title 23, United States Code, is amended by inserting after "the Federal-aid secondary system," the following: "the Federal-aid urban system,".

(c)(1) Section 104 of title 23, United States Code, is amended by adding at the end thereof the following:

"(f) Not to exceed 50 per centum of the amounts apportioned in accordance with paragraph (3) of subsection (b) of this section may be expended for projects on the Federal-aid urban system."

(2) Subsection (b) of section 104 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"(6) For the Federal-aid urban system:

"In the ratio which the population in urbanized areas, or parts thereof, in each State bears to the total population in such urbanized areas, or parts thereof, in all the States as shown by the latest available Federal census."

(d) Subsections (d) and (e) of section 105 of title 23, United States Code, are relettered (e) and (f), respectively, including all references thereto, and section 105 is further amended by adding immediately after subsection (c) a new subsection (d):

"(d) In approving programs for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected by the State highway department and the appropriate local road officials in cooperation with each other."

(e) Subsection (b) of section 106 of title 23, United States Code, is amended to read as follows:

"(b) In addition to the approval required under subsection (a) of this section, proposed specifications for projects for construction on (1) the Federal-aid secondary system, except in States where all public roads and highways are under the control and supervision of the State highway department, and (2) the Federal-aid urban system, shall be determined by the State highway department and the appropriate, local road officials in cooperation with each other."

(f) Subsection (a) of section 120 of title 23, United States Code, is amended by striking out "and the Federal-aid secondary system" and inserting in lieu thereof a comma and the following: "the Federal-aid secondary system, and the Federal-aid urban system".

(g) Subsection (b) of section 135 of title 23, United States Code, is amended by inserting after "urban areas" the following: "and on the Federal-aid urban system".

PROHIBITION OF IMPOUNDMENT OF APPORTIONMENTS AND DIVISION OF FUNDS

SEC. 107. Subsections (c) and (d) of section 101 of title 23, United States Code, are amended to read as follows:

"(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund.

"(d) No funds authorized to be appropriated from the Highway Trust Fund shall be expended by or on behalf of any Federal department, agency, or instrumentality other than the Federal Highway Administration unless funds for such expenditure are identified and included as a line item in an appropriation Act and are to meet obligations of the United States heretofore or hereafter incurred under this title attributable to the construction of Federal-aid highways or highway planning, research, or development."

INCREASED FEDERAL SHARE

SEC. 108. (a) Section 120 of tile 23, United States Code, is amended by striking out "50 per centum" each place it appears and inserting in lieu thereof at each such place the following: "70 per centum".

(b) The amendments made by subsection (a) of this section shall take effect with respect to authorizations for appropriations for fiscal years beginning after June 30, 1973.

EMERGENCY RELIEF

SEC. 109. The first sentence of subsection (a) of section 125 of title 23, United States Code, is amended to read as follows: "An emergency fund is authorized for expenditure by the Secretary, subject to the provisions of this section and section 120, for (1) the repair or reconstruction of highways, roads, and trails which he shall find have suffered serious damage as the result of (A) natural disaster over a wide area such as by floods, hurricanes, tidal waves, earthquakes,

severe storms, or landslides, or (B) catastrophic failures from any cause, in any part of the United States, and (2) the repair or reconstruction of bridges which have been permanently closed to all vehicular traffic by the State after December 31, 1967, because of imminent danger of collapse due to structural deficiencies or physical deterioration."

TRAINING PROGRAMS

SEC. 110. Section 140 of title 23, United States Code, is amended by inserting "(a)" immediately before "Prior" and by adding at the end thereof the following new subsection:

"(b)(1) For the purpose of providing for the continuation of training programs during seasonal shutdowns of highway construction work, sums apportioned in accordance with section 104 of this title shall be available to finance the Federal share of those portions of the costs of apprenticeship, skill improvement, or other upgrading programs, which the Secretary determines are (A) in compliance with the requirements of this section, (B) conducted during periods of the year when highway construction cannot reasonably proceed because of climatic conditions, and (C) supplementary to on-the-job training conducted during the construction season.

"(2) The Federal share payable on account of any portion of any training program under this subsection shall be that provided in section 120 of this title."

URBAN HIGHWAY PUBLIC TRANSPORTATION

SEC. 111. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 142. Urban highway public transportation

(a) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles on highways, other than on rails, for the transportation of passengers (hereinafter in this section referred to as 'buses') within urbanized areas so as to increase the traffic capacity of the Federal-aid systems, sums apportioned in accordance with paragraphs (3), (5), and (6) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects for the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, including shelters, and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers.

"(b) The establishment of routes and schedules of such public mass transportation systems, shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of title 23, United States Code.

"(c) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and, except as provided in subsection (d) of this section, the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(d) No project authorized by this section shall be approved unless—

"(1) such project (A) will avoid the construction of a highway project under this title which increases automobile traffic capacity, (B) will provide a capacity for the movement of persons at least equal to that which would be provided by the avoided highway project, and (C) will not exceed in the amount of the Federal share, the Federal share of the cost of the avoided highway project; or

"(2) no other feasible or prudent highway project can provide the additional capacity for the movement of persons by motor vehicles on highways (other than on rails) provided by this project.

"(e) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will have adequate capability to fully utilize the proposed project."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"142. Urban highway public transportation."

VIRGIN ISLANDS HIGHWAY PROGRAM

SEC. 112. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 215. Virgin Islands highway program

"(a) Recognizing the mutual benefits that will accrue to the Virgin Islands and to the United States from the improvement of highways in the Virgin Islands, the Secretary is authorized out of funds specifically authorized to carry out this section to assist the Virgin Islands in a program for the construction and improvement of a system of arterial highways designated by the Governor of the Virgin Islands and approved by the Secretary. No Federal financial assistance shall be granted under this subsection unless the Virgin Islands, at a minimum, matches the Federal contribution.

"(b) In order to establish a long-range highway development program, the Secretary is authorized to provide technical assistance to the Virgin Islands for the establishment of an appropriate governmental agency of the Virgin Islands to administer on a continuing basis highway planning, design, construction, and maintenance operations, the development of a system of arterial and collector highways, and the establishment of advance acquisition of right-of-way and relocation assistance programs.

"(c) No part of the appropriations authorized under this section shall be available for obligation or expenditure in the Virgin Islands until the Governor of the Virgin Islands enters into an agreement with the Secretary providing that the government of the Virgin Islands (1) will design and construct a system of arterial and collector highways, built in accordance with highway standards approved by the Secretary; (2) will not impose any highway toll, or permit any such toll to be charged, for use by vehicles or persons on any portion of the highways constructed under the provisions of this section; (3) will provide for the maintenance of such highways after completion in a condition to adequately serve the needs of present and future traffic; (4) will implement standards for traffic operations and uniform traffic control devices which are approved by the Secretary.

"(d)(1) Three per centum of the sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section shall be available for expenditure by the Virgin Islands only for engineering and economic surveys and investigations, for the planning of future highway programs and the financing thereof, for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof, and for research and development, necessary in connection with the planning, design, and maintenance of the highway system, and the regulation and taxation of their use.

"(2) In addition to the percentage provided in paragraph (1) of this subsection, not to exceed 2 per centum of sums authorized to be appropriated for each fiscal year for carrying out subsection (a) of this section may be expended upon request of the Virgin Islands and with the approval of the Secretary for the purposes enumerated in paragraph (1) of this subsection.

"(e) None of the funds authorized to be appropriated for carrying out this section shall be obligated or expended in the Virgin Islands for maintenance of the highway system.

"(f) The provisions of chapters 1 and 5 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section."

(b) The analysis of chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following:

"215. Virgin Islands highway program."

(c) There are hereby authorized to be appropriated for carrying out subsection (a) of section 215 of title 23, United States Code, out of any money in the Treasury not otherwise appropriated, not to exceed $2,000,000 for the fiscal year ending June 30, 1971, not to exceed $2,000,000 for the fiscal year ending June 30, 1972, not to exceed $2,000,000 for the fiscal year ending June 30, 1973.

(d) Sums authorized to be appropriated to carry out this section for the fiscal year ending June 30, 1971, shall be available for obligation immediately upon enactment of this section in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code. Sums authorized to be appropriated for the fiscal year ending June 30, 1972, and the fiscal year ending June 30, 1973, shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

DARIEN GAP HIGHWAY

SEC. 113. (a) Chapter 2 of title 23, United States Code, is further amended by adding at the end thereof the following new section:

"§ 216. Darien Gap Highway

(a) The United States shall cooperate with the Government of the Republic of Panama and with the Government of Colombia in the construction of approximately two hundred and fifty miles of highway in such countries in the location known as the 'Darien Gap' to connect the Inter-American Highway authorized by section 212 of this title with the Pan American Highway System of South America. Such highway shall be known as the 'Darien Gap Highway'. Funds authorized by this section shall be obligated and expended subject to the same terms, conditions, and requirements with respect to the Darien Gap Highway as are funds authorized for the Inter-American Highway by subsection (a) of section 212 of this title.

"(b) The construction authorized by this section shall be under the administration of the Secretary, who shall consult with the appropriate officials of the Department of State with respect to matters involving the foreign relations of this Government, and such negotiations with the Governments of the Republic of Panama and Colombia as may be required to carry out the purposes of this section shall be conducted through, or authorized by, the Department of State.

"(c) The provisions of this section shall not create nor authorize the creation of any obligations on the part of the Government of the United States with respect to any expenditures for highway survey or construction heretofore or hereafter undertaken in Panama or Colombia, other than the expenditures authorized by the provision of this section.

"(d) Appropriations made pursuant to any authorization for the Darien Gap Highway shall be available for expenditure by the Secretary for necessary administrative and engineering expenses in connection with the Darien Gap Highway program.

"(e) For the purposes of this section the term 'construction' does not include any costs of rights-of-way, relocation assistance, or the elimination of hazards of railway grade crossings."

(b) The analysis of chapter 2 of title 23, United States Code, is hereby amended by adding at the end thereof the following:

"216. Darien Gap Highway."

(c) There is hereby authorized to be appropriated not to exceed $100,000,000, to remain available until expended to enable the Secretary of Transportation to carry out section 216 of title 23, United States Code.

ADMINISTRATION

SEC. 114. (a) Subsection (a) of section 303 of title 23, United States Code, is amended to read as follows:

"(a)(1) In addition to the Administrator of the Federal Highway Administration authorized by section 3(e) of the Department of Transportation Act, there shall be a Deputy Federal Highway Administrator appointed by the President by and with the advice and consent of the Senate. The Deputy Federal Highway Administrator shall perform such duties as the Federal Highway Administrator shall prescribe. There shall also be an Assistant Federal Highway Administrator who shall be the chief engineer of the Administration and shall be appointed, with the approval of the President, by the Secretary of Transportation under the classified civil service and who shall perform such functions, powers, and duties as the Federal Highway Administrator shall prescribe.

"(2) The Administrator of the Federal Highway Administration shall be compensated at the annual rate of basic pay of level II of the Executive Schedule in section 5313 of title 5, United States Code. The Deputy Federal Highway Administrator shall be compensated at the annual rate of basic pay of level IV of the Executive Schedule in section 5315 of title 5, United States Code. The Assistant Federal Highway Administrator shall be compensated at the annual rate of basic pay of level V of the Executive Schedule in section 5316 of title 5, United States Code."

(b) All provisions of law enacted before the date of enactment of this Act which are inconsistent with the amendment made by subsection (a) of this section are hereby repealed to the extent of such inconsistency.

(c) The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of Public Roads to act as Deputy Administrator of the Federal Highway Administration created by the amendment made by subsection (a) of this section until the first Deputy Administrator is appointed in accordance with such amendment. The President may authorize any person acting as Deputy Administrator in accordance with this subsection to receive compensation at the rate authorized for the Office of Deputy Administrator. Such compensation, if authorized, shall be in lieu of, and not in addition to, any other compensation from the United States to which such person may be entitled.

TRAINING AND RESEARCH FELLOWSHIPS

SEC. 115. (a) Chapter 3 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 321. National Highway Institute

"(a) The Secretary is authorized and directed to establish and operate in the Federal Highway Administration a National Highway Institute hereafter referred to as the 'Institute'. The Institute shall develop and administer, in cooperation with the State highway departments, training programs of instruction for Federal Highway Administration and State and local highway department employees engaged or to be engaged in Federal-aid highway work. Such programs may include, but not be limited to, courses in modern developments, techniques, and procedures, relating to highway planning, environmental factors, acquisition of rights-of-way, engineering, construction, maintenance, contract administration, and inspection. The Secretary shall administer all authority vested in him by this title or by any other provision of law for the development and conduct of educational and training programs relating to highways through the Institute. The Secretary is authorized to acquire, by lease, purchase, construction, reconstruction, or otherwise such buildings, facilities, and equipment as may be necessary for the Institute. Sums authorized to be deducted for administrative purposes by subsection (a) of section 104 of this title shall be available for carrying out this subsection.

"(b) Not to exceed one-half of 1 per centum of all funds apportioned for any fiscal year beginning after June 30, 1970, to any State under paragraphs (1), (2), (3), and (6) of section 104(b) of this title shall be available for expenditure by the State highway department, subject to approval by the Secretary, for payment of not to exceed 70 per centum of the cost of tuition and direct educational expenses (but not travel, subsistence, or salaries) in connection with the education and training of State and local highway department employees as provided in this section.

"(c) Education and training of Federal, State, and local highway employees authorized by this section may be provided by the Secretary, or, in the case where such education and training is to be paid for under subsection (b) of this section, by the State, subject to the approval of the Secretary, through grants and contracts with public and private agencies, institutions, and individuals."

(b) The analysis of chapter 3 of title 23 of the United States Code is amended by adding at the end thereof:

"321. National Highway Institute."

(c) Section 307(a) of title 23 of the United States Code is amended by inserting immediately after the period at the end of the third sentence thereof the following new sentence: "The Secretary is also authorized, acting independently or in cooperation with other Federal departments, agencies, or instrumentalities, to make grants for research fellowships for any purpose for which research is otherwise authorized by this section."

BRIDGES ON FEDERAL DAMS

SEC. 116. (a) Section 320(d) of title 23 of the United States Code is amended by striking out "$13,000,000" and inserting in lieu thereof "$16,761,000".

(b) All sums appropriated under authority of the increased authorization of $3,761,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across Markland Dam on the Ohio River near Markland, Indiana, and Warsaw, Kentucky. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been complied with by the appropriate Federal agency, the Secretary of Transportation, and the States of Kentucky and Indiana.

CONSTRUCTION OF REPLACEMENT HOUSING

SEC. 117. (a) Sections 510 and 511 of title 23, United States Code including all references thereto are hereby renumbered as sections 511 and 512 respectively.

(b) Chapter 5 of title 23, United States Code, is amended by inserting immediately after section 509 the following new section:

"§ 510. Construction of replacement housing

"(a) The Secretary may approve as a part of the cost of construction of any project on any Federal-aid system the cost of (A) constructing new housing, (B) acquiring existing housing, (C) rehabilitating existing housing, and (D) relocating existing housing, as replacement housing for individuals and families where a proposed project on the Federal-aid system cannot proceed to actual construction because replacement housing is not available and cannot otherwise be made available as required by section 502 of this title. For the purposes of this subsection the term 'housing' includes all appurtenances thereto.

"(b) State highway departments shall, wherever practicable, utilize the services of State or local governmental housing agencies in carrying out this section."

(c) The analysis of chapter 5 of title 28, United States Code, is amended by adding after

"509. Relocation assistance programs on Federal highway projects."

the following:

"510. Construction of replacement housing."

(d) The definition of the term "construction" in section 101(a) of title 23, United States Code, is amended to read as follows:

"The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey in the Department of Commerce), acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossings, acquisition of replacement housing sites, and acquisition, and rehabilitation, relocation, and construction of replacement housing."

BRIDGE ALTERATION PROGRESS PAYMENTS

SEC. 118. Section 7 of the Act of June 21, 1940 (54 Stat. 497), as amended (33 U.S.C. 517) is amended as follows:

(1) In the first sentence strike all after "Following" to and including "Chief of Engineers" and insert in lieu thereof "service of the order requiring alteration of the bridge, the Secretary of Transportation".

(2) In the second sentence insert "of Transportation" between "Secretary" and "may".

(3) In the third sentence strike out the last word and insert in lieu thereof "Transportation".

ALASKA HIGHWAY

SEC. 119. (a) The President, acting through the Secretaries of State and Transportation, is authorized to undertake negotiations with the Government of Canada for the purpose of entering into a suitable agreement authorizing paving and reconstructing the Alaska Highway from Dawson Creek, Canada (including a connecting highway to Haines, Alaska), to the Alaska border, including, but not limited to, necessary highway realignment.

(b) The President shall report to Congress not later than one year after the date of enactment of this section the results of his negotiations under this section.

EFFECTIVE DATE OF RELOCATION PROVISIONS

SEC. 120. Section 37 of the Federal-Aid Highway Act of 1968 is amended to read as follows:

"EFFECTIVE DATE

"SEC. 37. (a) Except as otherwise provided in subsection (b) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment, except that until July 1, 1970, sections 502, 505, 506, 507, and 508 of title 23, United States Code, as added by this Act, shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. Except as otherwise provided in subsection (b) of this section, after July 1, 1970, such sections shall be com-

pletely applicable to all States. Section 133 of title 23, United States Code, shall not apply to any State if sections 502, 505, 506, 507, and 508 of title 23, United States Code, are applicable in that State, and effective July 1, 1970, such section 133 is repealed except as otherwise provided in subsection (b) of this section.

"(b) In the case of any State (1) which is required to amend its constitution to comply with sections 502, 505, 506, 507, and 508 of title 23, United States Code, and (2) which cannot submit the required constitutional amendment for ratification prior to July 1, 1970, the date of July 1, 1970, contained in subsection (a) of this section shall be extended to July 1, 1972."

FUTURE FEDERAL-AID HIGHWAY PROGRAM

SEC. 121. (a) The Secretary of Transportation shall develop and include in the report to Congress required to be submitted in January 1972, by section 3 of the Act of August 28, 1965 (79 Stat. 578; Public Law 89–139), specific recommendations for the functional realinement of the Federal-aid systems. These recommendations shall be based on the functional classification study made in cooperation with the State highway departments and local governments as required by the Federal-Aid Highway Act of 1968 and submitted to the Congress in 1970, and the functional classification study now underway of the Federal-aid systems in 1990.

(b) As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary shall also make recommendations to the Congress for a continuing Federal-aid highway program for the period 1976 to 1990. The needs estimates to be used in developing such programs shall be in conformance with the functional classification studies referred to in subsection (a) of this section and the recommendations for the functional realinement required by such subsection.

(c) The recommendations required by subsections (a) and (b) of this section shall be determined on the basis of studies now being conducted by the Secretary in cooperation with the State highway departments and local governments, and, in urban areas of more than fifty thousand population, utilizing the cooperative continuing comprehensive transportation planning process conducted in accordance with section 134 of title 23, United States Code. The highway needs estimates prepared by the States in connection with this report to Congress shall be submitted to Congress by the Secretary, together with his recommendations.

(d) As a part of the future highway needs report to be submitted to Congress in January 1972, the Secretary shall report to Congress the Federal-aid urban system as designated, and the cost of its construction.

HIGHWAY BEAUTIFICATION AUTHORIZATIONS

SEC. 122. (a) Section 131(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1966, not to exceed $20,000,000 for the fiscal year ending June 30, 1967, not to exceed $2,000,000 for the fiscal year ending June 30, 1970, not to exceed $27,000,000 for the fiscal year ending June 30, 1971, and not to exceed $20,500,000 for the fiscal year ending June 30, 1972. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(b) Section 136(m) of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1966, not to exceed $20,000,000 for the fiscal year ending June 30, 1967, not to exceed $3,000,000 for the fiscal year ending June 30, 1970, not to exceed $2,000,000 for the fiscal year ending June 30, 1971, and not to exceed $2,000,000 for the fiscal year ending June 30, 1972. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(c) Subsection (g) of section 6 of the Federal-Aid Highway Act of 1968 is amended by striking out "and" immediately before "$1,250,000" and by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "$1,500,000 for the fiscal year ending June 30, 1971, and $1,500,000 for the fiscal year ending June 30, 1972."

HIGHWAY BEAUTIFICATION COMMISSION

SEC. 123. (a) There is hereby established a commission to be known as the Commission on Highway Beautification, hereinafter referred to as the "Commission".

(b) The Commission shall be comprised of thirteen members as follows:

(1) two majority and two minority members of the Senate Committee on Public Works to be appointed by the President of the Senate;

(2) two majority and two minority members of the House Committee on Public Works to be appointed by the Speaker of the House of Representatives;

(3) four persons to be appointed by the President of the United States from among persons who are not officers or employees of the United States; and

(4) one person, elected by majority vote of the other twelve, who shall be the Chairman of the Commission.

(c) Any vacancy which may occur on the Commission shall not affect its powers or functions but shall be filled in the same manner in which the original appointment was made.

(d) The organization meeting of the Commission shall be held at such time and place as may be specified in a call issued jointly by the senior member appointed by the President of the Senate and the senior member appointed by the Speaker of the House of Representatives.

(e) Seven members of the Commission shall constitute a quorum, but a smaller number, as determined by the Commission, may conduct hearings.

(f) Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(g) Members of the Commission who are not Members of Congress or officers or employees in the executive branch shall each receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

(h) The Commission shall (1) study existing statutes and regulations governing the control of outdoor advertising and junkyards in areas adjacent to the Federal-aid highway system; (2) review the policies and practices of the Federal and State agencies charged with administrative jurisdiction over such highways insofar as such policies and practices relate to governing the control of outdoor advertising and junkyards; (3) compile data necessary to understand and determine the requirements for such control which may now exist or are likely to exist within the foreseeable future, and (4) recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will, in the judgment of the Commission, best serve the public interest.

(i) The Commission shall, not later than one year after enactment of this section submit to the President and the Congress its final report. It shall cease to exist six months after submission of said report. All records and papers of the Commission shall thereupon be delivered to the Administrator of General Services for deposit in the Archives of the United States.

(j) The Chairman of the Commission shall request the head of each Federal department or independent agency which has an interest in or responsibility with respect to the control of outdoor advertising and to junkyards to appoint, and the head of such department or agency shall appoint, a liaison officer who shall work closely with the Commission and its staff in matters pertaining to this section.

(k) In carrying out its duties the Commission shall seek the advice of various groups interested in the problems relating to the control of outdoor advertising and junkyards including, but not limited to, State and local governments, public and private organizations working in the fields of environmental protection and conservation, communications media, commercial advertising interests, industry, education, and labor.

(l) The Commission or, on authorization of the Commission, any committee of two or more members may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable. Subpenas for the attendance and testimony of witnesses or the production of written or other matter may be issued only on the authority of the Commission and shall be served by anyone designated by the Chairman of the Commission.

(m) The Commission is authorized to secure from any department, agency, or individual instrumentality of the executive branch of the Government any information it deems necessary to carry out its functions under this section and each such department, agency, and instrumentality is authorized and directed to furnish such information to the Commission upon request made by the Chairman.

(n) There are hereby authorized to be appropriated such sums, but not more than $800,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commission until expended.

(o) The Commission is authorized to appoint and fix the compensation of a staff director, and such additional personnel as may be necessary to enable it to carry out its functions. The Director and personnel may be appointed without regard to provisions of title 5, United States Code, covering appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Any Federal employees subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege. In no event shall the staff director or any other employee receive as compensation an amount in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code. In addition, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title

5, United States Code, but at rates not to exceed $100 per diem for individuals.

(p) The Commission is authorized to enter into contracts or agreements for studies and surveys with public and private organizations and, if necessary, to transfer funds to Federal agencies from sums appropriated pursuant to this section to carry out such of its duties as the Commission determines can best be carried out in that manner.

ELIMINATION OF SEGMENTS OF INTERSTATE SYSTEM NOT TO BE CONSTRUCTED

SEC. 124. Section 103 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) The Secretary, on December 31, 1973, shall remove from designation as a part of the Interstate System every segment of such System for which a State has not established a schedule for the expenditure of funds for completion of construction of such segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met. Nothing in the preceding sentence shall be construed to prohibit the substitution prior to December 31, 1973, of alternative segments of the Interstate System which will meet the requirements of this title."

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 125. Subsection (b) of section 135 of title 23, United States Code, is amended by striking out ", if such project" and all that follows down through and including the period at the end of such subsection and inserting in lieu thereof a period and the following: "If such project is located in an urban area of more than fifty thousand population, such project shall be based on a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title."

AUTHORITY FOR DEMONSTRATION PROJECTS

SEC. 126. Subsection (c)(3) of section 307 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "including demonstration projects in connection with such purposes."

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 127. (a) Chapter 1 of title 23, United States Code, is further amended by adding after section 142 thereof a new section as follows:

"§ 143. Economic growth center development highways

"(a) In order to demonstrate the role that highways can play to promote the desirable development of the Nation's natural resources, to revitalize and diversify the economy of rural areas and smaller communities, to enhance and disperse industrial growth, to encourage more balanced population patterns, to check, and, where possible, to reverse current migratory trends from rural areas and smaller communities, and to improve living conditions and the quality of the environment, the Secretary is authorized to make grants for demonstration projects for the construction, reconstruction, and improvement of development highways to serve and promote the development of economic growth centers, and surrounding areas, and for planning, surveys, and investigations in connection therewith.

"(b) Each Governor may transmit to the Secretary his recommendations for (1) the selection of economic growth centers within the State, (2) priorities for the construction of development highways to serve such centers, and (3) such other information as may be required by the Secretary, for his consideration in approving the selection of economic growth centers for demonstration projects.

"(c) Upon the application of the State highway department of any State in which an economic growth center approved by the Secretary as eligible for a demonstration project is located, the Secretary is authorized, to pay up to 100 per centum of the cost of engineering and economic surveys or other investigations necessary for the planning and design of development highways needed to provide appropriate access to such growth center, including airport facilities which may be established to serve it, in order to carry out the purposes of this section.

"(d) Except as otherwise provided in this section, all of the provisions of this title applicable to Federal-aid primary highways except those which the Secretary determines are inconsistent with this section shall apply to development highways and to funds authorized to carry out this section. For the purposes of sections 105, 106, and 118 of this title, funds authorized to carry out this section shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized. In approving projects under this section, the Secretary shall give preference to those areas offering the most potential for future economic growth. No State shall receive in any fiscal year more than 15 per centum of the funds authorized to carry out this section for such fiscal year. Each development highway which is not already on a Federal-aid system shall be added to the appropriate system.

"(e) The Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall not exceed 70 per centum of the cost of such project.

"(f) No project shall be approved by the Secretary under this section until he has determined that such project will promote the aims and purposes set forth in subsection (a) of this section and that the economic growth center to be benefited will meet such criteria as he deems necessary, including, but not limited to, the following: (1) growth centers shall be geographically and economically capable of contributing significantly to the development of the area, and (2) growth centers shall have a population not in excess of one hundred thousand according to the latest available Federal census.

"(g) There is authorized to be appropriated out of the Highway Trust Fund not to exceed $100,000,000 for the fiscal year ending June 30, 1972, and not to exceed $100,000,000 for the fiscal year ending June 30, 1973."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"143. Economic growth center development highways."

FEDERAL SHARE OF ENGINEERING COSTS

SEC. 128. Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) At the request of any State, the Secretary may from time to time enter into agreements with such State to reimburse the State for the Federal share of the costs of preliminary and construction engineering at an agreed percentage of actual construction costs for each project, in lieu of the actual engineering costs for such project. The Secretary shall annually review each such agreement to insure that such percentage reasonably represents the engineering costs actually incurred by such State."

DISTRICT OF COLUMBIA

SEC. 129. (a) In the case of those routes on the Interstate System in the District of Columbia authorized for construction by subsection (a) of section 23 of the Federal-Aid Highway Act of 1968 and required to be restudied by subsection (c) of such section, the government of the District of Columbia shall commence work not later than thirty days after the date of enactment of this Act on the following projects as authorized in subsection (a) of such section 23:

(1) East Leg of the Inner Loop, beginning at Bladensburg Road, I–295 (section C4.1 to C6),

(2) North Central and Northeast Freeways, I–95 (section C7 to C13) and I–70S (section C1 to C2).

(b) The authorization for the project for the South Leg of the Inner Loop contained in section 23 of the Federal-Aid Highway Act of 1968 is hereby repealed and the route of the South Leg project is hereby removed from designation as a part of the Interstate System. Such removal shall be deemed to be a withdrawal from approval for the purposes of section 103(d)(2) of title 23, United States Code.

(c) The government of the District of Columbia and the Secretary of Transportation shall study the project for the North Leg of the Inner Loop from point A3.3 on I–66 to point C7 on I–95, as designated in the "1968 Estimate of the Cost of Completion of the National System of Interstate and Defense Highways in the District of Columbia", and shall report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such project including any recommended alternative routes or plans.

TOLL ROADS

SEC. 130. Subsection (b) of section 129 of title 23, United States Code, is amended by inserting "(1)" immediately after "(b)" and by adding at the end thereof the following:

"(2) It is the sense of Congress that (A) with respect to a toll road on the Interstate System any vehicle using such road should not be required to stop more than twice for the purpose of collection of tolls in connection with any one continuous intrastate trip on such highway and (B) with respect to toll roads on the Interstate System which connect at State boundaries that such States should enter into such agreements as may be necessary to provide for common facilities for the collection of tolls at or in the vicinity of such boundary connection in order that vehicles using such roads will be required to make but one stop at such connection for the collection of tolls."

INDIAN RESERVATION ROADS AND BRIDGES

SEC. 131. The definition of the term "Indian reservation roads and bridges" in section 101(a) of title 23, United States Code, is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government on which Indians reside whom the Secretary of the Interior has determined to be eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

RICHMOND-PETERSBURG TURNPIKE

SEC. 132. The Secretary of Transportation is authorized to amend any agreement heretofore entered into under the provisions of section 129(d) of title 23, United States Code, in order to permit the continuation of tolls on the existing Richmond-Petersburg Turnpike to finance the construction within the existing termini of such turnpike of two lanes thereon in addition to the lanes in existence on the date of enactment of this section necessary to meet traffic and highway safety requirements. Any amended agreement entered into for such purposes shall provide assurances that the existing turnpike (including the additional lanes) shall

become free to the public upon the collection of tolls sufficient to liquidate all construction costs, and the costs of maintenance, operation, and debt service during the period of toll collections to liquidate such construction costs, but in no event shall tolls be collected after date of maturity of those bonds outstanding on the date of enactment of this section issued for construction of such turnpike having the latest maturity date.

AIRPORT ACCESS

SEC. 133. Section 105 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) In preparing programs to submit in accordance with subsection (a) of this section, the State highway departments shall give consideration to projects providing direct and convenient public access to public airports, and in approving such programs the Secretary shall give consideration to such projects."

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1970".

HIGHWAY SAFETY

SEC. 202. (a) Section 201 of the Highway Safety Act of 1966 (80 Stat. 735) is amended to read as follows:

"SEC. 201. (a) There is hereby established within the Department of Transportation a National Highway Traffic Safety Administration (hereafter in this section referred to as the 'Administration'). The Administration shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the annual rate of basic pay of level III of the Executive Schedule in section 5314 of title 5, United States Code. There shall be a Deputy Administrator of the National Highway Traffic Safety Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the annual rate of basic pay level V of the Executive Schedule in section 5316 of title 5, United States Code. The Administrator shall perform such duties as are delegated to him by the Secretary. On highway matters the Administrator shall consult with the Federal Highway Administrator.

"(b)(1) The Secretary shall carry out through the Federal Highway Administration those provisions of the Highway Safety Act of 1966 (including chapter 4 of title 23, United States Code) for highway safety programs, research, and development relating to uniform standards which the Secretary is authorized to promulgate pertaining to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian safety.

"(2) The Secretary shall carry out, through the Administration, those provisions of such Act (including chapter 4 of title 23, United States Code) for highway safety programs, research and development relating to all other uniform standards which the Secretary is authorized to promulgate.

"(c) The Secretary is authorized to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718) through the Administration and Administrator authorized by this section.

"(d) All provisions of law enacted before the date of enactment of the Highway Safety Act of 1970 which are inconsistent with this section as amended by such Act of 1970 are hereby repealed to the extent of such inconsistency."

(b) The President may authorize any person who immediately before the date of enactment of this Act held the office of Director of the National Highway Safety Bureau to act as Administrator of the National Highway Traffic Safety Administration created by the amendment made by subsection (a) of this section until the first Administrator is appointed in accordance with such amendment. The President may authorize any person serving as Acting Administrator in accordance with this subsection to receive compensation at the rate authorized for the office of Administrator. Such compensation, if authorized, shall be in lieu of, and not in addition to, any other compensation from the United States to which such person may be entitled.

(c) Subsection (c) of section 402 of title 23, United States Code, is amended by striking out beginning in the second sentence thereof "as Congress, by law enacted hereafter," and all that follows down through and including the period at the end of the third sentence thereof and inserting in lieu thereof the following: "75 per centum in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census, and 25 per centum in the ratio which the public road mileage in each State bears to the total public road mileage in all States. For the purposes of this subsection, a 'public road' means any road under the jurisdiction of and maintained by a public authority and open to public travel."

(d) The first sentence of subsection (d) of section 402 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and except that the aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section without regard to whether such expenditures were actually made in connection with such project."

(e) Section 402 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Except in the case of those State safety program elements with respect to which uniform standards have been promulgated by the Secretary before December 31, 1970, the Secretary shall not promulgate any other uniform safety standard under this section unless specifically authorized to do so by a statute enacted after the date of enactment of this subsection."

(f) The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973.

(2) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, for each of the fiscal years ending June 30, 1972, and June 30, 1973, out of the Highway Trust Fund for projects, or portions of projects, pertaining to the Federal-aid systems, $15,000,000, and out of any money in the Treasury not otherwise appropriated, $15,000,000.

(3) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, $30,000,000 for the fiscal year ending June 30, 1972, and $45,000,000 for the fiscal year ending June 30, 1973.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, $10,000,000 for the fiscal year ending June 30, 1972, and $10,000,000 for the fiscal year ending June 30, 1973.

(5) Paragraph (10) of section 5 of the Federal-Aid Highway Act of 1968 (relating to authorizations for carrying out section 402 of title 23, United States Code), is hereby repealed.

DEMONSTRATION PROJECTS

SEC. 203. Section 403 of title 23, United States Code, is amended by inserting "(a)" immediately before the first sentence thereof, and by striking out "this section" each place it appears and inserting in lieu thereof at each such place "this subsection" and by adding at the end thereof the following new subsection:

"(b) In addition to demonstration projects authorized by subsection (a) of this section, in order to demonstrate methods for increasing the safety of travel on the Federal-aid systems, the Secretary, in cooperation with the Governors of the affected States, shall undertake (1) demonstration projects for alcohol safety action programs including related multidisciplinary crash investigation teams, and (2) demonstration projects relating to enforcement of motor vehicle and traffic laws. Not more than one demonstration project under each of the preceding clauses shall be undertaken in any one State and all such projects shall be completed by June 30, 1974. The Secretary not later than June 30 of the years 1971, 1972, and 1973, shall submit to Congress a progress report on such projects, including his recommendations with respect thereto, and not later than July 31, 1974, the final report on such projects, including his recommendations with respect thereto. There is authorized to be appropriated for the four fiscal year period ending June 30, 1974, out of the Highway Trust Fund to carry out alcohol safety action programs under clause (1) of this subsection not to exceed $171,600,000, for multidisciplinary crash investigation teams under such clause (1) not to exceed $35,200,000, and to carry out enforcement projects under clause (2) of this subsection not to exceed $75,000,000."

HIGHWAY SAFETY PROGRAMS

SEC. 204. (a) Section 402(b)(1)(A) of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "through a State highway safety agency which shall have adequate powers, and be suitably equipped and organized to carry out, to the satisfaction of the Secretary, such program."

(b) The amendment made by subsection (a) of this section shall take effect December 31, 1971.

PROJECTS FOR HIGH HAZARD LOCATIONS

SEC. 205. For the purpose of carrying out the provisions of title 23, United States Code, there is authorized to be appropriated out of the Highway Trust Fund for projects to eliminate or reduce the hazards to safety at specific locations, where sections of highways on the Federal-aid primary or secondary systems or their extensions within urban areas which have high accident experiences or high accident potentials, $200,000,000 for the fiscal year ending June 30, 1972, and $200,000,000 for the fiscal year ending June 30, 1973. Amounts authorized by this section shall be apportioned to the States in the same manner as sums appropriated under paragraph (1) of section 105 of the Federal-Aid Highway Act of 1970, shall not be subject to sections 104(f) and 142(a) of title 23, United States Code, and shall be expended by such State only for projects under this section.

BRIDGE RECONSTRUCTION AND REPLACEMENT

SEC. 206. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 144. Bridge reconstruction and replacement

"(a) To encourage and assist the States in eliminating the hazards of unsafe bridges, not more than 10 per centum, and not less than 5 per centum (unless the Secretary determines that 5 per centum exceeds the needs of the State), of all the sums apportioned in accordance with paragraphs (1), (2), and (3) of subsection (b) of section 104 of this title for the fiscal year 1972 and for each subsequent fiscal year shall be used to pay the Federal share of the cost of projects for the reconstruction or replacement of bridges that cross waterways and are on either the Federal-aid primary system or the Federal-aid secondary system. Such sums shall be available for expenditure without regard to the system for which apportioned.

"(b) The Secretary shall approve projects under this section only for bridges that are unsafe because of structural deficiencies, physical deterioration, or functional obsolescence. Each State shall establish a list of bridges to be reconstructed and replaced under this section in order of priority of need, taking into consideration the critical nature of the safety hazards involved, types and volumes of traffic, national defense requirements, alternate routes and detours, impact upon the economy and the effects upon adjoining States.

"(c) Notwithstanding any other provisions of law the General Bridge Act of 1946 (33 U.S.C. 525–533) shall apply to bridges authorized to be reconstructed and bridges constructed to replace unsafe bridges under this section.

"(d) The Secretary shall report annually to the Congress on projects approved under this section together with his recommendations for the reconstruction and replacement of bridges.

"144. Bridge construction and replacement."

(c) Section 120 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(i) The Federal share payable on account of any project for the reconstruction or replacement of a bridge under section 144 of this title shall not exceed the percentage payable under subsection (a) of this section or 90 per centum of the cost of construction of such project, whichever is the larger."

ELIMINATION OF RAILWAY-HIGHWAY GRADE HAZARDS

SEC. 207. Subsection (d) of section 120 of title 23, United States Code, is amended by substituting a comma for the period at the end thereof and adding thereafter the following: "and that not less than 5 per centum of all sums apportioned to each State in accordance with paragraphs (1), (2), and (3) of subsection (b) of section 104 of this title for fiscal year 1972 and each subsequent fiscal year shall be used by such State under this subsection, unless the Secretary determines that a lesser percentage will meet the needs of the State."

RAIL CROSSINGS

SEC. 208. (a) Chapter 3 of title 23, United States Code, is further amended by adding after section 321 the following new section:

"§ 322. Demonstration project—rail crossings

"(a) The Secretary shall carry out a demonstration project for the elimination of all public ground-level rail-highway crossings along the route of the high-speed ground transportation demonstration projects between Washington, District of Columbia, and Boston, Massachusetts, conducted under authority of the Act entitled 'An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes', approved September 30, 1965 (49 U.S.C. 1631 et seq.).

"(b) The Secretary shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Greenwood, South Carolina.

"(c)(1) If the highway involved is on any Federal-aid system, the Federal share of the cost of such work shall be 90 percentum and the railroad's share of such cost shall be 10 per centum.

"(2) If the highway involved is not on any Federal-aid system, the Federal share of the cost of such work shall be 80 per centum and the railroad's share of such cost shall be 10 per centum and the remaining 10 per centum of such cost shall be paid by the State in which such crossing is located.

"(d) Before paying any part of the cost of the demonstration projects authorized by this section, the Secretary shall enter into such agreements with the States and railroads involved to insure that all non-Federal costs will be provided as required by this section.

"(e) The Secretary, in cooperation with State highway departments, shall conduct a full and complete investigation and study of the problem of providing increased highway safety at public and private ground-level rail-highway crossings on a nationwide basis through the elimination of such crossings or otherwise, including specifically high-speed rail operations in all parts of the country, and report to Congress his recommendations resulting from such investigation and study not later than July 1, 1972, including an estimate of the cost of such a program. Funds authorized to carry out section 307 of this title are authorized to be used to carry out the investigation and study required by this subsection.

"(f) There is authorized to be appropriated not to exceed $9,000,000 from the Highway Trust Fund to carry out paragraph (1) of subsection (c) of this section. There is authorized to be appropriated out of the general fund not to exceed $22,000,000 to carry out paragraph (2) of subsection (c) of this section."

(b) The analysis of chapter 3 of title 23, United States Code, is amended by adding at the end thereof:

"322. Demonstration project—rail crossings."

TITLE III—EXTENSION OF HIGHWAY TRUST FUND AND CERTAIN RELATED PROVISIONS

SEC. 301. HIGHWAY TRUST FUND.

Subsections (c), (e), and (f) of section 209 of the Highway Revenue Act of 1956 (relating to the Highway Trust Fund; 23 U.S.C. 120 note) are amended—

(1) by striking out "1972" each place it appears and inserting in lieu thereof "1977"; and

(2) by striking out "1973" each place it appears and inserting in lieu thereof "1978".

SEC. 302. TRANSFER FROM LAND AND WATER CONSERVATION FUND

Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–11) is amended—

(1) by striking out "1972" and inserting in lieu thereof "1977"; and

(2) by striking out "1973" each place it appears and inserting in lieu thereof "1978".

SEC. 303. POSTPONEMENT OF CERTAIN EXCISE TAX REDUCTIONS

(a) The following provisions of the Internal Revenue Code of 1954 are amended by striking out "1972" each place it appears and inserting in lieu thereof "1977":

(1) Section 4041(c)(3) (relating to rate of tax on fuel for noncommercial aviation).

(2) Section 4041(e) (relating to rate reduction).

(3) Section 4061(a)(1) (relating to imposition of tax on trucks, buses, etc.).

(4) Section 4061(b)(1) (relating to imposition of tax on parts and accessories).

(5) Section 4071(d) (relating to imposition of tax on tires and tubes).

(6) Section 4081(b) (relating to imposition of tax on gasoline).

(7) Section 4481(a) (relating to imposition of tax on use of highway motor vehicles).

(8) Section 4481(e) (relating to period tax in effect).

(9) Section 4482(c)(4) (defining taxable period).

(10) Section 6156(e)(2) (relating to installment payments of tax on use of highway motor vehicles).

(11) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems).

(b) Section 6412(a)(2) of such Code (relating to floor stock refunds) is amended—

(1) by striking out "1972" each place it appears and inserting in lieu thereof "1977";

(2) by striking out "January 1, 1973" each place it appears and inserting in lieu thereof "January 1, 1978"; and

(3) by striking out "February 10, 1973" each place it appears and inserting in lieu thereof "March 31, 1978".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed.

The title was amended so as to read: "To authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 19504) was laid on the table.

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the bill (S. 4418) to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? The Chair hears none, and appoints the following conferees: Messrs. FALLON, KLUCZYNSKI, WRIGHT, EDMONDSON, CRAMER, HARSHA, and CLEVELAND.

REPORT CONCERNING CASH AWARDS PROGRAM FOR MILITARY PERSONNEL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Armed Services:

To the Congress of the United States:

In September of 1965, the Congress of the United States authorized a new cash awards program for military personnel. This program was designed to provide members of the Armed Forces with an added incentive to reduce military costs and improve military efficiency. In accordance with the provisions of 10 U.S.C. 1124, I am herewith forwarding the reports of the Secretary of Defense and the Secretary of Transportation concerning cash awards which were made under this program during Fiscal Year 1970.

The most recent report on the Military Awards Program covered the first six

months of 1969. The present report and all future reports will cover an entire fiscal year, as is presently the case with the civilian Incentive Awards Program which is run by the Civil Service Commission.

In Fiscal Year 1970—as in earlier years—the Military Awards Program was a great success. Suggestions from military personnel that were adopted during Fiscal Year 1970 saved the government over $166 million—substantially more than in any previous year. Tangible first year benefits derived from such suggestions since the program went into effect in 1965 have now reached a total of more than $439 million. Many benefits and improvements of an intangible nature have also been realized.

Some 205,888 suggestions were submitted by military personnel during the reporting period of which 32,854 were adopted. Cash awards for adopted suggestions totalled $1,979,111. More than 80 percent of the cash awards were paid to enlisted personnel. Payments varied from a minimum of $25 to a maximum which was somewhat more than $1,000.

The reports which I am forwarding from the Secretary of Defense and Secretary of Transportation present additional information concerning payments made under the Military Awards Program, along with brief descriptions of some of the more noteworthy suggestions which were presented as a part of this program during Fiscal Year 1970.

RICHARD NIXON.

THE WHITE HOUSE, *November 25, 1970.*

ONE YEAR LATER: AN APPRAISAL OF OUR CBW POSTURE

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

Mr. McCARTHY. Mr. Speaker, 1 year ago today the President made an historical announcement, one which called for a sharp change in direction in this Nation's chemical and biological warfare policies. On November 25, 1969, Mr. Nixon stated without qualification that we would henceforth renounce bacteriological warfare and not use chemical weapons unless they were used against us. I welcomed this news, for it marked the first time that the United States was willing to destroy a weapons system unilaterally, and signalled the beginning of the end of a totally worthless but highly dangerous arsenal.

During the year previous to the President's announcement, I had examined with growing horror the magnitude of our chemical and biological warfare program and the irrational policies which guided the research, development, distribution, storage, and disposal of these weapons. Little was known about this folly until Congress, in its wisdom, insisted that the Pentagon reveal the size and nature of this weapons system. What was learned shocked the Nation and the world. Toxins and plague were cultured at Fort Detrick, Md. Nerve gas was stored at the end of a commercial airport runway waiting to be transported without proper precautions across the land to the ocean to be unceremoniously dumped into the sea.

Meanwhile, on the other side of the world in Southeast Asia, a chemical which had been found years earlier to cause the birth of malformed babies was being sprayed on populated areas.

Those of us who had come to recognize the atrocious implications of these incidents were, therefore, greatly relieved when informed that the full power of the Presidency was to lead the way in returning sanity to our national security policies. The tone of the President's remarks last November 25 led us to believe that immediate steps were being taken to dismantle this science-fiction war machine. We also looked forward to Congress deliberating the merits of the 1925 Geneva protocol which Mr. Nixon said he was submitting to the Senate for its advice and consent to ratification.

It seemed as if the framework had been laid for an orderly transition in policies and practices, in step with recent United Nations action which brought herbicides and tear gases under the provisions of the protocol. In addition, it gave encouragement to those who were working toward a total ban on microbiological weapons at the Eighteen-Nation Disarmament Conference in Geneva.

The prestige of the White House was at stake as nations looked to see whether we had the ability to halt a most abhorrent aspect of our military complex.

A full year has passed, and an assessment must now be made to determine what if any progress has been made to reach the goals outlined by the President.

First, a brief word about the Geneva protocol. While it is true that 7 months after the President's announcement, the treaty was sent to the Senate, where it is now pending before the Committee on Foreign Relations, I was distressed to learn that the administration is of the opinion that tear gases and herbicides are outside the scope of international regulation. This posture seriously dilutes the effectiveness of the protocol as it applies to contemporary events, and I would hope that the Senate would concur with the large majority of signatories who believe that these agents are indeed prohibited.

Turning to chemical warfare policies: I would think that a logical first step to implementing a no-first-use policy would be to instruct the field commanders to cease all defoliation immediately, to begin withdrawing all stocks from Vietnam, and make sure that no more arrive.

Unfortunately, the reverse seems to be the case. Recent reports indicate that field commanders have defied this ban and continue to use the birth-deforming compound Orange without provocation.

I am appalled that these Presidential orders are being violated, and I would hope that our Chief Executive would take immediate steps to see that his directive is carried out. There is absolutely no evidence that the enemy possesses lethal chemical weapons. If the no-first-use policy is to be implemented, these supplies should not be available in the field where they are obviously misused.

In the field of biological warfare, an area specifically designated by the President as having no worthwhile purpose, little if anything has changed from a year ago. While Congress is seeking to transfer the major research and development sites to civilian medical agencies, the administration evidently sits back quietly, requesting the same amount of funds, stockpiling the same lethal germs, repeating vague assurances that the arsenal will be destroyed "in the near future."

I am fully aware that the wheels of government turn slowly, Mr. Speaker, but a year is long enough for the military to begin destroying these living horrors. Many scientists have informed me that the disposal methods are well known and easily carried out. To put it simply, the will to do so is missing. Accordingly, the White House and every agency below is sitting on its hands, with a "business as usual" attitude. Meanwhile, funds totaling over $21 million are allocated for biological warfare, to be used in ways that not even most administration officials know or understand.

I was recently given an official tour of the facilities at Fort Detrick, and was pleased to note that the germ warfare research program was winding down. What still bothers me is the fact that no steps have been taken to eliminate the vast stockpiles of toxins and agents which cause tularemia, Q fever, anthrax, and Venezuelan encephalitis, which continue to be stored at Pine Bluff, Ark.

I can find nobody in the administration who can explain why these agents are still in existence. Officials in the Department of Health, Education, and Welfare, the Arms Control and Disarmament Agency, and the Pentagon are studying the matter. I will not hold my breath waiting for their recommendations.

Time for concrete action is long overdue. While the executive branch procrastinates, these are steps Congress can take now. One, the Senate should take up the Geneva protocol as soon as possible. When it was before the Senate earlier, it languished on the Foreign Relations Committee calendar for 40 years, being withdrawn in 1947 for lack of interest. Such a delay must not be repeated again. Congress should also examine how other international agreements can be negotiated to bring about a universal ban on biological warfare, and how similar restrictions can be placed on chemical warfare.

Second, Congress can act this year to transform Fort Detrick into a laboratory for health research under civilian control. The Senate took action on this proposal last week. I hope my colleagues in the House support this amendment to the HEW appropriations bill when it is considered in conference.

Mr. Speaker, this anniversary gives us no cause to celebrate. One year later, deadly chemicals are still being used in Vietnam.

One year later, the Geneva Protocol

awaits ratification; and 1 year later disease-spreading agents sit in refrigerated storage bins for no reason.

We should look upon this anniversary as an opportunity to take decisive action. To delay any further, to allow 1 more year to go by without progress would be an injustice to those here and abroad who look to the United States for leadership in the banning of the development of such reprehensible weapons.

AMERICAN BOMBING AND RESCUE MISSIONS IN NORTH VIETNAM

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

Mr. PODELL. Mr. Speaker, the credibility gap has grown wider this weekend with the news of American bombing and rescue missions in North Vietnam. The resumption of attacks on the North denotes a sharp reversal of American policy in Vietnam. For almost 2 years we have been told that Vietnamization, the cornerstone of America's present policy in Vietnam, has been proceeding quite successfully. Then suddenly, we are told that American men are engaging in raids on North Vietnam to counter enemy buildup. What, then, are we to believe about both the administration's commitment to a policy of deescalation as well as the success of the policy of Vietnamization?

Some have called American actions "misguided"; I see them as more than simply an exercise in bad judgment. Reflecting as they do the thinking of some of our Nation's top leaders, they indicate an indecisiveness as to the direction of our policy. They signify that the extraordinary events of the last 2 years have had relatively little impact on this thinking.

It is quite incredible to think that the debates of last May, the resolutions, the pages of testimony pointing to the hopelessness of achieving a military solution to this war are now being discounted.

In May of this year, this Congress had before it a resolution proposing a timetable for the withdrawal of American troops from Vietnam. I strongly supported that policy, although a majority of Congress rejected such a timetable, claiming it would "tie the President's hands" in his efforts to bring an end to the war.

But I believe the President misinterpreted the meaning of that debate and the mandate he received. He did not receive—even from those who voted against the timetable—carte blanche approval for another escalation of the conflict. He received a mandate to further deescalate.

In July of this year and September of last year, the many Members of Congress, myself included, sponsored resolutions demanding the humane treatment and exchange of civilian and military prisoners of war.

The release and well-being of American men captured by the North Vietnamese must remain a No. 1 priority of our country. But I question the wisdom behind "raids" to release them. We can now only hope that there will be no reprisals by the North Vietnamese.

Yet, military solutions, as we have learned, will not bring an end to this tragic 5-year conflict. If we have learned anything at all from the death of so many thousands of our young men, we have learned this. Military missions may appear successful—and in the short run they often are. Yet too often they have proved temporary and fleeting with little permanent impact. Sometimes they actually jeopardize chances for a more permanent solution. I hope this does not prove the case with the events of the last days.

At the same time, the circumstances behind the escalation are still unclear. Reasons range from retaliation for the shooting down of an unarmed reconnaissance plane over North Vietnam to the protection of pilots trying to halt the buildup of supplies along the Ho Chi Minh Trail. In addition, accounts of how far America penetrated into North Vietnam are contradictory.

The method of reaching this decision is also cause for concern. The actual decision seemed to have been made by the Pentagon with little consultation or input from either the Department of State or from congressional leaders.

The real danger and cause for concern is, however, the seeming indecisiveness and lack of direction on the part of our policymakers. Straddling two policies is not a policy; it results in no ultimate solution. In the long run, it may actually jeopardize chances of reaching a peaceful solution.

We can only hope that America's recent actions do not endanger the lives of American prisoners of war and do not hinder efforts for the achievement of peace.

NATIONAL WATER HYGIENE ACT OF 1970

(Mr. ROGERS of Florida asked and was given permisison to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I am introducing the "National Water Hygiene Act of 1970," a bill to assure that the public will be provided with safe water for drinking, recreation, and other human uses. I am pleased to have as cosponsors several of my colleagues from both parties on the Subcommittee on Public Health of the Committee on Interstate and Foreign Commerce. Members joining me on this legislation include Mr. JARMAN, Mr. KYROS, Mr. PREYER of North Carolina, Mr. NELSEN, Mr. CARTER, and Mr. HASTINGS.

A national survey conducted by the Department of Health, Education, and Welfare's Bureau of Water Hygiene, Environmental Health Service, and U.S. Public Health Service has caused grave concern in this Nation about the quality of our drinking water. This survey of 969 public water systems, known as the "Community Water Supply Study" in its July 1970 published form, is a systematic, sample analysis of the raw water sources, public water supply systems, and water distribution systems in various States and communities of our Nation. Some of the major findings of this survey are summarized as follows:

First, 41 percent of the 969 public water systems surveyed were delivering waters of inferior quality to 2.5 million people. In fact, 360,000 persons in the study population were being served by waters of a potentially dangerous quality. This was particularly true of community water systems serving less than 100,000 persons. Even in those systems where the average quality was good, occasional samples were found to contain fecal bacteria, lead, copper, iron, manganese, and nitrate. A few even exceeded the arsenic, chromium, and selenium limits recommended by the Department of Health, Education, and Welfare as necessary to prevent major health impairments. Some of the very small communities were even drinking water on a day-to-day basis that exceeded one or more of the dangerous chemical limits, such as those on selenium, arsenic, or lead.

Second, regarding the quality of water delivered to the consumer, the survey found that 36 percent of tap water samples tested contained one or more bacteriological or chemical constituents exceeding the limits in the Public Health Service drinking water standards, 9 percent of these samples contained bacterial contamination at the consumer's tap evidencing potentially dangerous quality, 30 percent of these samples exceeded at least one of the chemical limits indicating waters of inferior quality, and 11 percent of the samples drawn from systems using surface water sources exceeded the recommended organic chemical limit of 200 parts per billion.

Third, regarding the status of physical facilities, the study showed that 56 percent of the systems evidenced physical deficiencies including poorly protected groundwater sources, inadequate disinfection capacity, inadequate clarification capacity, and/or inadequate systems pressure.

Fourth, regarding the qualifications of the operators of public water systems surveyed, the study found that 77 percent were inadequately trained in fundamental microbiology, and 46 percent were deficient in chemistry relating to their plant operation.

Fifth, regarding the status of State inspection and technical assistance programs, the survey revealed that 79 percent of the water systems were not inspected by State or county authorities in 1968, the last full calendar year prior to the study. And even more amazing is the fact that in 50 percent of the cases, plant officials did not remember when, if ever, a State or local health department had last surveyed their water supply.

The aforementioned survey reveals that although there are existing recommended standards for chemical and biological contaminants in our water supplies and some provisions of law for enforcing standards for disease-causing bacteriological contaminants, existing water hygiene technology is not being applied or practiced uniformly in our Nation's States and communities to assure the public of good quality water for drinking and other human uses.

Furthermore the study revealed that there is a desperate need for research, development of new technology, training of personnel, and improved State programs to provide adequate quantities of safe water in the future.

The study points out that history gives us examples of the penalties paid by past civilizations which failed to provide safe drinking water to the people. The fact that waterborne diseases persist today was evidenced by the epidemic at Riverside, Calif., in 1965 which affected 18,000 people, the 30-percent gastroenteritis attack rate in Angola, N.Y., in 1968 due to a failure in the disinfection system, and the 60-percent infectious hepatitis attack rate which afflicted the Holy Cross football team in 1969.

We can expect future major occurrences of epidemics and health impairments in our communities unless we now take the necessary measures to provide the public with adequate quantities of water for drinking, recreation, and other human uses. With the pollution of our waters on the upswing, we must recognize the voids in our existing water hygiene technology, and look to the Federal Government for leadership in this area, so that the States and communities are able to take the necessary steps to provide safe water to our people in the future.

The existing Federal program is limited to research by a small staff housed in the Bureau of Water Hygiene on a budget of $2,701,000 for fiscal 1970 and the administration's budget requests proposed a cut of $357,000 from the program's 1970 level for fiscal 1971. We drastically need more research, particularly for chemical contaminants which we know very little about. We also need to provide the States with a means to apply in practice this research to their supply systems and raw sources which provide the public with water. The States and communities urgently need technical assistance, grants for training of personnel, and grants for the planning and improvement of their water hygiene programs.

Under existing law the Public Health Service has only general authority to regulate interstate water carrier supplies and only relating to the control of communicable diseases caused by bacteriological contaminants in the water of some 709 systems in the Nation which supply only 82 million people with water. There is no authority over the water systems supplying the remaining 118 million people in our Nation, and what little authority the public service has, is limited to biological contaminants, and not radiological, or chemical contaminants. For example, there is authority to protect only about 40 percent of the people in the United States from bacterially caused diahhrea; however, under law, chemically caused diarrhea induced by magnesium sulfate cannot be required to conform to minimum national hygiene standards. Since there are some 12,000 toxic chemical compounds in industrial use today, and more than 500 new chemicals are developed each year, we must move to correct this void in the law. We need mandatory minimum national standards for such dangerous chemicals or substances as arsenic, mercury, lead, selenium, organic carcinogens, nitrates, cyanide, and others, which under present law are only recommended, and these minimum standards should apply to all water supply systems and raw water sources which supply water for drinking, recreation, and other human uses.

The legislation which I am proposing today would amend the Public Health Service Act to direct the Administrator of the Environmental Protection Agency, which after the effective date of the President's Reorganization Plan No. 3 has the responsibility for carrying out the functions of the Bureau of Water Hygiene within the Department of Health, Education, and Welfare relating to health concerns of water for drinking and other human uses, to promulgate standards for the minimum quality of water allowable for drinking and the maximum levels permissible for any chemical, biological, physical, radiological, or other contaminants in such water. These standards would be promulgated after proposed standards have been published and sufficient time is provided for all interested parties to make recommendations.

The bill would also direct the Administrator to promulgate standards relating to bacteria, viruses, caustic agents, and any other organic or inorganic substances which are hazardous or potentially hazardous to the public health in all raw sources in the United States which supply water for drinking, recreation, and other human uses, or which either directly or indirectly come into contact with people in a manner so as to affect their health.

This legislation does not preempt the States from having minimum standards or enforcement procedures. In fact, the bill provides that State standards and/or enforcement procedures will supersede Federal standards and enforcement procedures if the Administrator determines that a State within 1 year of enactment of the law comes up with standards and enforcement procedures equal to or more stringent than the Federal standards, regulations, and procedures.

Until such time as any individual State comes up with standards and enforcement procedures approved by the Administrator, the Federal standards and enforcement would remain in effect. If the Administrator determines that a raw water source or public water system is below the standards, or if a State or interstate agency has not provided adequate enforcement procedures, the Administrator notifies the State and gives the State 30 days with extensions up to an additional 90 days during which to comply. If the State does not comply within the specified time, the Administrator may bring suit in the district courts to require compliance, or he may bring an injunction against any official obstructing compliance. The courts are authorized to assess penalties up to $1,000 per day of violation.

In the case where the Administrator discovers a raw water source or water supply system which presents a grave and immediate danger to the health of the people using or otherwise coming into contact with such water, then under the provisions of the bill he has additional authority to issue a direct order instructing the responsible official to take the necessary steps to protect the people of that area and to even temporarily require the abatement of the use of that water until such time as it is rendered safe.

In addition to these provisions the bill directs the establishment of the National Water Hygiene Council, composed of 15 representatives of the public, scientific, and State and local governmental communities, which would advise and make recommendations to the Administrator regarding the implementation and administration of this program.

The bill would authorize $20 million for fiscal 1972, $30 million for fiscal 1973, and $40 million for fiscal 1974 for a total of $90 million over the next 3 fiscal years for the Administrator to conduct research, technical assistance, and training of personnel in matters relating to providing the public with safe water for drinking, recreation, and other human uses and to make project grants for this purpose to individuals, States, interstate agencies, communities, or organizations.

In addition, the bill would authorize $10 million for fiscal 1972, $15 million for fiscal 1973, and $20 million for fiscal 1974 for a total of $45 million for the next 3 fiscal years for the Administrator to make demonstration grants to States, municipalities, interstate agencies, institutions, and persons for projects demonstrating a new or improved method or technology in the provision of a safe supply of water to the public for drinking, recreation, and other human uses, including reclamation, recycling, and reuse of waste waters for this purpose.

Last, the bill authorizes $15 million for fiscal 1972, $20 million for fiscal 1973, and $30 million for fiscal 1974 for a total of $65 million for the next 3 fiscal years for the Administrator to make grants to State and interstate agencies for the planning, developing, and maintaining of their programs in the area of water hygiene.

This legislation contains provisions to encourage interstate cooperation in the provision of safe water to the public in order to cut down unnecessary duplication of facilities and services in areas crossing State lines.

The legislation directs Federal departments and agencies to comply with all applicable State and Federal standards insofar as practicable with the interests of the United States. It is necessary for the Federal Government to take the lead in providing safe water to the public if this is demanded of the States and communities of our Nation.

Last, the bill encourages the Administrator to work closely with the officers and employees of other Federal agencies such as the Public Health Service in order to carry through this important program.

Although there is not much time left during this session of Congress for passage of this important measure, I would urge the Members to seriously consider its merits during the time remaining in

this session with a view toward passage of a "National Water Hygiene Act" during the 92d Congress, as I plan to reintroduce the bill at that time.

REMARKS BY FORMER ATTORNEY GENERAL RAMSEY CLARK AT LUNCHEON OF SOCIETY OF FORMER SPECIAL AGENTS OF THE FBI

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

Mr. SMITH of California. Mr. Speaker, as a former special agent of the Federal Bureau of Investigation, I have noted with great interest the published differences of opinion between former U.S. Attorney General Ramsey Clark and FBI Director J. Edgar Hoover. I consider Clark's criticism of both the Bureau as an organization and of Mr. Hoover to be completely unfounded, and I have been surprised by what Clark has said since it is not at all in keeping with remarks I heard him make near the end of his tenure as Attorney General.

In September 1967 the annual convention of the Society of Former Special Agents of the FBI was held in Washington, D.C., Ramsey Clark appeared as one of the luncheon speakers. I attended as did several thousand other persons including former FBI agents, their wives and guests, and the news media. Mr. Hoover has been quoted as saying that one never knew how Ramsey Clark was going "to flop on any issue," and this, indeed, appears accurate since at the luncheon on September 28, 1967, Clark was extremely profuse in his praise of both Director Hoover and the FBI. Of course, praise for the FBI and for its Director is not newsworthy, and it could be that his effort to publicize a recently written book and the fact that he has been mentioned as possible Presidential timber could be factors motivating Clark at this time.

Clark's comments at the luncheon in 1967 were made a matter of record, and I have secured a copy which I would like to call to the attention of my colleagues since it indicates Ramsey Clark's opinion when he was Attorney General and when he had the responsibility and the authority to correct FBI shortcomings if he saw fit. I include his comments at this point:

REMARKS OF FORMER ATTORNEY GENERAL RAMSEY CLARK AT THE LUNCHEON OF THE SOCIETY OF FORMER SPECIAL AGENTS OF THE FBI, INC.

Toastmaster Coyne (ph), Mr. Hoover, President Reagan (ph), officials and friends of the FBI, it is a thrilling experience to be with you today. Well, I'm not going to read anything, but I can think better with my glasses on.

I had intended to tell Mr. Hoover earlier but hadn't the appropriate opportunity that the President asked me to express today, as he has himself on so many occasions, his great admiration for his friend of many, many years, his neighbor for many, many years, his colleague in the Government of the United States, Director John Edgar Hoover. Unfortunately, he is traveling to view the ravages of hurricane and flood in the Rio Grande Valley but is with you and with Mr. Hoover in spirit at this time.

To the former Agents here I would like to say that you are alumni of an illustrious institution: an institution unsurpassed in governments in the excellence of its performance; one that reminds us at a time when it is so important that we be reminded that we have faith that big government, which is essential to a mighty Nation of 200,000,000 people, can perform through institutions with effectiveness, with efficiency and with fairness. I hope that each of you will also always feel that he is an alumni not only of the FBI but of the Department of Justice as well, which feels so close to the Bureau, to its members, which works constantly in a common mission.

Of all the institutions of Government, there is none in our time in this hour of great concern about crime that we are so fortunate to have such excellence. Of all the agencies that could have reached this level of excellence the American people can be grateful that it was the FBI because of the dependence of our people upon its performance for both their personal security and their liberty. Of all the attributes of the excellence demonstrated by the FBI, perhaps none is more impressive than the balance that is always shown. Here, contrary to expectation, perhaps to many's evaluation of human nature, there is no quest for empire. There is, instead, the constant awareness that its misison is described and delineated by constitution delegating powers to the Federal Government and reserving powers to the States. That it lends its strength to law enforcement throughout the United States working daily to build excellence in State and local law enforcement which are so critical to the survival of this great Nation.

About the man that you honor today, there is nothing I can think to say more appropriate than that as Ralph Waldo Emerson noted in the simple days before the Civil War that "Every institution is but the lengthened shadow of a single man." It seems incredible to me that this could still be true in our day of such complexity and vast number, but it is true; because, to a degree that I do not know to exist in any other institution, public or private, in this country, the great Bureau of Investigation is the lengthened shadow of John Edgar Hoover.

Thank you very much.

GEORGE H. SCRUTON, JR.

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

Mr. RANDALL. Mr. Speaker, all of us here in Washington were shocked at the sad news of the passing of our friend, George Scruton. We have all suffered a loss by his untimely death. His loss will be mourned throughout our State because everyone who knew him, loved him. His fellow editors will miss his presence as a journalist of the highest integrity.

George Scruton, during his years as editor of the Sedalia Democrat, Sedalia, Mo., earned the enviable reputation for objectivity and fairness. His editorials were direct and to the point. Yet he always tempered them with an intimate knowledge of the viewpoint of his readers and the area his paper served. He struck hard against those things he believed were wrong and fought equally hard for the causes he knew were right. He consistently refused to let his writing be influenced by personalities or personal prejudices. For the foregoing reasons he became one of the truly outstanding editors of our State.

Out of the sadness we experience from his loss emerges the comforting thought that he leaves a legacy of wisdom, honor, and integrity, to strengthen and inspire all of us.

Our deepest sympathy goes to his good wife, Margaret, whom he loved so much. It is our prayer she be sustained by the Good Lord above in her hour of sorrow and the trying days that lie ahead.

COMMENDS BRAVERY OF OFFICERS AND MEN IN POW RESCUE ATTEMPT

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

Mr. BROYHILL of Virginia. Mr. Speaker, today I am offering a resolution commending the brave officers and men of the Special Joint Army-Air Force Task Force, led by Col. Arthur D. Simons, U.S. Army, and Brig. Gen. Leroy J. Manor, U.S. Air Force, for their courageous attempt on November 21 to liberate a substantial number of the thousand or more prisoners of war being held under inhumane conditions by the Government of North Vietnam in violation of the Geneva Conventions.

Already the air is filled with cries of alarm, with organized protest, that our Secretary of Defense, in directing this special rescue operation, may have antagonized the Communists. But, for the sake of our men in North Vietnam prisons, for the safety of those still free to fight. I, for one, will ignore the cries of alarm, the marching protests, the banners of surrender. I will do so because I believe it is my duty not only as a Congressman but as an American to support this first step toward guaranteeing their safety.

From hard experience I know the plight of a prisoner of war. While I was serving as a company commander in the 106th Infantry Division in the Battle of the Bulge, my entire division was wiped out, and I was taken prisoner along with those of my company who survived. The memory of the disease, dirt, starvation, and fear will remain with me as long as I live. We were marched away from the front lines, herded into boxcars like cattle, and twice bombed by Allied planes. During one bombing raid in Nuremberg, half the group were killed or wounded, yet we were proud of the bombers and of the men who were still fighting for us and our country.

I escaped from a POW marching column, through the grace of God and the extreme courage of my cellmates, whose will to live and fight again stemmed from their conviction that our country was worth fighting for.

I still know it is worth fighting for, but I often wonder if the American soldiers now being jabbed by Communist bayonets, beaten, and starved by Communist barbarians, believe in their heart at this moment that it is. For we have given them little to sustain their hopes until this week.

War is a personal thing when you fight it. It is even more personal when you are a prisoner of it. The loneliness surpasses reason; the hours erase time; and the misery dissolves hope. Unless there is a certainty that you are not forgotten, that you are not the victim of some higher policy or some grand strategy that leads to half-victories and uncontrollable stalemates, it is unendurable.

I would be ashamed as an American if this were the only hope, the only heritage, we could leave those in the darkness of their cells in North Vietnam today. I do not believe it is.

If the Communist North Vietnamese have found a legal basis for treating our captive fighting men worse than common criminals, then surely we have a legal basis for acting to guarantee their safety and secure their freedom. The American people are sick and tired of the arrogance, deceit, torture and killing of the Communists who hold our men captive. They are tired of repeated breaches of treaties and agreements, and of the total ineffectiveness and lack of action on the part of the United Nations. And, Mr. Speaker, they are even more sick and tired of submission by our own Government to threats and violations of international law, lest we anger or frustrate the international bandits who are perpetrating the atrocities.

Now is not the time to remain silent. Now is the time for the Congress of the United States to stand in support of the President of the United States and the Secretary of Defense in their determination to rescue those who have suffered so long.

If there are no standards of decency among the Communists, it is time we teach them some. If they have no qualities of mercy, it is time to cease dealing with them as equals among humankind. We can begin now by officially serving notice that we have had enough and that we support without reservation the rescue mission and those who carry it out.

If we must choose humane treatment for those we send to fight against the risk of greater conflict, I shall choose humane treatment.

If we must choose between nations with courage to stand with us in our demands for decency as against those who pay only lip service to decent human behavior, I shall stand with the courageous, whatever the risk.

If we must choose as Americans between might and sniveling threats, abject fear and weaseling, I shall stand with what is right and the might to make it so. So, I am sure, will this Congress. So will our President; our Secretary of Defense. And so will our people.

Mr. Speaker, I include the text of my resolution at this point in the RECORD, and I urge its adoption without delay:

H. Res. 1279

A resolution relating to the joint Army-Air Force effort to liberate American prisoners of war held captive by North Vietnam

Whereas, at the request of the Secretary of Defense, the President of the United States authorized a Joint Army-Air Force Task Force operation, the purpose of which was to undertake the liberation of a substantial number of prisoners-of-war being held under inhumane conditions by the Government of North Vietnam in flagrant violation of the Geneva Conventions; and

Whereas, the dedicated officers and men of the Joint Army-Air Force Task Force, under the inspiring leadership of Arthur D. Simons, United States Army, and Brigadier General Leroy J. Manor, United States Air Force, flew into the Son Tay prison compound near Hanoi, deep in the heart of heavily defended enemy territory, for the purpose of liberating American prisoners-of-war; and

Whereas, this group of courageous volunteers carried out this perilous mission with such superb timing and perfect execution that not a single casualty was sustained; and

Whereas, this heroic humanitarian gesture, voluntarily made by the men of the liberation task force at great risk to their own safety and lives, clearly demonstrates their deep unselfish compassion for their comrades in arms who are being deprived of their freedom under the most despicable conditions; and

Whereas, this daring operation will bring to all families of prisoners-of-war and missing men a reassuring comfort in the knowledge that these brave men have not been foresaken by their country and will serve as notice to the enemy that the United States will not tolerate continued inhumane treatment of American prisoners-of-war in flagrant violation of civilized standards of respect for human dignity: Now, therefore be it

Resolved, That the House of Representatives hereby commends the brave officers and men of the Special Joint Army-Air Force Task Force, led by Colonel Arthur D. Simons, United States Army, and Brigadier General Leroy J. Monor, United States Air Force, for their courageous attempt on November 21, 1970, to liberate a substantial number of prisoners-of-war being held under inhumane conditions by the Government of North Vietnam in violation of the Geneva Conventions.

Resolved further, That the extraordinary courage, dedication, and selflessness displayed by the members of such joint task force has earned for them the highest admiration and commendation of this Nation and has brought an undeniable luster to the Armed Forces of the United States and the people they so honorably serve.

WHICH HAS MORE REALISM: TV OR REAL LIFE?

(Mr. BROWN of California 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 California. Mr. Speaker, I have never been quite sure as to whether broad claims regarding the effect of television and movies on our lives were based on fact or were mere speculation. I have supported proposals to study these contentions and to try and sort out cause and effect.

Now, I am suddenly struck by this question again. Is it possible that our national and international policies are heavily influenced because we emulate our film heroes—especially when we are faced with frustrating problems that do not have solutions as simple as we projected them in campaign rhetoric?

Of course, the real life "Mission Impossible" which failed to turn up any prisoners of war as a result of our reckless invasion of a prison camp near Hanoi is a scenario that would never have reached our living room screen. The fictional team is always successful in completing its missions. At the very worst, an intelligence failure would only be a temporary setback.

Has the frustration of not being able to end, win, or lose the war—the pressure of anxiety related to the prisoners of war—reached the highest levels of our Government in Strangelove fashion?

Can we gloss over the obvious fact that this John Wayne-type raid has seriously jeopardized the possibilities of negotiation—not only in respect to the war, itself, but especially in the area of prisoner treatment and/or exchange?

Based on faulty intelligence, we conduct an invasion that ignores the delicate political factors involved.

What were the possible alternative outcomes of such a foolhardy escapade?

The raiding force could have been wiped out completely.

The mission could have met with complete success.

The results could have been somewhere in between.

Or—probably an alternative that we least expected—there would be no prisoners in the camp.

The first of these four alternatives is probably the only outcome that would not have damaged our negotiating position seriously.

Did those officials authorizing the foray actually fail to realize that success in such a mission, such as if we had spirited away 70 prisoners of war, would have repercussions in both North Vietnam and in Paris that could not help but wipe out any hope for all of the other prisoners and their families without complete military victory?

But, how would Dr. Strangelove have looked at the situation?

There is no question in my mind. Win, lose, or draw on the first mission, it would be obvious to him that there is only one course left. We should simply invade and release all of the prisoners.

It now appears, therefore, that the administration has completely abandoned any hope of negotiating a settlement.

The bravery and the execution of this effort might earn an Emmy for "best 1-hour dramatic program."

Let us pray that it is not to be continued next week.

DISASTROUS STATE OF THE NATIONAL ECONOMY

The SPEAKER pro tempore (Mr. KEE). Under a previous order of the House, the gentleman from California (Mr. LEGGETT) is recognized for 60 minutes.

Mr. LEGGETT. Mr. Speaker, yesterday I finished partially an analysis I had made in some detail concerning the rather disastrous state of the national economy, and this morning in the 1-minute speeches I pointed up the rather onerous implications of the 7.2-percent inflation

rate coming on the heels of representations made by Economic Adviser McCracken and certain other people in the Nixon administration indicating in October that everything was under control.

It appears that everything in the administration economics-wise is out of control, that the administration really does not know what it is doing.

I should like to continue with some of the analysis which I made.

I point up these organized labor statistics only in an effort to show perspective. The workers see their wages being eaten up by rising costs, and they naturally want to guard against future inflation. The United Auto Workers, with considerable justification, point to the 19-percent pay raise GM top management gave itself in 1968, and to the fact that nearly 25 percent of the cost of a new car derives from senseless model changes. We have all heard about the massive and totally unconscionable raises Penn Central top management gave itself while the railroad was going bankrupt.

But the fact remains: we are going to have to live with these new settlements, and we will feel their effects soon. In one way or another, more than 10 percent of our population derives its living from the auto industry.

The same pattern can be found throughout the economy. According to the October issue of the Wells Fargo Bank Business Review:

> In the first six months of 1970, major contract settlements averaged 9.7 percent over the life of the contract and in the first year ran 14.6 percent as against 8.2 percent and 10.9 percent respectively for all of 1969. It does not appear that the rise in wage costs, which is accelerating, can be matched by further productivity gains. . . . The auto workers' contract has typically served as a model for other union settlements and it is difficult to see a settlement at less than a 10 percent rate.

Coming from a district which produces more than 20 percent of the Nation's rice, I have a strong interest in the plight of the farmer caught in an inflationary economy. As usual, the Nation's farmers are finding themselves the first to suffer from inflation. Richard Nixon said in September 1968:

> These (new) policy directions include dedicated efforts to improve market prices and strengthen our market economy; 74 percent of parity (1968) is intolerable in my book; farmers are entitled to better, and I pledge that in my Administration they will have better. (Des Moines, Iowa, Sept. 14, 1968.)

Farm prices have risen 4.6 percent since 1968, but costs are out of sight, reducing farm parity this month to 70 for the first time since the 1930's. Since farm prices have remained relatively constant, the decrease in parity can be attributed to increased costs, which in turn are largely attributable to inflation.

I include a table, entitled "Prices Received and Paid by Farmers," in the RECORD at this point:

PRICES RECEIVED AND PAID BY FARMERS

[Index, 1957–59=100]

Period	Prices received by farmers			Prices paid by farmers			Parity ratio [1]	
	All farm products	Crops	Livestock and products	All items, interest, taxes, and wage rates	Family living items	Production items	Actual	Adjusted [2]
1960	99	100	98	102	102	101	80	82
1961	99	102	98	103	102	101	79	83
1962	101	104	99	105	103	103	80	83
1963	100	107	95	107	104	104	78	81
1964	98	107	91	107	105	103	76	80
1965	103	104	101	110	107	105	77	82
1966	110	106	113	114	110	108	80	86
1967	105	101	107	117	113	109	74	79
1968	108	101	112	121	117	111	73	79
1969	114	99	125	127	123	116	74	80
1969:								
September 15	114	95	128	128	124	116	73	79
October 15	115	96	128	129	124	116	73	79
November 15	117	99	130	127	125	117	75	81
December 5	117	96	133	129	125	117	75	81
1970:								
January 15	119	97	134	131	126	118	75	81
February 15	120	99	135	132	127	119	75	81
March 15	120	99	134	131	127	119	75	81
April 15	116	99	129	132	127	119	72	78
May 15	117	104	126	132	128	119	73	78
June 15	116	104	125	133	128	119	72	77
July 15	118	105	128	133	128	119	74	79
August 15	114	101	124	133	129	119	71	76
September 15	116	105	124	134	129	121	72	77
October 15	113	103	121	135	129	122	70	75

[1] Percentage ratio of index of prices received by farmers to index of prices paid, interest, taxes, and wage rates on 1910–14=100 base.

[2] The adjusted parity ratio reflects Government payments made directly to farmers.

Source: Department of Agriculture.

The disastrous handling by the administration of the rice commodity is symbolic of their total agricultural ineptness. Two years ago the Republicans reduced rice allotments by 15 percent. My district, with nearly one-fourth of the Nation's rice, started to agriculturally integrate. This year Secretary of Agriculture Hardin reduced the rice commodity allotments another 10 percent. Our Central Valley economy continued to sag with high unemployment. Now inflation continues unabated and unemployment is pushing through the roof and Government tax income is also sagging and the administration admits publicly that in spite of starving millions worldwide they are planning on another 10-percent rice acreage reduction.

The plight of the rice farmer is well described in an article, entitled "Rice Co-op Raps Acreage-Cut Plan," in the Willows Daily Journal of November 16, 1970. I include this article in the RECORD at this point:

RICE CO-OP RAPS ACREAGE-CUT PLAN

SACRAMENTO.—The California rice industry will "resist strongly" what is described as a plan by a group in the U.S. Department of Agriculture to cut rice acreage another 10 percent.

It has already been reduced some 25 percent in the past two years, Marshall Leahy, executive vice president of Farmers Rice Cooperative, told about 650 members and their wives at the co-op's 26th annual meeting in the Woodlake Inn here:

"Two weeks ago we felt confident there would be no change in the acreage allotment.

"It now appears, however, there are some people in the Department of Agriculture who would reduce acreage."

This bore out a pre-election statement by Congressman Robert L. Leggett in a visit to this area that pressure was being exerted in the Department of Agriculture for another 10 percent acreage-allotment reduction.

Meanwhile, James Nicholas, vice president of the cooperative, said the rice industry faces a difficult marketing year overseas.

"Competition," he said, "has never been more severe."

Nicholas said California's 17.9 million hundredweight rice crop, some 10 percent smaller than last year, faces what he called "a reduced world import requirement which is likely to grow in intensity."

He said the decline in foreign demand for California rice stems from a rising production of rice by countries which traditionally have imported the crop from the United States.

"Vietnam, Indonesia and Korea—leading rice importers last year—are pursuing production programs aimed at eventual self-sufficiency," he said.

Nicholas said American rice has not been able to meet competition abroad to the same degree as in past years, and U.S. dollar exporters have suffered as a result.

During the 1969–70 marketing year, he pointed out, commercial exports from the United States totaled about 825,000 metric tons, down 30,000 from the previous year.

"It will be difficult to avoid a further decline during 1970–71," he said.

He said the 1969–70 total included a special dollar purchase a special dollar purchase by Vietnam of more than 100,000 tons, which is not expected to be repeated this year.

Leahy, general counsel for the cooperative as well as executive vice-president, said Korea has an influence on the move within the

Department of Agriculture to reduce acreage again.

While Korea, he said, has "expressed interest in 50,000 tons of California rice, no formal agreeemnt has been reached."

He said that by law acreage can be reduced an additional 10 percent nationally from the present 1,820,000 acres to 1,652,000 acres.

"We will resist strongly any additional acreage reduction," he said, "as it would place undue hardship on California rice farmers."

Four Glenn and Colusa rice growers are among those reelected as officers and directors of the cooperative.

RECESSION

The administration maintains we are not in a recession and never were. This is absurd and it is another administration lie.

The official definition of a recession is two consecutive quarters in which gross national product in constant dollars declines. In the third quarter of 1969, the GNP in 1958 dollars was 730.9 billion. In the fourth quarter, it fell to 729.2, and in the first quarter of 1970, it plummeted to 723.8.

This was a recession. In the second quarter, the GNP rose to 724.9, but a great, thriving country such as ours can certainly derive no pleasure from a quarterly economic growth of 1.1 billion. This is equivalent to an annual Nixonomic growth of six-tenths of a percent. During the third quarter, GNP grew at the still inadequate rate of 1.4 percent; compose this with the average of 5.9 percent real economic growth during the Kennedy-Johnson years.

And let us not forget we need at least 4.2 percent annual growth of real GNP just to stay even. Otherwise, increased productivity and population growth will lead to higher unemployment and a depressed standard of living.

If we look closely at the GNP figures, the contrast between the Kennedy-Johnson Great Society and Nixon's fumbling society is painfully evident. During the Great Society years, we racked up 20, 35 billion new dollars of real wealth every year. During 1966, Johnson's best year, we got $40.3 billion of real growth. Over the whole 8 years, the average annual growth was $22 billion.

What has the Nixonomic fumbling society given us? It has thrown us for a loss, that is what it has done. Through the first three quarters of 1970, we have averaged $800 million below 1969. Kennedy's worst year appears to be out of sight for Nixon—a $5 billion growth record only for 2 years.

I have here a table, entitled "Gross National Product or Expenditure," which sets out the figures I have been discussing, I include it in the RECORD at this point:

Billions of dollars; quarterly data at seasonally adjusted annual rates

Period	Total gross national product in 1958 prices	Total gross national product	Personal consumption expenditures	Gross private domestic investment	Net exports of goods and services	Government purchases of goods and services				Implicit price deflator for total GNP, 1958=100 [2]
						Total	Federal			
							Total	National defense [1]	Other	State and local	
1959	475.9	483.7	311.2	75.3	0.1	97.0	53.7	46.0	7.6	43.3	101.63
1960	487.7	503.7	325.2	74.8	4.0	99.6	53.5	44.9	8.6	46.1	103.29
1961	497.2	520.1	335.2	71.7	5.6	107.6	57.4	47.8	9.6	50.2	104.62
1962	529.8	560.3	355.1	83.0	5.1	117.1	63.4	51.6	11.8	53.7	105.76
1963	551.0	590.5	375.0	87.1	5.9	122.5	64.2	50.8	13.5	58.2	107.17
1964	581.1	632.4	401.2	94.0	8.5	128.7	65.2	50.0	15.2	63.5	108.84
1965	617.8	684.9	432.8	108.1	6.9	137.0	66.9	50.1	16.8	70.1	110.86
1966	658.1	749.9	466.3	121.4	5.3	156.8	77.8	60.7	17.1	79.0	113.95
1967	675.2	793.9	492.1	116.6	5.2	180.1	90.7	72.4	18.4	89.4	117.59
1968	707.2	865.0	535.8	126.5	2.5	200.2	99.5	78.0	21.5	100.7	122.31
1969	727.1	931.4	577.5	139.8	1.9	212.2	101.3	78.8	22.6	110.8	128.11
1969:											
I	722.1	907.6	561.8	136.0	1.3	208.5	100.9	78.6	22.4	107.5	125.68
II	726.1	923.7	573.3	139.3	1.3	209.9	99.8	77.9	21.9	110.1	127.22
III	730.9	942.6	582.1	143.8	2.6	214.1	102.5	79.8	22.7	111.6	128.97
IV	729.2	951.7	592.6	140.2	2.6	216.3	102.1	78.8	23.3	114.2	130.52
1970:											
I	723.8	959.5	603.1	133.2	3.5	219.6	102.3	79.3	23.0	117.4	132.57
II	724.9	971.1	614.4	134.3	4.1	218.4	99.7	76.8	22.9	118.7	133.98
III	727.4	985.5	622.1	138.3	4.2	221.0	98.6	75.8	22.9	122.4	135.59

[1] This category corresponds closely with budget outlays for national defense, shown on p. 36.
[2] Gross national product in current prices divided by gross national product in 1958 prices.

Note.—Data for Alaska and Hawaii included beginning 1960.
Source: Department of Commerce.

Gross retained earnings followed a similar pattern with the slight distinction that their big drop came in the fourth quarter of 1969 rather than the first quarter of 1970. Business earnings today are virtually the same as a year ago, but they buy 5 percent less.

I include a table, entitled "The Nation's Income, Expenditure, and Saving," in the RECORD at this point:

[Billions of dollars; quarterly data at seasonally adjusted annual rates]

Period	Persons					Government						
	Disposable personal income			Personal consumption expenditures	Personal saving or dissaving (—)	Net receipts			Expenditures			
	Total [1]	Less: Interest paid and transfer payments to foreigners	Equals: Total excluding interest and transfers			Tax and nontax receipts or accruals	Less: Transfers, interest, and subsidies [2]	Equals: Net receipts	Total expenditures	Less: Transfers, interest, and subsidies [2]	Equals: Purchases of goods and services	Surplus or deficit (—), income and product accounts
1962	385.3	8.6	376.6	355.1	21.6	157.0	42.8	114.2	159.9	42.8	117.1	—2.9
1963	404.6	9.7	394.9	375.0	19.9	168.8	44.4	124.3	166.9	44.4	122.5	1.8
1964	438.1	10.7	427.4	401.2	26.2	174.1	46.7	127.3	175.4	46.7	128.7	—1.4
1965	473.2	12.0	461.3	432.8	28.4	189.1	49.9	139.2	186.9	49.9	137.0	2.2
1966	511.9	13.0	498 9	466.3	32.5	213.3	55.5	157.9	212.3	55.5	156.8	1.1
1967	546.3	13.9	532.4	492.1	40.4	228.9	62.8	166.2	242.9	62.8	180.1	—13.9
1968	591.2	15.0	476.2	535.8	40.4	263.3	70.5	192.8	270.7	70.5	200.2	—7.3
1969	631.6	16.5	615.1	577.5	37.6	298.7	77.9	220.8	290.1	77.9	212.2	8.7
1969:												
I	612.0	16.0	596.0	561.8	34.3	291.2	75.1	216.1	283.5	75.1	208.5	7.7
II	623.0	16.4	606.6	573.3	33.3	299.2	77.4	221.8	287.4	77.4	209.9	11.8
III	640.6	16.7	623.9	582.1	42.0	300.4	78.3	222.1	292.3	78.3	214.1	8.0
IV	650.6	16.9	633.7	592.6	41.1	304.1	80.8	223.3	297.0	80.8	216.3	7.1
1970:												
I	665.3	17.3	648.0	603.1	44.8	300.2	81.8	218.4	301.5	81.8	219.6	—1.2
II	683.6	17.8	665.8	614.4	51.5	303.6	96.1	207.4	314.5	96.1	218.4	—10.9
III	693.0	18.2	674.8	622.1	52.7	304.8	94.3	210.5	315.3	94.3	221.0	—10.5

[1] Personal income (p. 5) less personal tax and nontax payments (fines, penalties, etc.).
[2] Government transfer payments to persons, foreign net transfers by Government, net interest paid by Government, subsidies less current surplus of Government enterprises, and disbursements less wage accruals.

Period	Business			International							
	Gross retained earnings [1]	Gross private domestic investment [2]	Excess of investment (−)	Net transfers to foreigners by persons and Government	Net exports of goods and services: Exports	Less: Imports	Equals: Net exports	Excess of transfers or of net exports (−) [3]	Total income or receipts	Statistical discrepancy	Gross national product or expenditure
1962	66.3	83.0	−16.8	2.7	30.3	25.1	5.1	−2.5	559.8	0.5	560.3
1963	68.8	87.1	−18.4	2.8	32.3	26.4	5.9	−3.1	590.8	−.3	590.5
1964	76.2	94.0	−17.8	2.8	31.7	28.6	8.5	−5.7	633.7	−1.3	632.4
1965	84.7	108.1	−23.4	2.8	39.2	32.3	6.9	−4.1	688.0	−3.1	684.9
1966	91.3	121.4	−30.1	2.8	43.4	38.1	5.3	−2.4	750.9	−1.0	749.9
1967	93.0	116.6	−23.5	3.0	46.2	41.0	5.2	−2.2	794.6	−.7	793.9
1968	95.6	126.5	−31.0	2.8	50.6	48.1	2.5	.3	867.4	−2.4	865.8
1969	97.3	139.8	−42.5	2.8	55.5	53.6	1.9	.9	936.1	−4.7	931.4
1969:											
I	96.5	136.0	−39.4	2.4	47.8	46.5	1.3	1.1	911.0	−3.6	907.6
II	97.4	139.3	−41.9	3.2	57.2	55.9	1.3	2.0	929.0	−5.3	923.7
III	99.1	143.8	−44.7	2.8	58.3	55.6	2.6	.1	947.9	−5.5	942.6
IV	96.0	140.2	−44.2	2.9	58.8	56.2	2.6	.3	955.9	−4.3	951.7
1970:											
I	95.7	133.2	−37.5	2.8	61.1	57.6	3.5	−.7	964.9	−5.4	959.5
II	97.9	134.3	−36.4	3.0	62.8	58.7	4.1	−1.1	974.1	−3.1	971.1
III [4]	99.1	138.3	−39.2	2.8	62.8	58.6	4.2	−1.3	987.3	−1.8	985.5

[1] Undistributed corporate profits, corporate inventory valuation adjustment, capital consumption allowances, and wage accruals less disbursements. Does not include retained earnings of unincorporated business, which are included in disposable personal income.

[2] Private business investment, purchases of capital goods by private nonprofit institutions, and residential housing.

[3] Net foreign investment less capital grants received by U.S., with sign changed.

[4] Preliminary.

Note: Data for Alaska and Hawaii included beginning 1960.

Source: Department of Commerce.

Now I would like to insert a table of economic growth and reduction I have calculated:

[In percent of growth]

Year:	
1960	2.5
1961	2.0
1962	6.5
1963	4.0
1964	5.5
1965	6.3
1966	6.4
1967	2.6
1968	4.7
1969	2.8

[In percent of growth (loss), annual rate]

Quarter:	
1969:	
2d	2.2
3d	2.5
4th	(0.9)
1970:	
1st	(3.0)
2d	0.6
3d	1.4

No one will have any difficulty telling the Democratic and Republican years apart.

The prognosis is not encouraging. For a while, there appeared to be some comfort in the administration's claims that we had "hit bottom." If things were not very good at least they were getting worse at a decreasing rate or, depending on which measure you used, they were slowly getting a little better.

But in October industrial production dropped 2.3 percent; this is a sickening annual decrease rate of more than 27 percent. Industrial production is now 7 percent below its peak of July 1969.

If there had been no car strike, we would still have had a decline of more than 1 percent, which is equivalent to an annual decline of more than 12 percent. As Edwin L. Dale, Jr., reported in the New York Times of November 18:

> The report cast doubt on the widespread assumption among private economists and Government officials that, apart from the strike, the economy had hit bottom earlier this year and was beginning a sluggish recovery.

Let us consider a few additional indicators of the very recessed state of our economy.

First, during the third quarter of this year, the Federal Reserve Bank reports our manufacturing plants operating at 76.2 percent of capacity—the lowest level since early 1961.

Second, our airlines are in desperate straits. Where 1968 brought them after-tax profits of about $270 million, the Air Transport Association estimates 1970 will bring a $50 million loss. The ATA explicitly relates its difficulties to the downturn of the general economy, which has caused the annual growth of air traffic to decline from the 1963–68 average of 17 percent to the current figure of 2 percent. People cannot afford to fly anymore; this certainly makes the SST project appear even more questionable.

Third, corporate profits are absurd. Recession usually hits the small business before the large corporations. Now even our industrial giants are suffering badly. Examining a list of our 40 largest corporations, we find that only 11 have increased their income between 1969 and 1970 sufficiently to keep ahead of a 5-percent estimated inflation.

I include this table in the RECORD at this point:

1970 1ST 9 MONTHS SALES AND INCOME FOR TOP 100 U.S. CORPORATIONS

[Ranked by sales]

1970 rank	1969 rank	Company	Sales or operating revenues (thousands)	Percent gain or loss over 1969	Net income (thousands)	Percent gain or loss over 1969	Net income as percent of sales
1	1	General Motors Corp.	$15,795,462	−1.1	$743,846	−38.1	4.7
2	2	Standard Oil Co. (N.J.)	13,700,000	+9.6	924,000	+.2	6.7
3	3	American Telephone & Telegraph	12,588,502	+.9	1,631,855	−1.0	13.0
4	4	Ford Motor Co.	10,715,500	+.1	364,700	−9.4	3.4
5	5	Sears, Roebuck & Co.	[1] 7,189,422	+4.3	[2] 314,001	+11.2	4.4
6	6	General Electric Co.	6,158,329	−5.4	161,470	−37.7	2.6
7	7	Mobil Oil Corp.	6,060,000	+8.8	348,300	+5.0	5.7
8	8	International Business Machines	5,508,439	+4.0	742,272	+8.4	13.5
9	9	Chrysler Corp.	5,147,300	−1.8	(20,200)	[3]	[3]
10	10	Texaco	4,951,000	+7.7	569,471	+3.1	11.5
11	11	Gulf Oil Corp.	4,819,924	+.7	419,144	−11.3	8.7
12	12	Great Atlantic & Pacific Tea	[1] 4,397,975	+5.3	[1] 41,904	+14.1	1.0
13	13	International Telephone & Telegraph	4,375,198	+12.5	238,540	+30.4	5.5
14	14	United States Steel	3,740,375	+6.3	108,450	−28.1	2.9
15	15	Standard Oil (California)	3,740,174	+8.4	327,929	−3.6	8.8
16	16	Standard Oil (Indiana)	3,418,000	+5.8	243,700	−5.5	7.1
17	18	Safeway Stores	3,236,432	+17.1	46,683	+33.4	1.4
18	17	Shell Oil	3,185,314	+1.1	173,899	−21.0	5.5
19	21	J. C. Penney	[1] 2,975,508	+12.4	[1] 75,855	−5.1	2.5
20	19	Ling-Temco-Vought	2,850,701	+4.2	(9,145)	[3]	[3]
21	22	Kroger Co.	[1] 2,785,799	+6.3	[1] 27,515	−8.0	1.0
22	20	E. I. du Pont de Nemours	2,764,679	+1.9	265,455	−4.1	9.6
23	33	Boeing Co.	2,707,468	+29.7	17,358	−5.7	.6
24	23	Westinghouse Electric	2,682,610	+7.4	96,864	−4.4	3.6
25	27	General Telephone & Electronics	2,500,069	+4.8	143,314	−15.3	5.7

Footnotes at end of table.

1970 1ST 9 MONTHS SALES AND INCOME FOR TOP 100 U.S. CORPORATIONS—Continued

[Ranked by sales]

1970 rank	1969 rank	Company	Sales or operating revenues (thousands)	Percent gain or loss over 1969	Net income (thousands)	Percent gain or loss over 1969	Net income as percent of sales
26	25	Atlantic Richfield	$2,408,822	+.7	$145,700	−11.7	6.0
27	24	RCA Corp	2,380,000	−3.6	54,400	−50.8	2.3
28	26	Goodyear Tire & Rubber	2,377,658	−.4	91,938	−20.9	3.9
29	32	Procter & Gamble	[1] 2,339,410	+10.8	[1] 169,489	+12.6	7.2
30	30	Bethlehem Steel	2,280,756	+5.0	69,981	−36.3	3.1
31	29	Swift & Co	2,278,867	+1.4	18,810	+31.5	.8
32	31	Union Carbide	2,258,457	+4.0	121,607	−16.0	5.4
33	[4]	Greyhound Corp	2,141,238	[2]	37,400	[2]	1.7
34	38	Continental Oil	2,100,000	+9.3	106,200	−5.0	5.0
35	36	Marcor Inc	2,056,461	+4.3	[1] 50,701	+12.3	2.5
36	37	Kraftco	2,055,213	+6.3	60,571	+9.2	2.9
37	35	American Brands	1,977,467	+.2	78,686	+10.2	4.0
38	39	International Harvester	1,947,128	+1.7	39,801	−5.1	2.0
39	40	Eastman Kodak	1,928,007	+1.6	279,268	+2.1	14.5
40	43	Litton Industries	[1] 1,855,790	+11.0	[1] 50,486	−19.5	2.7

[1] Latest 9 months.
[2] Estimated.
[3] Loss.
[4] Not on 1969 list.
[5] Figures notcomparable due to Armour acquisition.

Fourth. As we might expect from the high industrial unemployment figures I cited earlier, industrial production is in terrible shape. Durable manufacturing production is at the 1965–66 level.

I include a table, entitled "Industrial Production," in the RECORD at this point:

[1957–59=100, seasonally adjusted]

Period	Total industrial production	Industry					Market			
		Manufacturing			Mining	Utilities	Final products			Materials
		Total	Durable	Nondurable			Total	Consumer goods	Equipment	
1960	108.7	108.9	108.5	109.5	101.6	115.6	109.9	111.0	107.6	107.6
1961	109.7	109.6	107.0	112.9	102.6	122.3	111.2	112.6	108.3	108.4
1962	118.3	118.7	117.9	119.8	105.0	131.4	119.7	119.7	119.6	117.0
1963	124.3	124.9	124.5	125.3	107.9	140.0	124.9	125.2	124.2	123.7
1964	132.3	133.1	133.5	132.6	111.5	151.3	131.8	131.7	132.0	132.8
1965	143.4	145.0	148.4	140.8	114.8	160.9	142.5	140.3	147.0	144.2
1966	156.3	158.6	164.8	150.8	120.5	173.9	155.5	147.5	172.6	157.0
1967	158.1	159.7	163.7	154.6	123.8	184.9	158.3	148.5	179.4	157.8
1968	165.5	166.9	169.8	163.3	126.6	202.5	165.1	156.9	182.6	165.8
1969	172.8	173.9	176.5	170.6	130.2	221.2	170.8	162.5	188.6	174.6
1969:										
September	173.9	175.2	178.7	170.9	131.6	222.5	172.2	162.8	192.4	176.0
October	173.1	173.9	177.3	169.5	130.2	226.0	170.9	161.2	191.9	175.4
November	171.4	171.8	172.1	171.5	132.6	226.0	168.4	160.5	185.6	174.6
December	171.1	171.3	171.1	171.5	134.4	227.9	168.5	160.7	185.2	173.9
1970:										
January	170.4	170.2	169.7	171.0	131.7	230.1	168.5	161.5	183.6	172.5
February	170.5	170.3	169.6	171.3	134.2	232.7	169.9	162.4	186.2	171.5
March	171.1	170.8	171.0	170.6	135.1	230.3	169.7	162.0	186.3	171.7
April	170.2	170.0	168.4	171.9	133.9	233.8	168.5	163.2	179.9	171.9
May	169.0	168.1	167.6	168.7	134.8	234.9	167.7	163.2	177.3	170.4
June	168.8	168.0	167.3	168.9	135.5	235.4	167.1	162.8	176.3	171.2
July	169.2	168.5	167.4	170.0	133.8	236.3	166.8	163.5	173.7	171.4
August	169.0	167.9	166.5	169.8	137.2	235.8	166.6	164.1	171.9	171.2
September	166.1	164.2	160.5	168.7	139.5	238.5	163.1	160.4	169.0	168.7
October [1]	162.3	160.2	153.9	168.2	135.4	240.0	160.7	158.6	165.2	164.1

[1] Preliminary. Source: Board of Governors of the Federal Reserve System.

THE WORST OF ALL WORLDS

Economic policy is a matter of tradeoffs, of balancing the goals of high employment and high economic growth as opposed to inflation.

This has been the so-called game plan of the Nixon administration; the President has referred to it as "fine tuning."

It has not worked. The major indicators are either in catastrophic shape or on the verge of becoming so.

In the Republican tradition, the President chose inflation control as his first objective. By raising interest rates to the highest point in a century, he threw the housing industry into a depression. He failed to control inflation and he achieved instead economic stagnation and runaway unemployment.

Now the "game plan" calls for loosening the screws and encouraging expansion. But it will not work, because inflation is not sufficiently well under control. If economic growth and unemployment improve, inflation will continue to go through the ceiling.

In the face of this increasingly evident failure, the administration has adopted four strategies.

First, it has attempted to deny its failure. This was rank political talk for 9 months before the election. Its representatives have said we are not in a depression; unemployment and inflation are not so bad; and anyway we have bottoming out and things will shortly be better. Its rosy predictions have never materialized. It has developed a credibility gap comparable to that of the previous administration on the Vietnam issue; Dr. Paul McCracken, the Chairman of the Council of Economic Advisers, seems determined to become the Joseph Alsop of the economic world. He has had us turn so many corners we have passed the starting point more times than I can count.

I am going to take a few minutes to hit just a few of the high points of the credibility gap.

In a U.S. News & World Report interview on April 28, 1969, Dr. McCracken said:

I am not troubled by any likelihood of a recession in 1970.

As I have said, it now appears likely that real GNP for 1970 will be lower than that of 1969. Certainly, it will not reach the 4.3-percent gain necessary to keep up with increases in population and productivity.

In a "Meet the Press" interview on February 8, 1970, Lawrence Spivak reminded Dr. McCracken of his prediction, and asked:

Now, unemployment has jumped, the stock market has dropped, the last quarter earnings are very bad. Will you give us your definition of a recession, if that isn't one?

Mr. MCCRACKEN. Yes, I would be glad to. *We have had no consequential decline in production. Employment is still extremely*

strong. I don't think any economists would consider anything that we have in the picture at the present time as qualifying as a recession.

Dr. McCracken was speaking in the middle of the first quarter of 1970, the most recessionary quarter we have had in a decade. During that quarter real GNP was falling at an annual rate of 2.7 percent. Unemployment was climbing from 4.2 to 4.7 percent during that 1 month. He was right about production, however; that continued to climb for 1 more month before beginning the nosedive in which it now finds itself.

Speaking at the conference of the Financial Analysts Federation in Dallas on April 28, this year, Dr. McCracken said:

The evidence suggests that the pace of the economy is now beginning to quicken.

Technically, he was right; the second quarter economic growth of 0.6 percent annual rate was certainly better than the previous quarter's 2.7-percent loss, but it is still well within the disaster range.

As the table I inserted earlier indicates, the consumer price index went up 4 percent—an annual rate of 4.8 percent—during September. Yet, on April 29, the day after this was released, the Vice President told a political rally in Tucson:

We have solid evidence that your cost of living is no longer going through the roof.

The day after that, Treasury Secretary Kennedy said at the University of Virginia:

We clearly are winning the battle against inflation. . . . By this time, there should be little doubt that our policies of fiscal and monetary restraint are succeeding.

On October 14, Dr. McCracken said:

The next major move . . . is certainly going to be upward.

The next day, he told reporters he was seeing signs of "latent strengths."

On the 19th, he informed us that—

Now we face a new period during which stronger gains in output . . . and further gains against inflation are all evident and already in the picture.

This was the month during which output fell 2.6 percent and cost of living shot up 0.6 percent as we learned a few moments ago.

I suggest that the administration begin to operate on the principle that you cannot fool all of the people all of the time.

Consider, for example, this gullibly euphoric passage from the "Business Roundup" of Fortune magazine, July of this year:

The inventory swing, as usual, has been felt less heavily in GNP than in the FRB index of industrial production, which went from a high of 174.6 last July to 169 in May. But the decline may well have stopped there. The index should move back up to 171 or so by the year-end, go on to a new high next spring, and be pushing 180 before the end of 1971.

Well, God knows what it will be doing in 1971, but I have my doubts that it will reach 171 by the end of the year, since it has presently zoomed to the dizzying height of 162.

The title of this article, which was full of hosannas to the prospects for the economy, was "The Great Turnabout." I suspect the really great turnabout has subsequently occurred in the credulity of the author.

The business community is beginning to take a very different attitude. Consider, for example, what Barron's had to say about Dr. McCracken's October statement that the economy was "on the threshold of a vigorous upswing."

I said further:

Or, as another official optimist said 40 years ago: "Prosperity is just around the corner." We trust Professor McCracken's threshold will prove somewhat shorter than Mr. Hoover's corner. . . . With all due respect, we still can't buy the notion, espoused by so many of the dismal scientists in and out of government, that the economy is great, it's just business that's terrible.

So the king's new clothes are just about worn out.

In short, it appears that the administration totally misunderstands the Kennedy-Johnson jawboning success. Nixon apparently thinks jawboning the American public that the administration is solving the problem is morally OK but jawboning industry is socialistic.

Second, the administration has attempted to distract the public's attention. Led by Mr. AGNEW's assiduous agonized alliterations, it has attempted to sell the American people on the proposition that unemployment, recession, and inflation are false issues, that the real threat to our well-being comes from students who wear their hair too long and attack National Guard bullets with their bodies. This approach did not work very well in 1970, and we can expect it to be even less effective in the future.

Third, the administration has attempted to blame the previous Democratic administration, or the present Democratic Congress.

I suggest that the economy of early 1969 could be attributed to the Johnson administration. But to attempt to do this now, after nearly 2 years of the Nixon administration, is ludicrous.

Nor can the Democratic Congress be blamed. Where progressive legislation has been stalled in committee, it has been stalled not by the so-called radical-liberals but by the conservatives, many of them of the President's own party, who he considers the members of his ideological majority.

He cannot blame us either for contributing to inflation by excessive spending.

I include a listing of major appropriations bills in the RECORD at this point:

Bill	President's budget request	House approved	Change (+) or (−)
1. Legislative	$356,043,285	$346,649,230	−$9,394,055
2. Treasury-Post Office (net of estimated postal revenues appropriated)	3,044,755,000	2,971,702,000	−73,053,000
3. Education (veto overridden)	3,807,524,000	4,127,114,000	+319,590,000
4. Independent Offices-HUD (veto sustained)	17,216,823,500	17,390,212,300	+173,388,800
5. State, Justice, Commerce, Judiciary	3,243,905,000	3,106,956,500	−136,948,500
6. Interior	1,610,757,600	1,610,026,700	−730,900
7. Transportation	2,465,814,937	2,429,579,937	−36,235,000
8. District of Columbia (Federal funds)	109,088,000	108,938,000	−150,000
9. Foreign assistance	2,876,539,000	2,220,961,000	−655,578,000
10. Agriculture	7,531,775,500	7,450,188,150	−81,578,350
11. Military construction	2,134,800,000	1,997,037,000	−137,763,000
12. Public works, AEC	5,263,433,000	5,236,808,000	−26,625,000
13. Labor, HEW	18,731,737,000	18,824,663,000	+92,926,000
14. Defense	68,745,666,000	66,806,561,000	−1,939,105,000
Total	137,138,661,822	134,627,396,817	−2,511,265,005

As this table shows, on balance we appropriated more than $2.5 billion less than he requested.

Fourth, the administration has continued the same old policies, in the hope that "fine tuning" will eventually work.

It will not work.

It cannot work.

I do not mean to suggest the "fine tuners" have tin ears. I do not mean to suggest that Democrats could do the tuning better. I do not think we could. We would have shifted national priorities somewhat to better meet human needs, but I do not think we could have gotten much further by fine tuning the economy than Mr. Nixon's people have.

The problem is not that the fine tuners are incompetent. The problem lies in the inadequacy of the fine-tuning process itself.

As U.S. News & World Report mildly understated on November 2:

The Administration's "game plan" of trying to cool inflation without a recession seems to be in some difficulty. Unemployment is up, production is down, business is sluggish. But price rises go merrily on.

It is not just price rises that go merrily on, it is the policies that cause them. As Richard Jansses and John Pierson reported in the Wall Street Journal of November 9:

President Nixon is counting on easier Federal Reserve Board policies instead of massive budget increases to stimulate the economy, White House sources say.

The President made this clear, they report, at a Cabinet meeting in which he found the Congressional election results no reason to change the Administration's own "game plan" for restoring optimum economic growth by mid-1972.

Thus one official said, the Administration will try to hold the budget deficit "as close as possible" to *$10 billion*, the low end of the $10 billion to $20 billion range that has been estimated for fiscal 1971, ending June 30.

Instead of seeking greater fiscal stimulus, this official says, Mr. Nixon is counting on the independent Federal Reserve Board to follow a monetary policy *expansionary enough to reduce the jobless rate to the so-called "full employment" level of about 4 percent in mid-1972.*

It just is not going to work. As monetary policy expands, so will inflation. Then we will have to tighten up again, having gained nothing.

THE BITTER PILL: CONTROLS

Inflation just is not going to stop by itself. Labor and management are each blaming the other for inflation, and each is unwilling and unable to stop its own contribution to the spiral. If we are going to get a handle on inflation, and thereby give ourselves latitude to attack our other economic problems, we must have more vigorous Government action. We must have wage-price guidelines supported by chop-off-your-hands-and-feet jawboning, and if this fails we must have controls.

Mr. Nixon has said he does not like jawboning. This is understandable. If it does not work, you have to accept responsibility for its failure. If it does work, you make large numbers of powerful enemies overnight. President Kennedy probably alienated a majority of the business community when he forced the steel companies to roll back their price increases. But he did it because it was in the national interest, and President Nixon should have the statesmanship to do the same.

Wage-price guidelines are not self-executing and miraculous. They require the continuous heavy hand of the White House—not once-a-year economic analyses that fail to recognize the basic sickness in the national economy.

A fascinating article on the subject of guidelines, written by Walt Rostow, appeared in the New York Times of October 23, 1970. Walt was lousy on the war, but his economics show promise.

I include it in the RECORD at this point:

THE MISSING SOCIAL CONTRACT

(By W. W. Rostow)

The President's Council of Economic Advisers has held out an attractive prospect. They see the United States moving from the present state of inflation and relative stagnation in real output to a sharply improved position in the years 1973–75. Then, they forecast, we will enjoy a growth rate of 4.3 percent; unemployment will be held at 3.8 percent; and annual price increases will be about 2 percent.

It is true that production may now gradually expand; but I am aware of no serious analyst who believes the present prospects for employment and prices are consistent with these goals. I doubt that they can be achieved without wage-price guidelines in the early 1970's any more than they were in the late 1950's.

The technical issues surrounding wage-price guidelines are complex. But both analysis and experience, here and abroad, show three things:

Wage-price guidelines are no substitute for good fiscal and monetary policy, and to work well they also require purposeful manpower programs and a liberal trade policy;

They are difficult to manage successfully over a long period of time in a democratic society.

They can make a significant contribution to reconciling a high rate of growth with relative price stability; they cannot hold prices steady if the forces of demand press too hard; but they can permit a higher rate of growth with less price increase.

In round numbers wage-price guidelines can make, perhaps, a "1 percent contribution" to a solution. For example, in 1954–60, without wage-price guidelines, a 2 percent price increase was associated with 5 percent unemployment; in 1961–65, with wage-price guidelines, a 2 percent increase was associated with less than 4 percent unemployment. That 1 percent differential in unemployment means 3 percent less increase in GNP, or about $30 billion in wasted national resources; and it cuts public revenues by about $10 billion. Given the built-in claims on public revenues, an extra $10 billion is extremely important.

The numbers, of course, can be debated; but we are evidently dealing with a critically important margin for public policy.

I hope, therefore, we shall try again to make wage-price guidelines work; and this is the time to do so, as the economy bottoms out, but before expansion gains full momentum under continued inflationary conditions.

If we do move in this direction, we should look beneath the surface and understand what is really involved.

Essentially, wage-price guidelines are a form of social contract negotiated among the leaders of labor, business, and government. They agree to pursue their interests with knowledge of how others are committed to behave. The net result can be demonstrated to be better for all; but the result can only be brought about by engaging deeply the parties concerned and enlarging the framework of collective bargaining.

For labor there are two major questions:

Will wage guidelines permit one group of workers to gain at the expense of others? (In 1961 the problem was to assure Reuther that McDonald would not do better than he did and vice versa.)

Will business exploit labor's self-discipline by raising prices outside the guidelines and thereby expand profits disproportionately?

For labor as a whole there is no doubt that wage-price guidelines are a good thing when they work. Labor can protect itself less easily than business can against inflation; and labor gains substantially in many ways from steady growth. But what is good for labor as a whole may not be good for individual labor leaders.

One basic task of a wage-price guidelines negotiation is to bring potentially conflicting labor interests into reasonable harmony.

For business the question is short-run versus long-run interests. In the short-run, business can protect itself pretty well during inflation. But, in the long-run, business pays a heavy cost for stop-and-go policies in lower average rates of profit; for profits are very sensitive to fluctuations in employment and output.

Given the complexity of the tasks, it is not surprising that early experiments in wage-price guidelines, here and abroad, broke down. But I see no other workable course than painfully, stubbornly to learn how to bring labor and industry to a deep understanding of their true best interests—and the public interest. The stakes for our society are too great to avoid the effort because the job is tough.

Once the Keynesian revolution convinced us all that unemployment was an act of man and not of God, the development of this social contract became inevitable—if we were not to experience dangerous phases of inflation. After all, it is not much of a trick to vote yourself into full employment and inflation once you get the hang of it. The gap between a politically unacceptable level of unemployment and a corrosive rate of inflation can only be closed by this social contract. If the gap is not closed, we face stop-and-go policies that will deny us the public resources needed to improve the quality of our society and to play a responsible role on the world scene. To close the gap is, therefore, a central unresolved problem of modern democracy—here, in Europe, Latin America, and elsewhere. It should be viewed in these fundamental political terms.

The principal weakness of guidelines, of course, is that in many cases people feel free to ignore them, and the responsible companies and unions who obey them are thus put at a competitive disadvantage. Perhaps guidelines would be more effective if backed by the power to control prices and wages. If even this does not work, I advocate applying controls where needed.

The subject of wage-price controls has been developed rather thoroughly in a June 7, New York Times Magazine article by John Kenneth Galbraith, and I include this article in the RECORD at this point:

WAGE-PRICE CONTROLS—THE CURE FOR RUNAWAY INFLATION

(By John Kenneth Galbraith)

(NOTE.—John Kenneth Galbraith, the noted Harvard economist, was Deputy Administrator of the Office of Price Administration (O.P.A.) in World War II.)

These last few months have, just possibly, been decisive in the modern history of economics. Ideas in which economists have reposed the greatest confidence have been proved wrong and therewith, not surprisingly, the responding policy. And this has happened under circumstances which admit of no really plausible explanation, rationalization, or alibi—things in which we economists are more than minimally accomplished. There was, to be sure, more than a suspicion of error before; the evidence was highly adverse to the reputable ideas. But the heretics were a minority and the adverse evidence could be attributed to a lag. In economics, any inconvenient disassociation of effect from cause is always attributed to a lag. But not forever.

The doctrine was, of course, that the United States economy could be regulated by *general* measures in such manner that prices would be approximately stable. A "trade-off" a new and popular word among economists, would exist between price stability and employment. The closer the approach to level prices, the more people who would be out of work; the lower the unemployment, the greater the rate of price increase. The relationship had been given quantitative expression by the so-called Phillips curve—the annual rate of price increase which, on the basis of historical data, could be expected to accompany any particular percentage of unemployment in the labor force. The choice between unemployment and inflation so shown *seemed* to be essentially benign—reasonable price stability could be combined with a tolerable level of unemployment. Also, an unspoken point, the unemployment would be among the unskilled, uneducated, mostly young and black, who are also unorganized. These are assumed to accept unemployment philosophically, there being nothing they can do about it. There were no other decisively adverse side effects from the stabilization measures.

The difference of opinion was not over the efficacy of the general measures but over technique. Since Keynes, most economists have placed major reliance on fiscal measures—on control of total spending in the economy by means of the Federal budget. Inflation being the problem, this policy consisted in making Federal taxes and spending sufficiently restraining on total demand in the economy. But in recent times there has been the so-called monetary revival. This makes control of spending from borrowed funds the key instrument in the control of prices. The difference between the exponents of fiscal and monetary management must not be exaggerated. Both believed in the efficacy of general measures. Both urged some combination of fiscal and monetary measures. The difference was in the mix.

The Nixon economists when they came to office a year ago last January were superlatively confident of such management. Under their guidance, the President prom-

ised never to interfere with wages and prices; in one of the more ecstatic examples of economic phrase-making, he said that inflation would be ended by "fine-tuning" the American economy—a figure of speech roughly comparable with one about fine-tuning a major Mississippi flood. The then current inflation was blamed on the previous bad management of the economy—on tuning that was too coarse. The reaction to anyone who suggested that wage and price restraint might be necessary was lofty. Pierre Rinfret, the consulting economist, dispatched a letter to his clients telling them, quite correctly, that so far as the Administration was concerned, the lid on prices was now off. It is possible that in these first weeks the Administration did more to promote inflation than it accomplished in the next year and a half in controlling it.

But promises that inflation would end were not lacking. Advising the President of the United States on economic-policy, since few Presidents find the subject at all interesting, is tedious work. The tedium is relieved, after a fashion, by the liturgical functions of the officer. Every week in the year some convocation of businessmen, bankers, economic sages or professional seers is assembling somewhere in the United States. Often, combining business with tax deductibility, they meet at the better spas. All of these—the South Florida Savings Bank Association, the John Hancock Million Dollar Club, the Associated Sport and Saddle Shoe Manufacturers of America—have a prescriptive right to economic education by members of the Council of Economic Advisers. The speeches so given are not always informative. But they are firmly repetitious and during the first year and a half of the Nixon Administration, all promised that inflation would end, that prices would become stable.

Always the stability would come approximately two quarters in the future. As the promises continued, so at an increasing rate did the inflation. (In time, the date when the promise would give way to performance was given a little more "lag.") Dr. Paul W. McCracken, the head of the Council of Economic Advisers, became, perhaps, the most overpromised man in the history of the economics profession. There is an unfortunate tendency in public life when you want something to happen to predict that it will happen. And then when it does not happen, you escalate the predictions. Not since Herbert Hoover predicted the turning of the immortal corner has prediction therapy been so remorselessly pursued as in the last 18 months. It was called the "game plan" for defeating inflation. There has been no game quite like it since the Rose Bowl of 1929, when Roy Riegels ran 75 yards toward the wrong goal.

Outside the Administration, the view was slightly less sanguine. But the economists who had served the Kennedy-Johnson Administration did not strongly question the reliance on general measures. In the early sixties, prices were fairly stable. Unemployment, though initially high, was falling—from an annual average of 6.7 per cent of the labor force in 1961 to 4.5 in 1965. These were the years of the so-called guideposts, which meant that wage increases were held on the average to what industry generally could afford from productivity gains. And industry accordingly was persuaded to forgo price increases. Enforcement was hortatory; it was a price increase by U.S. Steel in violation of this general understanding that provoked President Kennedy's eloquent denunciation of the corporation in April, 1962. The economics underlying the guideposts obviously accords a prime determining role in price-making to unions and corporations. That is why they must be restrained. But this power is not greatly stressed in standard, macro-economic doctrine—roughly the economics of the textbooks—which holds that prices are set in markets, and respond well to changes in demand. So even in the Kennedy-Johnson years, the guideposts were the poor relation of economic policy. We economists greatly prefer to believe what we teach. When the guideposts later came under pressure from the Vietnam war, they were not strengthened but abandoned. As the Kennedy and Johnson economists returned to the campus, talk of wage and price restraint was muted. The guideposts were defended as a useful adjunct to the policy—more cosmetic than real: It was fiscal and monetary policy that really counted. Almost no one talked about making the guidelines mandatory, i.e., making them work. That was too radical.

There was never any strong proof that high employment and stable prices could be combined. Much of the proof antedated modern corporate price-making and collective bargaining. Rather there were hope and faith. But in economics, hope and faith coexist with great scientific pretension and also a deep desire for respectability. Fiscal and monetary measures in whatever mix are impeccably respectable, and the question of the particular mix is the kind of thing that can be resolved between gentlemen. Control of wages and prices has no similar standing. Its advocates have been thought to lack subtlety of mind and manners—to go too abruptly to the point. The sociology of economics is not without interest and by no means unimportant.

The flaw in the respectable doctrine is the appalling obduracy of circumstance. Wages do now shove up prices. Prices do pull up wages. The bargaining that produces the wage and price increases continues even under conditions of severe fiscal and monetary restraint. It is almost as though those engaged in collective bargaining and corporate price-making were out to discredit the best economic scholarship. Circumstance can be unbelievably cruel.

Accordingly, after a full year and a half of the most rigorous application of the general measures, prices are still rising at a nearly record rate. Dr. McCracken and his colleagues have been forced to take comfort from the fact that the rate at which the inflation is getting worse has been declining—or, as Herbert Stein of the Council of Economic Advisers did recently, from the even more exiguous fact that "the behavior of prices in the past year has been consistent with [the] expectation of a decline in the rate of inflation." In April, alas, even this modest expectation was defeated. There was an increase in the rate of inflation. Meanwhile unemployment has risen to nearly 5 per cent of the labor force and exceedingly uncomfortable side effects of the policy have appeared. Smaller businessmen who must borrow money are being punished with a highly selective brutality.

Tight money does not much hurt the big corporation which has internal cash flow and a favored position at the banks. In contrast the policy has put the housing industry into an acute depression, as the Administration itself concedes. The continuing price increases in the private sector of the economy have been exported to the public sector as increases in living costs. And there, among teachers, police, firemen and sanitation workers, they are causing an unprecedented but wholly predictable turmoil. The balance of payments is also weakening again.

Finally, there has been the effect on the financial markets. These had been made vulnerable by jerry-built and debt-burdened conglomerates, overbidden glamour stocks and the multiplication of the mutual funds headed by financial geniuses whose genius consisted only in a rising market. Under the pressure of the tight money policy, this price structure has collapsed. This had to happen sometime. But further pressure on the financial market would be very uncomfortable for all involved.

Within the framework of general measures, there is almost nothing the Administration can do. It is trapped. It could allow an increase in loanable funds at lower rates. This would ease unemployment, encourage home construction and ease the sorrow in Wall Street. But inflation is still at a near-record rate. This action would make it worse. And just ahead are wage negotiations which, with the compensating price increases, will give that inflation another protean shove. To continue the present policy is to accept the side effects and to invite more of the inflation that the policy has not cured. To tighten up and end the inflation is to invite worse side effects and perhaps a serious recession. There are many misfortunes that can befall an economist. The worst, by far, is to have a theory in which he devoutly believes, and which is wrong, put into practice.

The response of the Administration economists to their entrapment is a rewarding study—or would be were the matter not so serious. Economics, like foreign policy, allows for an escape from error through what may be called the Indochina effect. This generous device enables a man who has been wrong to denounce his previous position without admitting error and, by becoming right, thus greatly to enhance his reputation. Arthur Burns, now Chairman of the Federal Reserve Board, has taken this route. He now demands the wageprice guideposts he previously condemned. His transmigration is still incomplete, for he proposes something less strong than the Kennedy-Johnson measures, which themselves proved too weak. Dr. McCracken has been more complex. He admits the cause but refuses the remedy. In a speech in Dallas this April, he noted that in the fourth quarter of 1969, labor costs per unit of output (which were about 75 per cent of total costs) were rising at an annual rate of 7 per cent. He then went on to say that "both evidence and theory are pretty clear that a rising cost level tends to mean a rising price level." Later he condemned controls. One thinks, somehow, of a fireman who finds fire to be a cause of property loss, but greatly opposes water as a way of putting it out.

For, in fact, the only answer is one that has for so long been dismissed as too disreputable. That is to act directly on the wage-price spiral—to have wage and price control where the spiral contributes actively to inflation.

This must be real control. Dr. Burns and the economists of the Kennedy-Johnson period are ducking reality when they talk about a return to the voluntary guideposts. (As this goes to press, a pellmell rush is developing toward this particular escape hatch.) The guideposts will not do. They were not strong enough before; even stronger measures are now required. Also voluntary measures are highly discriminatory. They favor the individual or organization which refuses to comply and penalize those that are cooperative. This guarantees their eventual breakdown. And there is nothing to be said for billingsgate as an enforcement device. It is much better public practice to lay down fair firm rules after careful consultation with all concerned and then, when someone violates the rules, have resort to law.

Given wage and price controls, interest rates can be reduced for they will not have to carry the present burden of inflation control, which they cannot carry anyway. With lower rates, home construction would increase, the pressure on small business would be reduced, employment would rise, and all without a new surge of inflation, were this policy combined with prompt withdrawal from Indochina—which would ease the pressure of demand and, a more important matter, restore our reputation for elementary good sense—the immediate economic problem would be largely solved.

Such price and wage action, it is said, interferes with free markets. This is self-evident nonsense. The policy interferes with markets in which the interference of unions and corporations is already plenary. It fixes in the public interest prices that are already fixed.

Only prices that are so set by unions and strong corporations need to be (or should be) controlled. Prices of farm products, most services and products of small manufacturers need not and should not be touched. These are still subject to market influences. Where prices are still set by the market, general measures to restrict demand still work—or they do as much as can be done. As one needs to set prices that are already set, one does not need to interfere with the market where the market still governs.

Over the years I have experimented with various ideas for such a limited system of wage and price control. (I am not without experience in the matter or in the difficulties involved. During World War II, price control was under my direction from its inception until mid-1943. No one else, I suppose, has ever fixed so many prices.) But the most practical pending proposal is not mine, but that of Robert Roosa, former Under Secretary of the Treasury under Kennedy and now a leading Wall Street banker. He would simply freeze all prices and wages for six months. During this time, presumably, there would be extensive consultation with firms and unions to work out a more durable system of restraint.

Such a course would get immediate results while offering eventual accommodation to the problems and inequities of particular unions and industries. It would be possible to incorporate in the Roosa proposal arrangements for an even earlier correction of gross irregularities. And immediately after the freeze, all small enterprises—those employing, say, fewer than a hundred people—should be exempted. I would also exempt all retail firms; they have little independent market power. The objective is not perfectly level prices, but something much better than the grossly inflationary thrust of the present wage-price spiral. The long-run objective is, of course, an annual wage gain that accords roughly with the increase in productivity and thus requires no general increase in prices.

Controls are not a temporary expedient. There must, alas, be a permanent system of restraint. That is because we will continue to have strong unions and strong corporations and a desire to minimize unemployment. The combination, in the absence of controls, is inflationary. It will not become otherwise in the future.

No one who has had experience with wartime price control will be casual about the problems in managing it. Nor is it a formula for popularity; everyone unites in disliking the price-fixer. But if it is confined to the unions and to the corporations with market power, as here proposed, the administrative structure need not be vast. Dealings will be with only a few hundred unions and a few thousand firms, and for the latter it is sufficient to specify the limits within which average as distinct from individual prices may be moved. All price and wage control involves an arbitrary exercise of public power. But this is not an objection, for it replaces an objection, for it replaces an arbitrary exercise of private power and one that has further and exceedingly arbitrary effects for those suffer from the resulting inflation.

In the weeks and months ahead, more and more economists will come to accept the remedy here proposed—including, one suspects, those who advise the President. They are very decent men who have been substituting hope for reality, and hope unrequited does not sustain even an official economist forever. Promises of eventual price stability have become comic. Within the older framework of policy, the choice is between very severe inflation—worse than now—or severe unemployment, extreme distortion within the economy, great turmoil among public employes, and serious strain in the financial markets—and along with all this, a good deal of inflation, too. Whoever made respectable economic policy a choice between such repellent alternatives had obviously a bad upbringing and is a very mean man. But so it is. So the less reputable course of controlling the wage-price bargain obtrudes itself. And, since there is no escape, it will continue to obtrude itself.

I differ with Mr. Galbraith on one point. He favors firing all the big guns in the first salvo: an immediate total freeze for 6 months, followed by relaxation as circumstances permit. While this would be far preferable to the present policy, I favor an additive approach of applying controls where needed as they are needed, perhaps with escalation to full controls in 60 days.

Of course, the application of controls must be accompanied by other stimulative measures. A number of us in the Democratic Study Group have worked up a program, and I include it in the RECORD at this point:

PROGRAM OF THE DEMOCRATIC STUDY GROUP

President Nixon's economic game plan has resulted in severe and growing unemployment, an interest rate structure that is blocking essential activity, intolerable inflation, and a disastrous shortfall in national output and governmental revenues. We call on the President to take the following vigorous action to save the economy, not just for its own sake, but in order to provide an atmosphere of full employment without inflation without which our social problems are insoluble:

1. Invite to the White House the leaders of labor and management and work out with them long-term guideposts for non-inflationary wage-price behavior. After a transitional period, these guideposts should envisage reasonably stable prices and wage increases hitched to productivity increases.

2. Stand ready to use the law which Congress gave the President last August to impose a quick temporary freeze on wage, salaries, prices, interest rates and rents. Such a freeze is necessary if labor is going to be asked to use restraint. Being temporary, it presents no insuperable administrative problems.

3. Fight inflation on the supply side as well, by such measures as increased aids to medical and nursing schools, and enlarged quotas on oil.

4. Start a boom in housing (and in household equipment) and in state and local government construction by channeling credit away from wasteful uses—like financing conglomerate mergers and marginal foreign investment—to needed home-building and state-local government borrowing. The credit control law Congress passed last December contains adequate power to do this. Its prompt use would bring about needed lower interest rates.

5. Adopt vigorous measures to re-convert defense and aero-space industries to peacetime uses, particularly air and water pollution control, mass transit, and housing.

6. Vigorously implement the Manpower Training and Public Services Employment Bill now making its way through Congress.

7. Reduce the staggering recession-induced federal budget deficits that lie ahead by getting the economy and thus tax receipts, moving forward. This will flow from the other measures.

We should be aware that we are going to need new legislative action. The standby wage-price control authority which we passed last summer will expire on February 28, 1971. We will need to do it again. Perhaps we will need to move out of the standby stage and order a full bureaucracy established. I am not too enthusiastic about this; if the President does not want to administer controls, there is no practical way we can force him to do so. But I think we should make it very clear that we are willing to accept our share of responsibility for the move. The current bill was passed by a vote of 257 to 19; and authorizes the President to fix prices, wages, interest rates, rents, and salaries at levels not less than those prevailing on May 25, 1970, and provides for fines of up to $5,000 for violations. It also provides for court injunctions against violations of the levels set by the President.

I include the text of this bill, H.R. 17780, in the RECORD at this point:

H.R. 17780

SEC. 201. SHORT TITLE.—This title may be cited as the "Economic Stabilization Act of 1970."

SEC. 202. PRESIDENTIAL AUTHORITY.—The President is authorized to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, interest rates, and salaries at levels not less than those prevailing on May 25, 1970. Such orders and regulations may provide for the making of such adjustments as may be necessary to prevent gross inequities.

SEC. 203. DELEGATION.—The President may delegate the performance of any function under this title to such officers, departments, and agencies of the United States as he may deem appropriate.

SEC. 204. PENALTY.—Whoever willfully violates any order or regulation under this title shall be fined not more than $5,000.

SEC. 205. INJUNCTIONS.—Whenever it appears to any agency of the United States, authorized by the President to exercise the authority contained in this section to enforce orders and regulations issued under this title, that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order under this title, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the agency, any such court may also issue mandatory injunctions commanding any person to comply with any regulation or order under this title.

SEC. 206. EXPIRATION.—The authority to issue and enforce orders and regulations under this title expires at midnight February 28, 1971.

I fully realize that controls are repugnant to a free economy. I also realize they are tremendously difficult to administer, they encourage black markets, and so forth. But the alternative is worse. To tolerate continued inflation year after year is "theft from the millions of people on fixed income."

After all is said and done, the fact remains that controls work. They do control inflation. With inflation under con-

trol, we will be able to adopt more expansionary policies to stimulate economic growth and reduce unemployment and redevelop business.

In an article opposing controls in the October American Legion magazine, Senator JOHN TOWER argues:

There is a need for management and labor to exhibit a higher degree of responsibility by voluntarily acting in a cooperative effort to hold down wages and prices.

I certainly agree with the Senator: there is a need—but the need is unmet, and will remain so. The objection to guidelines holds true in spades for the Senator's laissez-faire approach: He who acts irresponsibly, profits; he who restrains himself, loses.

Describing the Nixon game plan, Dr. McCracken's predecessor Arthur Okun said:

They've had seven interceptions, are 40 points behind, it's the fourth quarter, and they're sticking to the same plan.

The consequences of following the plan are grim. Even Dr. McCracken talks about production running 5 percent below potential, which will cost us $120 billion in goods and services over the next 4 years.

A more spectacular prediction was made to Mr. Nixon by his consulting economist, Pierre Rinfret. As Mr. Galbraith pointed out, Mr. Rinfret's advice to his clients at the beginning of the Nixon administration proved to be dead accurate. Mr. Rinfret now predicts 8 percent unemployment in 1971 and 10 percent in 1972 if the present game plan is followed.

I include the Evans and Novak article, entitled "Bloodchilling Unemployment," in the RECORD at this point:

BLOODCHILLING UNEMPLOYMENT

(By Rowland Evans and Robert Novak)

On Oct. 30, while President Nixon barnstormed the West, a confidential letter was mailed to him with contents foreboding enough to chill the blood of any Republican—particularly a Republican President named Richard M. Nixon.

The writer of the letter Dr. Pierre Rinfret, a New York-based economic consultant and sometime unofficial adviser to Mr. Nixon. In its single paragraph the letter sums up terrifying statistical projection Rinfret sent his clients in October: Astronomical unemployment rates reaching nearly 8 per cent in 1971 and nearly 10 per cent in 1972 if the Nixon administration continues its present economic "game plan." Unemployment rates even close to that would insure Mr. Nixon's defeat by *any* Democrat in 1972. Thus, the letter is both a warning to Mr. Nixon and ammunition to Republicans, inside and outside the administration, who are pushing for a change.

Rinfret's standing in the White House has had its ups and downs and now seems in a down phase. But his Oct. 30 letter did breach the sanitary cordon set up around Mr. Nixon by the palace guard and actually reached his desk, whereupon the President dispatched it to Dr. Paul McCracken, chairman of the President's Council of Economic Advisers. And relations between Rinfret and the CEA have been chilly (Rinfret acidly calls it the "catastrophe of economic advisers").

As of today, Nixon advisers are as divided over Rinfret's warning as over all other economic questions. Some, particularly high Treasury officials, view Rinfret's economics as unconscionably alarmist. But his warnings differ only in degree from CEA member Herbert Stein's position. One White House political operative, publicly euphoric over the economy, was privately pleased that Rinfret's warning reached the President's desk.

That warning, boiled down to one paragraph for quick presidential reading, was developed at length in reports to Rinfret's clients.

In an Oct. 16 report, Rinfret assumed that "real" national economic growth (discounting inflation) would be 3 to 3.5 per cent in 1971, accompanied by a 3 per cent increase in productivity (output per man-hour). This lethal combination of slow growth and high productivity, Rinfret projects, would lift present 5.6 per cent unemployment to 6 at the end of 1970, 6.6 in mid-1971, 7.9 at the end of 1971, 8.5 at mid-1972, and a horrendous 9.7 per cent at the end of 1972.

Such a result, Rinfret concludes with straight-faced understatement, "is politically unsatisfactory, and enough monetary and fiscal stimuli must be provided to see that this doesn't happen."

On Oct. 22, another Rinfret report contended that "low economic growth in 1971 and 1972 will lead to more idle economic capacity and idle men than at any time in the past 10 years." Thus, he continued, the economy can rapidly expand the money supply plus a 25 to 35 billion-dollar budget deficit "without stimulating inflation." What's more, he hinted at a tax cut to sop up idle capacity.

Checking economists outside the administration, he found disagreement with Rinfret's projection more in degree than kind. One prominent forecaster feels Rinfret's productivity estimates are too high and, consequently, end-of-1971 unemployment should be around 6.5 per cent—still poisonously high. Another says Rinfret's estimated growth rate is too low but agrees unemployment will worsen.

Inside the administration, those unequivocally backing the game plan of achieving full employment (that is, 4 per cent unemployment) by mid-1972 reject Rinfret's statistics but add that, if they do prove out, the administration can rapidly change gears. "You'd be surprised how quick we could change," one policymaker told us. "We may be crazy but we're not stupid."

That's just what is doubted by critics of the game plan, however. Governmental decisions affecting 1971 are being made now. If unemployment exceeds even 6 per cent at the end of 1971, the political gain for 1972 may be lost. That is the highly political—and highly important—message Pierre Rinfret has sent to Mr. Nixon in the most bloodcurdling language possible.

President Nixon has said:

The way to stop inflation is to reverse the irresponsible fiscal policies which produce it. . . . The imposition of price and wage controls during peacetime is an abdication of fiscal responsibility. Such controls treat symptoms and not causes. Experience has indicated that they do not work, can never be administered equitably and are not compatible with a free economy.

On June 19, 1969, he said:

If our projection proves to be wrong, then we will have to look to another course of action, because we cannot allow prices to continue to go up, interest to go up, and other factors to continue.

That was over a year ago. He has had almost 2 years in which to practice his fiscal responsibility. It has not worked. His projection has been wrong. Prices and other factors have continued to go up. It has not been equitable. Instead of a free economy he has given us a snowballing-out-of-control fumbling economy.

We now have no other choice than to look to other courses of action.

You might argue that we can go on as we are and the natural business cycle will take care of everything.

What about the future? My information is that the administration is becoming progressively more paranoid making adjustments in every department of Government, trying to balance a budget $15 to $25 billion out of balance for fiscal 1971. Last year the administration funded education programs at 28 percent of needs and students and educators erupted nationwide. We can hope for less next year. Health programs have been totally ignored by the administration. Dental care research is almost nonexistent. An entire future generation of scientists and engineers are being driven to other occupations by the Nixon mania to cut research budgets.

Efforts are now underway to drastically modify NASA capability. The administration is making an effort to reduce the total NASA budget to $3.1 billion for fiscal 1972, which action will effectively terminate perhaps $2 billion of invested research and development in partially completed programs.

Water development programs to build a new America, rural and urban, are now being cut to 50 percent of needs—all in the name of economy. These programs have been pared to the bone for too many years and their lag in development will hamper future development of agriculture and business. Many formerly feasible water projects are now unfeasible due to rapidly escalating Government note interest rates now at 7.45 percent. Only today the Bureau of Reclamation suspended construction on all new construction in the 1971 appropriation bill approved by the House. Ask any department of Government, "Can you respond to the needs of the people?" The answer is always negative.

I mentioned the 7-percent California unemployment. The Nation is little better off. DOD now projects, as Senator BARRY GOLDWATER said a month ago, that 90 military bases face closure after the first of the year. If this is not so, I would ask Secretary Laird to deny it. It is projected that by next summer over 700,000 more young people will be added to the unemployment rolls. Many of these men will come from Vietnam as we phase out that war. Where will these men work? I know the administration cares but it is making no plans.

Why all this curtailment? Because Government income is fading and good Republicans do not like either a deficit or controls.

I say we have a full-blown recession. Normal business cycle recovery will come so late, much of our education and defense capability will have wasted down the drain of bankruptcy and unemployment. Once an inventive business capability is destroyed, it is not automatically recreated at the next business upturn. I say we need to recognize the hardships and fear of poverty and unemployment. People are more than statistics; family units need the support of Government, not be desecrated by it.

We need then the full tax package

business redevelopment program of the 1960's that built the Great Society. We need to stop unemployment and destruction of business. We need to build up plant and equipment, stimulate perhaps a simultaneous development and reallocation of national effort into proper anti-ecological destruction directions.

But you say this will lead to inflation. Not if we simultaneously institute a strong wage-price guideline or controls.

Fat profits of industry can be channeled into either new jobs or Government coffers. With adequate Government tax income then we can do the things required of a great America in domestic and defense areas within the framework of full employment and a static and sound American dollar.

The alternative of course is to set the stage for the termination of a one-term Presidency more horrendous than that of Herbert Hoover. I say I would rather not have this happen knowing the hardship and sacrifice that that continued Presidential course of action will inflict on the American people.

Mr. BURTON of California. Mr. Speaker, will my colleague yield to me?

Mr. LEGGETT. I am pleased to yield to my distinguished colleague.

(Mr. BURTON of California asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. BURTON of California. Mr. Speaker, I would like to commend my distinguished colleague from California (Mr. LEGGETT) for his most perceptive analysis of the difficult economic conditions existing in the country and commend him highly for his incisive analysis of these problems.

I would also like to remind my colleagues that here again we find our hard-working and effective Member of Congress, our good friend from California, Congressman LEGGETT, has brought to the attention of the House a most serious and pressing problem.

Also at this point and time, if I may, Mr. Speaker, I would like to include the remarks of our distinguished majority leader, the gentleman from Oklahoma, CARL ALBERT, who just this day issued a statement on the case made by our colleague from California (Mr. LEGGETT).

Mr. LEGGETT. I want to thank my colleague very much for his remarks.

The statement of the Honorable CARL ALBERT is as follows:

The latest Government statistics on the cost of living for October should be all the inducement needed to jar the administration out of its lethargy in dealing with the Nation's deteriorating economy. The Bureau of Labor Statistics today reported living costs jumped by six-tenths of 1 percent last month. This reflects an inflationary rate, even on a seasonally adjusted basis, of over 6 percent.

This is apparently news to no one except the President and his economic advisers who persistently, month after month, report that inflation is under control and economic stability is just around the corner, in the face of all the evidence to the contrary. And persistently, month after month, the reports reflect a worsening economic malaise and cast doubt on the competence or credibility of the administration for its failure to face the facts and to deal with them constructively.

Not only did living costs rise in October. The same report reflects another decline in average real spendable income. A continuation of these higher costs combined with lower income is intolerable. It is long past time for the administration to recognize the futility of its so-called "game plan" which is behind the inflationary recession gripping the country. It is long past time for the Administration to utilize the tools provided by Congress. Certainly a policy of wage and price guidelines, and the effective use of the moral authority of the White House, represent a minimal step.

It has been more than a year since the leadership of Congress began its efforts to convince policy makers of the administration that its economic course was poorly plotted. The resulting inflationary recession—soaring cost of living combined with rising unemployment—has given us the worst of both economic factors.

Excuses are no longer acceptable. Congress has provided some measures for coping with our economic ills and certainly stands ready to join in concerted efforts to bring relief to the people who suffer under the double burden of rising costs and rising unemployment.

Mr. BURLISON of Missouri. Mr. Speaker, if the gentleman will yield, I commend my good friend, the gentleman from California for his very cogent and convincing presentation and statement.

I associate myself with his remarks.

RESOLUTION INTRODUCED COMMENDING POW RESCUE ATTEMPT

The SPEAKER pro tempore (Mr. KEE). Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

Mr. FINDLEY. Mr. Speaker, today my colleague, Representative SAMUEL S. STRATTON of New York and I are introducing, as chief sponsors, a House resolution commending those responsible for the attempted rescue of U.S. POW's near Hanoi. The resolution is cosponsored by 66 others.

On December 15, 1969, almost 1 year ago, the House of Representatives passed unanimously House Concurrent Resolution 454, calling for humane treatment and release of American prisoners of war held by North Vietnam and the National Liberation Front. At that time, by their votes, 405 Members of this body strongly protested the treatment of U.S. servicemen held prisoner and approved of efforts by the U.S. Government and other world leaders to obtain humane treatment and release of American prisoners of war.

Since that time, no material progress has been made. The North Vietnamese have persistently refused to identify the prisoners they hold. The have refused to permit any inspection of the camps in which the prisoners are kept. They will not allow mail to be received by prisoners, and they have not released sick or injured prisoners. Each of these simple, humane gestures is required by the 1949 Geneva Convention on prisoners of war which the North Vietnamese ratified in 1957.

In the face of world opinion, and in contravention of its duty under international law to which it has voluntarily agreed, North Vietnam disregards basic tenets of human decency and in a barbaric manner makes hostages of American prisoners of war.

The only thing that has changed in the year since Congress last spoke is the number of Americans held captive. One year ago, just over 1,300 men were held prisoner or were listed as missing in action. Today that number has grown by over 250 men. At the end of last week, 1,558 American soldiers were held prisoner or missing in action.

The families of most of these men do not know whether their loved ones are still alive, and for them each new day brings only pain and waning hope. Newsstories, such as those of recent date, which tell of torture and even death in the prison camps add to the nightmare which has become the daily life of relatives of the prisoners. Imagine just how much worse it must be for the brave men who remain captive.

With no progress since Congress last spoke, it is important for us once again to reaffirm our strongest disapproval of North Vietnamese conduct and our determination to take considered steps to bring about the release of our men held under such intolerable conditions.

The expedition last weekend to save the lives of Americans thought to be held prisoner was such an action. It was well planned and executed. Its scope was strictly limited to the stated objective of saving the lives of American prisoners. Unfortunately, intelligence was defective. Had it been successful, had American prisoners been brought out safely and restored to their families as free men, no word of criticism would be heard today.

In my view, and in the view of those who have cosponsored this concurrent resolution, those responsible for planning and carrying out this valiant rescue mission deserve commendation and the sincere thanks of Americans everywhere. No doubt, when word of the rescue attempt reaches other prisoners, as it inevitably will, their spirits and their faith in their country will be greatly lifted. Similarly, the morale of our men still fighting in Vietnam under the trying circumstances will be raised.

America has never forgotten its fighting men who have risked and given their all in the service of their country. The world, and especially the North Vietnamese, must realize that we are not about to do so now.

The list of cosponsors and the text of the resolution follow:

LIST OF 65 COSPONSORS

Watkins M. Abbitt, Democrat of Virginia.
J. Glenn Beall, Jr., Republican of Maryland.
James T. Broyhill, Republican of Virginia.
Page Belcher, Republican of Oklahoma.
Benjamin B. Blackburn, Republican of Georgia.
William S. Broomfield, Republican of Michigan.
John Buchanan, Republican of Alabama.
Lawrence J. Burton, Republican of Utah.
Elford A. Cederberg, Republican of Michigan.
Frank M. Clark, Democrat of Pennsylvania.
Don H. Clausen, Republican of California.
James C. Cleveland, Republican of New Hampsnire.
William O. Cowger, Republican of Kentucky.

Philip M. Crane, Republican of Illinois.
Glenn Cunningham, Republican of Nebraska.
W. C. (Dan) Daniel, Democrat of Virginia.
Robert V. Denney, Republican of Nebraska.
Samuel L. Devine, Republican of Ohio.
William L. Dickinson, Republican of Alabama.
Wm. Jennings Bryan Dorn, Democrat of South Carolina.
Thomas N. Downing, Democrat of Virginia.
Ed Edmondson, Democrat of Oklahoma.
Paul Findley, Republican of Illinois.*
Peter H B. Frelinghuysen, Republican of New Jersey.
Louis Frey, Jr., Republican of Florida.
James G. Fulton, Republican of Pennsylvania.
Richard Fulton, Democrat of Tennessee.
James R. Grover, Jr., Republican of New York.
Orval Hansen, Republican of Idaho.
G. Elliott Hagan, Democrat of Georgia.
James F. Hastings, Republican of New York.
Frank Horton, Republican of New York
Craig Hosmer, Republican of California.
John E. Hunt, Republican of New Jersey.
Edward Hutchinson, Republican of Michigan.
Albert W. Johnson, Republican of Pennsylvania.
Carleton J. King, Republican of New York.
Dan Kuykendall, Republican of Tennessee.
Alton Lennon, Democrat of South Carolina.
Robert C. McEwen, Republican of New York.
John O. Marsh, Jr., Democrat of Virginia.
Wiley Mayne, Republican of Iowa.
Robert H. Michel, Republican of Illinois.
Robert H. Mollohan, Democrat of West Virginia.
G. V. (Sonny) Montgomery, Democrat of Mississippi.
John T. Myers, Republican of Indiana.
Bill Nichols, Democrat of Alabama.
Thomas M. Pelly, Republican of Washington.
Richard H. Poff, Republican of Virginia.
Robert Price, Republican of Texas.
John J. Rhodes, Republican of Delaware.
L. Mendel Rivers, Democrat of South Carolina.
Ray Roberts, Democrat of Texas.
William V. Roth, Republican of Delaware.
John H. Rousselot, Republican of California.
David E. Satterfield III, Democrat of Virginia.
William L. Scott, Republican of Virginia.
Henry P. Smith III, Republican of New York.
Samuel S. Stratton, Democrat of New York.*
Fletcher Thompson, Republican of Georgia.
Joe D. Waggonner, Jr., Democrat of Louisiana.
William C. Wampler, Republican of Virginia.
G. William Whitehurst, Republican of Virginia
Lawrence G. Williams, Republican of Pennsylvania.
Louis C. Wyman, Republican of New Hampshire.
Roger H. Zion, Republican of Indiana.

TEXT OF RESOLUTION

Whereas, conditions have not materially improved in the year since Congress passed H. Con. Res. 454 calling for humane treatment and release of American prisoners-of-war held by North Vietnam and the National Liberation Front; and

Whereas, increasing numbers of American military personnel remain in captivity in North Vietnam in circumstances which violate the Geneva Convention of 1949 on prisoners-of-war and offend standards of human decency, some having so remained for as long as six years; and

Whereas, the government of North Vietnam and the National Liberation Front have refused to identify the prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, and to release seriously sick and injured prisoners, as required by the Geneva Convention, despite repeated entreaties from world leaders;

Now, therefore, be it resolved by the House of Representatives, that the official command, officers and men involved in the military expedition of November 21, 1970, seeking release from captivity of United States prisoners-of-war believed to be held by the enemy near Hanoi, North Vietnam, be commended for the courage they displayed in this hazardous and humanitarian undertaking which has lifted the hopes and spirits of our brave men imprisoned and fighting as well as Americans everywhere.

*Principal sponsors.

ROGERS INTRODUCES EMERGENCY HEALTH PERSONNEL ACT

(Mr. ROGERS of Florida asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, I am introducing, along with six of my colleagues in the House, the Emergency Health Personnel Act, legislation which I hope will have an effective impact on the manpower portion of the health crisis in America today.

As almost everyone knows, there is a fantastic shortage in health manpower throughout the Nation. Roughly speaking, we need more than 50,000 physicians, 200,000 nurses, and 20,000 dentists.

The law of supply and demand in the health manpower field area differs from that in other areas. The supply is always short, but the demand is greater in rural areas where there is light population and less than modern facilities and in compacted ghetto areas where there is high density population, but again a lack of modern facilities.

This means that the graduating doctors and dentists and nurses are attracted to the cities or parts of cities where the pay is better and the facilities are adequate. This leaves the small towns, the rural areas and the lower economic populations without medical representation or service.

And many large cities have sections where no doctors or dentists practice or where the nearest thing to personal medical care comes in the form of an emergency ward on the other side of the city.

These are areas barren of medical assistance to our citizens. And these are the areas which we hope to help through the legislation which we are today introducing.

During consideration of the allied health professions bill and again during hearings on the Comprehensive Health Planning Act, I questioned HEW officials, including Dr. Roger Egeberg, about the status and vitality of the existing Commissioned Corps. And I asked why we could not, in the face of our present health crisis, use some of these people in areas where there are no existing medical personnel. It was agreed at that time that if there is no medical personnel or service, that location would indeed be an emergency situation.

When I addressed the American Hospital Association in Chicago, I found that there were more than a dozen county seats in Illinois which did not have a single practicing physician. I am sure that this situation is not limited to Illinois, but that there are such examples all across our Nation.

As one physician clearly explained last week in an article about the "doctor gap":

> I can't see any reason why I should take myself and my family into the middle of nowhere where I would have to work 80 hours per week, use obsolete medical facilities and inadequate equipment.

Certainly, through other legislation we hope to remedy this situation so that practice in any part of our Nation will be attractive. But in the meantime, we must offer some vehicle so that the American public in low-economic areas or rural areas are not completely cut off from medical and dental help.

I was encouraged and interested in Dr. Egeberg's endorsement of such a plan as we are now proposing in a Scripps-Howard interview. During that interview, Dr. Egeberg said that he would favor expanding the commissioned corps.

Presently, this branch is composed of 5,732 people, of which 47 percent or 2,693 are medical doctors and 518, or 9.2 percent, are dentists. There are some nine other categories which compose the commissioned corps and I would like to list the entire makeup later in my statement.

These people in the corps are used in the main for giving health care and service to Indians, members of the Coast Guard, and the merchant marine and to Federal prisoners.

However, and this is very important, I would estimate that in the Public Health Service not more than one-half of the medical and dental personnel are actually practicing medicine. Somewhere around 50 percent are in research or serving in an administrative capacity. Therefore, we do nct really have as large a bona fide corps of medical personnel to call on, as a cursory look at the figures would indicate.

In addition to the concept of giving aid in medically barren areas, I also envision the use of the Emergency Health Personnel Act in emergency situations such as a disaster or to help quell an outbreak of disease.

There is one point which I would also like to make in the area of who will be recruited. We have heard much of the high ideals and the desire for personal involvement of our young people, including medical students. I think that the program which we are proposing here today could be the answer to that desire to help and become involved.

During the height of the conflict in Vietnam, more than two-thirds of all graduating physicians were called to serve in the military. This figure may drop to an estimated 50 percent during the peacetime which we hope is soon coming. I feel that young people will be attracted to a 2-year stint in serving their country and their fellow man by

enlisting in this newly expanded program.

I would note that consultation with local medical and dental authorities is set out in the bill. We are trying to develop the best possible rapport between local authorities, where there are medical personnel, and the corps. I would also like to point out that the bill we are introducing provides for the establishment of the National Advisory Council on Health Manpower Shortage Areas whose responsibility will be to advise the Secretary and to make recommendations for the program's implementation and administration.

In conclusion, I would ask that my colleagues give close attention to this legislation. I would venture to say that at least half of us have areas where such a medical aid would be welcomed and where now there is a lack of medical service and personnel.

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. Salt is a basic commodity. For table and cooking use it is the most widely used seasoning agent. Large quantities of salt are also consumed in a great variety of industrial processes. The United States is the world's leading producer of salt; 1968 production was 37,443,000 metric tons compared to 15,000,000 for mainland China and 11,011,000 for the Soviet Union.

RESTORE RECOMPUTATION NOW

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I am today again introducing legislation to restore equality in military retirement pay by basing that pay on current active duty rates. This more equitable system was used until 1963 when the Congress, acting in good faith, discarded the recomputation principle and replaced it with a straight cost-of-living increase for retirees.

Our experience since 1963 should convince us that the across-the-board, cost-of-living increase is inequitable in comparison to the principle of recomputation in which the retiree receives direct benefit from each military pay raise.

The military active pay scale has consistently been lower than pay scales in other professions. It was always understood, however, that military men would receive additional benefits such as housing allowances, food allowances, medical care, and—a rate of retirement pay based on the current rate for the highest rank attained by the retiree.

Mr. Speaker, many of our colleagues in both Houses have supported this legislation in the past in the belief that retirement pay should once again be linked directly with active duty pay and that automatic adjustments in retired pay be assured whenever the active duty rates are changed. I urge the Congress to reconsider the recomputation issue and act favorably to restore it.

THE GENOCIDE CONVENTION

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

Mr. DERWINSKI. Mr. Speaker, the ratification of the Genocide Convention has for some time been pending in the Senate, and it is expected that in the near future a final determination will be made of the issue. Scores of prominent national organizations are urging its private consideration by the Senate at this time. The President and his administration have earlier this year underscored the need for ratifying this important treaty.

The autumn issue of the Ukrainian Quarterly contains a comprehensive article on the convention, written by Dr. Lev E. Dobriansky of Georgetown University and president of the Ukrainian Congress Committee of America. The author knew and worked with Dr. Raphael Lemkin, the father of the convention, and his organization has supported the treaty's ratification for over 20 years. For the second time in two decades, the author of this article recently testified on the treaty and recommended a posthumous honor for Dr. Lenkins should the Senate ratify the treaty, which in his judgment is long overdue.

On the eve of the Senate's final action on this issue, I commend to the reading of my colleagues and all Americans concerned with the subject of genocide the article by Dr. Dobriansky. It treats of all the major aspects of the treaty and the controversy that has surrounded it. Its compact analysis of the subject helps to resolve some of the doubts held in relation to the treaty.

The article follows:

THE GENOCIDE CONVENTION

(By Lev E. Dobriansky)

In historical time, twenty years are but an instant; in the time consciousness of persons and legislatures they seem to be like a century. These different time dimensions surely apply to the treatment given the Genocide Convention, particularly for those who were personally involved in the original hearings on this vital and unprecedented international treaty. It was the writer's privilege over twenty years ago to present in both empirical and legal directions extensive testimony in favor of the convention's ratification by the U.S. Senate.[1] Two decades hence, it was also a veritable source of delight for him and others that the Nixon Administration decided to support the positive position first taken by the Truman Administration in this matter.

On February 5, 1970 Secretary of State William P. Rogers submitted a recommendation to the President to "request the Senate of the United States to give its advice and consent to United States ratification of the Convention on the Prevention and Punishment of the Crime of Genocide."[2] In it he expressed the belief "that ratification is in the interests of the United States and that there is no constitutional obstacle to ratification." On this he also invoked the agreement of the Attorney General. The statement concisely incorporates background and legal notes concerning the treaty, including the convention's unanimous adoption by the U.N. General Assembly on December 9, 1948, its signing by the U.S. two days later, Truman's submission of the treaty to the Senate on June 16, 1949, the convention's entering into force on January 12, 1951, and several legal recommendations for understandings of the treaty's articles, such as "mental harm" in Article II(b) meaning "permanent impairment of mental faculties."

Two weeks after the Secretary of State made his recommendation, President Nixon sent a message to the Senate, urging favorable action on the convention. Recounting some of the facts contained in the Rogers communication, the message stressed that "we should delay no longer in taking the final convicing step which would reaffirm that the United States remains as strongly opposed to the crime of genocide as ever."[3] It concluded by stating that Senate ratification "will demonstrate unequivocally our country's desire to participate in the building of international order based on law and justice." In response to the message a subcommittee was established by the Committee on Foreign Relations to conduct additional hearings on the convention. With exclusive emphasis placed on the strictly legal contents and aspects of the treaty, the subcommittee under the chairmanship of Senator Frank Church of Idaho conducted these hearings at the end of April and May.[4] By the fall of 1970 the committee still hadn't reported out the convention, although in July the committee voted 6 to 5 in favor of it and then voted 7 to 5 to reconsider reporting it out prior to the November elections. There was an uneasy feeling that the 67 votes necessary for ratification would not be forthcoming.

THE LEMKIN LEGACY

In the course of these developments it has been somewhat disconcerting to observe the extent to which the Lemkin legacy concerning the convention has been played down or, in most instances, completely overlooked. It was also the writer's memorable and precious privilege to know intimately, down to August 28, 1959, the father of this treaty, Dr. Raphael Lemkin. To the time of his death, we worked closely on the ratification of the treaty, and although Professor Lemkin achieved the goal of the convention becoming international law in 1951, he died a sad man in that his United States still failed to ratify the treaty. It is no exaggeration that this veritably great person actually sacrificed his life and treasure for the universal acceptance of the treaty.

In the 50's, those connected with the Ukrainian Congress Committee of America can be everlastingly proud of their close association with him and the many opportunities he afforded them in subsidizing and assisting his educational and humanitarian efforts. As the writer openly and frankly stated in the second round of testimony on the treaty, "it is not in any measure of excessive laudation to suggest . . . that if and when, and on its own merits, this treaty is ratified by the Senate, a special tribute in Congress and by our Government, both here and in the United Nations, be posthumously made in honor of the founding and pioneering work of this man."[5] This idea was quickly recognized by the Honorable Edward J. Derwinski of Illinois when he observed, "Dr. Dobriansky's suggestion for an official tribute to the late Dr. Lemkin in the event of the treaty's ratification is well taken."[6]

Lemkin left an historic legacy for the world, but if the reader were to scan the literature of the past ten years on this subject,

Footnotes at end of article.

he would conclude that the man scarcely existed. Especially after the Eichmann trial, newcomers entered the field of discussion and behaved as though they introduced something new to the continuing struggle. From their output one would never know that a Lemkin ever existed. Despite its well-known editorial distortions and omissions, *The Washington Post* at least made mention of Lemkin in the recent discussion of the subject.[7] Because of long-standing problems with this supposedly liberal organ, the writer didn't anticipate that the following letter-to-the-editor would be published, but he nevertheless sent it for the broader record of this issue:

"FEBRUARY 24, 1970.

"To the EDITOR of the Washington Post:

"Your editorial of February 21 on 'Genocide' deserves the highest commendation for its accuracy and complete fairness. In particular, your mention of Dr. Raphael Lemkin in connection with the Genocide Convention is most praiseworthy. In the current drive for Senate ratification of this essential treaty it would do well for many to recall the supreme dedication and contributions of this self-sacrificing pioneer who both coined the term 'genocide' and devoted his remaining years, here and in the United Nations, for world-wide official acceptance of the treaty.

"It was my memorable privilege to know and work closely with Dr. Lemkin on the treaty's ratification from the time of the McMahon hearings in 1950 to his untimely death on August 28, 1959. It is no exaggeration of fact that this unusual person literally sacrificed his life in behalf of the convention and its enforcement throughout the world. He gave up a promising and comfortable career at Yale University in order to devote his entire time to this supreme cause. Regrettably, his persevering efforts at the time were not sufficiently understood and supported, and he died virtually penniless. It was also unfortunate that his nomination for the Nobel Peace prize was not favorably approved.

"On its own substantive merits, the ratification of the Convention by the Senate is long overdue. It is of doubtless credit to the present Administration that it has determined to bring to fruitful completion what was initiated under the Truman Administration. For those of us who knew and loved the witty and brilliant Polish Jewish jurist, Dr. Raphael Lemkin, the treaty's ratification will surely provide an additional tribute—one to the works, labors, and achievements of the man who gave his life for it."

Later, it was comforting to read the acknowledgment made by Senator Proxmire of Wisconsin, who stands above all in persistently advocating the treaty ratification in the Senate. As he accurately put it, "few people in this country are aware of the important contribution by Prof. Raphael Lemkin to the field of international politics."[8] He ended by saying, "I hope we do not need to wait for another crisis of mammoth proportion, but can act on the principle first stated by Professor Lemkin, which is embodied in the Genocide Convention." The leadership taken by Senator Proxmire in advancing tht treaty has without question earned the admiration and esteem of all involved in this significant undertaking.

SALIENT PERSPECTIVES ON THE TREATY

The life-long impressions Dr. Lemkin left me with enable me to take a reasoned and solid stand on this treaty. For months, and practically every evening of the week, before the McMahon hearings in 1950, he taught me virtually every aspect of the convention as we planned our strategy for the hearings. The writer doesn't hesitate to say that the training and informal schooling he received from his close relationship with this thoroughly dedicated soul equipped him in no small measure to evaluate the legal and other aspects of the treaty. Despite the fact that law is not my profession, with this rich provided background it is not difficult to transmit the insights, perceptions, perspectives and wisdom he implanted as concerns the sound legal structure and content of the convention. Before dwelling on the specific aspects of the treaty's legal structure, it is necessary to place the entire subject in proper and accurate perspective, with mention of some generally unknown facts and events surrounding the stalled fate of this treaty. It would be naive for anyone to think that consideration of the treaty has been purely on the basic of legalistic logic, void of diverse political pressures and a mass of grotesque misunderstanding.

First, without mincing words, it is almost in the nature of a national disgrace that our country has not as yet ratified the treaty. At the end of the 40's we were in the vanguard of the movement for an international treaty against the crime of genocide and were one of the first to sign this treaty. To date, 75 other states have ratified the treaty. To be sure, the reasons for this ironical development are many, but the fact remains that in this area, as well as that of the captive nations and the persistent threat of Soviet Russian imperio-colonialism, we definitely lapsed in moral and political leadership in the world at large. However, in this, as in these other areas, better late than never. As the editors of one organ rightly put it, "After two decades of inaction, based on sophistry and outright hypocrisy, there are signs that the United States may at last be moving to ratify the International Convention on the Prevention and Punishment of the Crime of Genocide."[9]

My second perspective is with regard to the numerous reasons for this unfortunate delay. Undoubtedly, the most prominent has been the political chaff and sophistical extraneities that cumulated about an objective treatment of the convention. During the first round of hearings twenty years ago, opponents of the convention admixed it with civil rights, dangers to states rights, charges of genocide against negroes, an international plot against our form of government, and a whole assortment of sophistry as to the constitutional and legal perils of the treaty. With the second round of hearings in 1970 much of this chaff has been re-expressed in old and some new forms, such as American "genocide in Vietnam, mass rioting and deaths, the Black Panthers, legalized abortions, and even poverty." Evidently, if the effects of everything or anything are to be painted as horrendous, the handy term of genocide is invoked. In plain fact, all of this and more is irrelevant to genocide itself and the treaty for good measure.

In the current controversy few are aware of certain enlightening facts concerning the treatment of the convention. In 1954, following a radio/TV program on the Georgetown University Forum, Dr. George A. Finch, one of the panelists and a leading American Bar Association opponent to the convention, let his hair down to inform Dr. Lemkin and the writer how he and Messrs. Rix and Schweppe managed to have the treaty tabled up till then.[10] Despite the overwhelming evidence brought out in the original hearings in support of the convention, they were able to persuade Chairman Tom Connally of the Senate Foreign Relations Committee that the treaty would not prevent communist genocide and that it would be exploited to our detriment. They were even able to convince the congenial but scarcely knowledgeable chairman that too many "foreign-sounding organizations" were behind the treaty and that confidence and trust be best placed in the powerful and presumably reliable American Bar Association. Needless to say, political pressuring was at a high pitch and, as Senator Proxmire has soundly pointed out two decades later, "the Senate can be expected to turn to the Chief Executive, and his Attorney General, and his Secretary of State. These offices have now come out squarely for ratification of the Genocide Convention. These are the views that should count; not those of the ABA."[11] The situation was no different in 1950.

Another example of political chaff obfuscating the importance and significance of the treaty was the agitation about the Bricker Amendment in those years. The Amendment emerged as an additional obstacle to the convention, which some opponents to the treaty even today are making use of.[12] Among other things, the amendment provided "that no provision of a treaty which conflicts with the Constitution shall be of any force or effect." It also specified that "no treaty shall be effective as internal law unless implemented by legislation which would be valid apart from the treaty." The clear fact is that there is no contradiction between the treaty and the defeated amendment. The difficulty was its misuse and abuse against the treaty. And it would probably astound the users of this political device to know that Senator Bricker himself admitted to Dr. Lemkin that he saw no inconsistency or discrepancy between the treaty and our Constitution.

It appears that twenty years are necessary to separate the chaff from the wheat, and there can be no doubt that the present effort has received a powerful assist from the President's endorsement, in reality taking off from where President Truman began. The positions taken by our Secretary of State and Attorney General buttress this effort further. Significantly enough, so does the studied output of the ABA's section on individual rights and responsibilities. In recommending that the ABA approve the convention at its February, 1970 meeting the study group stressed that "in practical political terms, not to sign . . . is to dissipate one's influence, and to supply fuel for those who characterize the United States as the great hypocrite."[13] Even the four-vote negative margin on this recommendation at the ABA meeting may be construed as a positive factor when the entire history of ABA's role in this is soberly taken into account. Nevertheless, anyone who has kept abreast of all these developments cannot but rationally conclude that all the pros and cons heard these past two decades were said and recorded in the 1950 Senate hearings. After this lapse of time the second round of hearings were, of course, necessary to dispel for good some of the more prominent misconceptions held with regard to the convention. As the writer argued in his own testimony, this can only be achieved by concentrating on the very essence of the meaning of genocide itself and the essential conformities of the treaty with our constitutional framework and limits.

THE PREDICATIVE MEANING OF GENOCIDE

With an eye on the essentials of the treaty, it is best to approach the subject in systematic terms of facts and meaning, the tailoring of a legal suit of clothes, and a moral force for rule under law and justice. The most fundamental point here is the special meaning of genocide itself. Concerning the facts or the empirical basis of the whole matter, most of the evidence was well supplied in the 1950 hearings, with appropriate emphasis placed on the far more extensive record of Soviet Russian genocide than that of the Nazi German one. Judging by some of the pro-treaty literature currently disseminated, one wonders whether the authors ever bothered to read the 1950 hearings on these comparative records.[14] Professor Lemkin knew the Russian and Nazi records well, and both for the past and the future he dreaded the Russian totalitarian one. It cannot be too strongly emphasized

Footnotes at end of article.

that this accumulated evidence, in large part found in the original hearings, is significant for two reasons. One, it constitutes the experiential foundation for the meaning of genocide; second, it determines objectively the legal suit of clothes necessary to fit the body of the crime.

Quite plainly, unless one is familiar with this crucial evidence, the valid meaning of genocide will elude him, and the term becomes subject to all sorts of careless application. Derived from this massive experience in genocide, the meaning is clearly stated in Article II of the convention. Most, if not all, of the confusion and misunderstanding that has emerged in relation to this treaty can be attributed to an insufficient grasp of the meaning of genocide as conveyed in this article and, ultimately, to an unfamiliarity with the evidence. Lemkin coined the word "genocide" to coincide objectively with this special evidence. Aside from the enumerated acts of commission in the article, the crux of the meaning of genocide is found in the words "with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such." Thus, obviously, Hitler's campaign against the Jews, Stalin's destruction of the Ukrainian Catholic and Orthodox Churches, deportations, man-made famine, etc. Mao's assault upon the Tibetans—these and numerous other examples clearly spell genocide. The intent to destroy one of these groups *as such*, whether in whole or in part and regardless of motivation or purpose, was realized overtly in the act itself.

What is frequently misunderstood is the delicate point that a distinctive and substantial difference exists between genocide and homicide, that latter whether singular or multiple. That difference lies in the crux of the meaning explained above. The loose and indiscriminate bandying about of the term genocide twenty years ago and again now to cover such phenomena as lynching, "the killing of one person or a thousand," mass deaths resulting from wartime bombing operations, terrorism and guerrilla warfare, revolutionary activity or even "driving five Chinese out of town" is a measure of the bold misconception that has prevailed. For example, for one of our Senators to state that Article II "means that a public official or a private individual is to be subject to prosecution and punishment for genocide if he intentionally destroys a single member of one of the specified groups" shows how wide of the mark interpretations can be.[15] The intent and design to destroy one of these groups *as such*, thus logically as a whole or in part, which necessarily means substantial thrust, is completely lost. Sever the head of a human, and the greater part of his body dies; annihilate the intelligentsia of a nation, and the nation faces death. To destroy one or fifty or perhaps thousands in the former, depending on its size, will not result in the latter. The article calls for a sense of proportion, and if an understanding is attached to the convention's ratification stiplating that genocidal acts are construced to involve a significant percentage of any of the specified groups, it would be in accord with the article's meaning as founded on the empirical base of the foremost genocidal records.

The term genocide has, of course, been prostituted in the political warfare lexicon of our enemies, both at home and abroad. The phenomena cited above, to which others can be added, are quickly seized by them as cases of genocide for propaganda purposes. Covered adequately by other criminal statutes, they and similar acts are not in themselves genocidal, where "intent to destroy, *in whole or in part*, a national, ethnical, racial or religious group, *as such*" is on evidence non-existent. So are acts causing "serious mental or bodily harm to any member of a national, racial or religious group.[16] Try it and our present laws will adequate cover your action. In terms of the repeated meaning of genocide, such harm, again based on established evidence, cannot but mean that caused by mass deportation or mass incarceration. The obvious formula by now is to relate the meaning of genocide to the truly genocidal experiences and cases on record if these misleading hypothetical constructions and misunderstandings are to be rectified.

Moreover, the objection is often raised that the meaning as given in the treaty excludes political groups. An article in the *American Bar Association Journal* furnishes a background to a trade-off with the communist states on this and deplores the exclusion of political groups in the treaty's definition.[17] If the account given is correct, objectively the communists pressed a valid point. For, plainly, acts of construed treason against a state, whether legitimately governed or no, whether they involve mass killing or no, are not in themselves genocidal and are covered by other laws. The alleged trade-off also works both ways. If a so-called revolutionary group here were to stage a serious treasonable act, annihilating it massively and completely would still not be genocidal. The political choice they made is not to be confused with their membership in a national, ethnical or religious group they individually or collectively might have belonged to. So with Stalin's treatment of non-Russian populaces, Hitler's butchery of the Jews and the like. Whether justified or not, Stalin's elimination of individual non-Russian "bourgeois nationalists" is one thing, a political phenomenon, his grotesque attempt, as Khrushchev disclosed it in 1956, to remove 40 million Ukrainians and scatter them about the wilds of Siberia. is clearly another phenomenon, a genocidal one.

Another frequent objection is made to Article III of the convention, which prohibits "direct and public incitement to commit genocide." This is supposed to violate the first amendment of the Constitution, guaranteeing free speech. Also, the designation of such conduct as criminal is supposed to open up a Pandora's box, where whitey calling for the blood of all blacks or vice versa would lead to all sorts of murky arrests under the article. Both objections are easily disposed of on both legal and empirical grounds. Legally, it is recognized that the sacred right of free speech is not unlimited and that in certain situations its exercise is subject to responsible limitation as, for example, playfully shouting "fire" in a packed theater or directly threatening the existence of our Government.[18] Empirically, where no direct threat is discernible and capability of execution is virtually non-existent, the genocide-bent whitey or blackie is a candidate for Bellevue or St. Elizabeth's, not for a prison. On record, genocidal cases have always been characterized by the attribute of clear and present danger, not by foul rhetoric, and politically this realized attribute is not possible without concentrated power in our times. By now it should be evident, therefore, that the whole thrust of both Articles II and III is against this special, differentiated type of crime that entails the destruction, in whole or in part, of the non-political entities mentioned.

CONTEMPORARY GENOCIDE A TOTALITARIAN ACT

In his struggle for the treaty's ratification Dr. Lemkin incessantly emphasized the requisite environmental factor for the commission of genocide. By way of analogy, who can deny the existence of anti-Semitism in the United States? Pockets of the disease exist, but it is surely no cancer by virtue of the freedom and pluralism of our society. On the other hand, in the Soviet Union and in the past Tsarist Russian Empire the disease has been of cancerous proportions because of autocratic and now totalitarian backing and support. Thus, once one grasps the meaning of genocide and the uncivilized and barbarous content of the act, denying the apolitical right of self-preservation to a group in and of itself, it should be evident that the commission of genocide is rationally impossible in a free, open democratic society where laws are rigorously maintained to safeguard the rights of persons and groups within a generally accepted framework of socioeconomic responsibility. Historically and logically, genocide is the worst of cancers associated with totalitarian, autocratic and imperio-colonialist environmental, as characterized by Soviet Russia within the USSR, Nazi Germany and Red China. In short, it can be said that this treaty bears no objective relevance to our environment as presently constituted; however, it does carry heavy weight for our politicio-moral leadership in the world at large for the prevention and punishment of this special, heinous crime. The objective capabilities—the apparatus, if you will—for the commission of this crime do very much exist in contemporary Red states, and the politicomoral force of this treaty cannot be underestimated.

From this fundamental viewpoint on the meaning of genocide and its conceptual conformation to the special crimes committed by autocratic and totalitarian governments, it becomes evident that we have steeped ourselves in a quagmire of sophistical legalisms in opposing the convention's ratification. The prominent fact is that with the definitional premise given in effect in Articles II and III, the treaty is formulated like a legal suit of clothes to fit the body of this crime and is predicated on this premise in conformity with our constitutional framework. Consequently, Article IV thus logically addresses itself to the punishment of persons involved in genocide and acts pertaining to it "whether they are constitutionally responsible rulers, public officials or private individuals."[19] The objection that the treaty "is directed largely toward individuals rather than nations and opens a new concept of international law whereby domestic crimes would be converted to international crimes by treaty law" is a specious one.[20] Plainly, who can indict a nation and its countless innocents for genocide or any other crime? Specific individuals in government or beyond can only be punished, and on this point the treaty stands on solid, moral ground. As for the supposedly new concept, it should first be pointed out that the worst cases of genocide, both under the Nazis and the Soviet Russians, have been international in breadth and character and, second, that many domestic subjects of far less intensity in anti-social conduct and the denial of human rights have properly been of international concern, as witness treaties dealing with slavery, narcotics, inheritance rights and the like, not to mention the protection of the lives of seals and migratory birds.[21]

In the extended controversy, for some reason Articles V and VI, dealing respectively with enabling legislation and trial by a competent tribunal, appear to have been subjected to more distortion and misinterpretation than all others following the two premisal articles. Fears about foreign dictation to our Congress, the self-executing power of the treaty and criminal prosecution without necessary legislation are totally unfounded. Article V, by specifying an undertaking to enact in accordance with the respective constitution the necessary legislation to give effect to the provisions of the convention, clearly shows that the treaty is not self-executing. It shows, too, that no specific legislation is mandated or required. If it appears that such legislation is necessary, then, by our Constitution only Congress can make a crime punishable. As the ABA itself has pointed out, "a treaty cannot sup-

Footnotes at end of article.

port a criminal prosecution in the absence of Congressional action." [22]

With equal explicitness, Article VI stipulates trial before a "tribunal of the State in the territory of which the act was committed" or by an international tribunal accepted by the parties involved. Contrary to prevalent distortions of fact and interpretation, this provision has nothing to do with the International Court of Justice, the so-called World Court.[23] If there is such blind fear about the role of the World Court on the basis of this article and Article IX, an understanding accompanying ratification to the effect that our courts would not be subordinated to the ICJ would not at all contradict the provisions of either. Moreover, the treaty would not deprive an American citizen of his constitutional right to a trial by jury if the act were committed here. To argue, as some do, that the treaty would permit North Vietnam to try American prisoners on charges of genocide is really irrelevant to the whole issue since any judicial circus of this nature could be performed any way with a complete perversion of the meaning of genocide.[24] Again, if one understands genocide as defined earlier, examples about Vietnam, the Black Panthers and the like don't even apply, and as twenty years ago they simply serve to befog the whole issue with political chaff. Here, too, an understanding attached to ratification that no American citizen would ever be tried by a foreign court for this crime would not really cast any shadow of doubt on this and other provisions. The genesis, implementation and consummation of a valid genocidal act go far beyond the presence and involvement of American citizens who would have to be tied in with the aparatus on foreign soil.

In fact, Article VI doesn't mandate any American participation in an international tribunal, were one to be created. If it were, even this at some later date would be subject to treaty and the advice and consent of the Senate. Article VII deals with extradition, which is accommodated where treaties are already in force between the United States and other countries. In cases of genocidal involvement by aliens legislative implementation may be required. This provision poses no problem, nor does Article VIII which simply allows a country to call upon organs of the United Nations for the prevention of acts of genocide. Under the U.N. Charter even they are jurisdictionally restricted. Alluded to above, Article IX permits submission of disputes to the World Court, which would be concerned solely with questions of interpretation only and not with decisions on genocidal cases. The language in all of these articles is perfectly clear and does not justify the propagandized misinterpretations made of them. Circulated fears about extradition for political crimes, U.N. subsumption of national sovereignty, dictation by the World Court and similar fiction are thoroughly groundless.

THE BASIC POLITICO-MORAL FORCE

Today, ratification of the Genocide Convention by the Senate would redress a long-standing failure that has cost us much in national prestige and honor. Our failure to ratify this treaty twenty years ago has made us vulnerable to charges of insincerity. In numerous parts of the world it has weakened our moral posture as our enemies skillfully propagandized this supposed insincerity. In short, it has deprived us of the full politico-moral force and power that we could avail ourselves of in the use of international law as an instrument both for our primary national interest and world peace, justice and the rule of law.

It cannot be too strongly emphasized that the crux of the issue is a vivid awareness of the very nature of genocide. Its presence in a free, democratic environment is tantamount to a squared circle. Those who rant about genocide in our midst haven't the faintest notion of its essence and pervert it for political purposes. With no conflict in relation to our constitutional framework, the convention is truly a legal suit of clothes patterned to fit the special body of genocidal crime, which has appeared time and time again in environments radically different from ours.

To argue, as many did twenty years ago and some still do today, that the convention will not prevent totalitarian regimes from perpetrating genocide misses entirely the crucial point of this basically humanitarian action. The fatalism implicit in the argument is cause for wonderment itself. But aside from it, such perpetration may be or it may not be. However, it cannot logically be denied that in this internation-building of law for rule with justice, the convention generates an accruing strength of deterrence that, with definable consequences, may well secure the prevention of this grotesque crime. In the world we live, its utility would be greatly justified by at least a forceful minimization in the commission of this crime. It is not difficult to imagine what may flow from a political explosion in Central Asia or in the Mideast, or in parts of Africa. The politico-moral force can even impress itself in such situations.

FOOTNOTES

[1] *The Genocide Convention*, Hearings, Committee on Foreign Relations, U.S. Senate, 1950, pp. 319–413.

[2] *Department of State*, letter, February 5, 1970, p. 1.

[3] "President's Message Urging Ratification of Genocide Treaty," *Congressional Record*, February 19, 1970, p. 4167.

[4] *Genocide Convention*, Hearings, Committee on Foreign Relations, United States Senate, Washington, D.C. 1970, pp. 261.

[5] Ibid, p. 166.

[6] "The Genocide Convention," *Congressional Record*, May 14, 1970, p. 15638.

[7] "Genocide," *The Washington Post*, February 21, 1970.

[8] "Proposal To Declare Genocide An International Crime First Made in 1933," *Congressional Record*, September 23, 1970, 33385.

[9] "Sophistry On Genocide," *The New York Times*, February 7, 1970.

[10] "Genocide: Fact and Convention," Georgetown University Forum, June 10, 1954.

[11] "ABA's Political Objections to the Genocide Convention Carry Little Weight," *Congressional Record*, March 10, 1970, p. 6614.

[12] E.g. "The Genocide Convention," *Christian Crusade Weekly*, March 22, 1970, p. 8.

[13] "An International Convention or Treaty Is The Most Suitable Form for Addressing the Dangers of Genocide," *Congressional Record*, June 3, 1970, p. 18071.

[14] "Questions And Answers on the United Nations Genocide Convention," Ad Hoc Committee on the Human Rights and Genocide Treaties, New York, 1970, p. 1.

[15] "The Genocide Convention—Why the Senate Should Refuse to Ratify It," *Congressional Record*, May 25, 1970, p. 16867.

[16] "The Genocide Treaty," *Manion Forum*, South Bend, Indiana, February 15, 1970, p. 3.

[17] Judge Orie L. Phillips and Eberhard P. Deutsch, "Pitfalls of the Genocide Convention," July, 1970.

[18] "Article III(c) of the Genocide Convention Does Not Abridge Free Speech," *Congressional Record*, vol. 115, pt. 20, p. 27265.

[19] *Genocide Convention*, Hearings, 1970, p. 8.

[20] E. "Genocide Convention," Resolutions, Daughters of the American Revolution, *The Evening Star*, Washington, D.C., April 24, 1970.

[21] "Genocide Revisited," Bruno V. Bitker, American Bar Association Journal, *Congressional Record*, January 22, 1970, p. 816.

[22] "The Genocide Convention Does Not Usurp Constitutional Guarantees," *Congressional Record*, March 9, 1970, p. 6492.

[23] "World Court Objections To The Genocide Convention Have No Basis," *Congressional Record*, April 1, 1970, p. 9966.

[24] *Congressional Record*, February 25, 1970, p. 4810.

WORLD LAW DAY

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. BINGHAM. Mr. Speaker, today, November 25, has been proclaimed World Law Day by the President of the United States. I commend President Nixon for his proclamation, the text of which is annexed to these remarks.

It is most appropriate that 1 day be set aside to observe the role of law in mankind's search for world peace. It is more than just a truism to state that there can be no peace, or justice, or secure freedom in the world without law. It is a fact.

Yet despite all the fine speeches about world rule of law, it is tragic to witness the snail's pace at which the nations of the world move to agree to accept law and international legal institutions in their relations with one another.

This year marks the 25th anniversary of the United Nations and has been designated by the U.N. as International Education Year. When the U.N. Charter was adopted at San Francisco in 1945, it was the clear intent of its framers that it should be a forum for the development and codification of international law. Article 13, section 1a states:

> The General Assembly shall initiate studies and make recommendations for the purpose of promoting international cooperation in the political field and encouraging the progressive development of international law and its codification.

While progress has been made in some fields, including human rights conventions where our own record of ratification is abysmal, we and others have failed to demonstrate the political will to develop and utilize international law and legal institutions in the peaceful settlement of disputes. We have not fully honored our commitment to the spirit or the letter of the United Nations Charter to "Refrain from the threat or use of force against the territorial integrity or political independence of any state." Article 2, section 4.

Likewise, we have failed to make full use of the excellent provisions of chapter VI covering the Pacific Settlement of Disputes. The very first article quite clearly makes it mandatory for member states to seek a solution for any dispute likely to endanger international peace and security through numerous peaceful means as a first resort. Article 33, section 1 reads:

> The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

I believe that we in the Congress can play a significant role in this regard by

putting the executive branch on notice that we expect the United States to honor its commitments under the U.N. Charter and will support specific actions to this end even when they prove unpopular with some Americans. As responsible legislators, we in the Congress should be the first to support our President when he acts to honor both the spirit and the letter of the Charter of the United Nations.

I am proud to have served as a representative to the U.N. and am proud today to serve with my distinguished colleague in the other body, Senator ALAN CRANSTON of California, as cochairmen of the United Nations Committee of Members of Congress for Peace Through Law.

I commend the members of the legal profession around the world for their promotion of World Law Day through their World Peace Through Law Center in Geneva, Switzerland.

The President's proclamation follows:

WORLD LAW DAY, 1970

At a time when a few men and women in many countries are reaching beyond legal forms in pursuit of their goals, it is more important than ever for the vast majority to reaffirm their commitment to the processes of law. But it is not enough that we merely defend the law as we have known it in the past: we must also work to build up rule of law—and to extend its influence in international affairs as well as in our national life.

One way in which the rule of law in world affairs can be encouraged is through stronger efforts to improve and modernize international legal education. The designation of 1970 as International Education Year by the United Nations General Assembly underscores the importance of this effort.

By directing the attention of men and women in all parts of our planet to the need for legal procedures and to their potential for resolving conflicts, we can do much to advance the day when mankind achieves a lasting world peace.

Now, therefore, I, Richard Nixon, President of the United States of America, do hereby proclaim November 25, 1970, as World Law Day. I call on all our people to join in this Sixth International Observance of World Law Day, as sponsored by the Center for World Peace Through Law. I hope that men and women will use this occasion for reflecting on the importance of legal procedures in their daily lives, on ways in which they can enhance general respect for the law, and on methods for making the law a more effective force in international affairs.

In witness whereof, I have hereunto set my hand this thirtieth day of October, in the year of our Lord nineteen hundred seventy, and of the independence of the United States of America the one hundred ninety-fifth.

RICHARD NIXON.

EXCELLENT ELECTRONIC VOTING PROGRAM OF THE WAGGONNER SUBCOMMITTEE

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, during the course of the summer's debate on the Legislative Reorganization Act, a number of us expressed strong views on the need for electronic voting. I set aside my amendment that would have required the development and institution of an electronic voting scheme, following a promise that the House would study the problem and see what it could come up with.

A few days ago, we all received a "Dear Colleague" letter from SAMUEL FRIEDEL, chairman of the Committee on House Administration. This letter detailed the plan he and the Special Subcommittee on Electronic and Mechanical Office Equipment, chaired by JOE WAGGONNER, had worked out.

Mr. Speaker, the committee has done brilliant work. In my view, the plan is excellent.

It provides for 49 miniature voting boxes scattered around the floor of the House. Each Member would be issued an electronic identification card, which he would keep permanently. Upon arriving on the floor, he would insert the card in one of the boxes, and push a button signifying "Yes," "No," or "Present." His individual vote, the running total, and the time remaining in the 15-minute voting period would be displayed on a board that would be consistent with the present esthetics of the Chamber.

A copy of Chairman FRIEDEL's letter follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, D.C., November 20, 1970.

MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR COLLEAGUE: As you may know, the House Leadership has directed the Committee on House Administration to study and develop an approach to a system to handle voting and quorum calls on the House Floor through electronics. The system is being developed by the Special Subcommittee on Electrical and Mechanical Office Equipment under the chairmanship of the Honorable Joe D. Waggonner, Jr., in conjunction with its development of a computerized information system for the House.

To save time and improve the overall accuracy of the voting functions, the House requires a system with optimum reliability, simplicity of operation and conformity to the aesthetic environment of the Chamber. After serious consideration of all the feasible approaches to electronic voting, and visits to some State Capitols, the Committee has developed a sophisticated, reliable systems approach which meets the criteria of time, accuracy and decorum.

In the proposed system, a Member will be recorded on a vote or quorum call by inserting his personalized card (the size of a standard credit card), into any of 49 voting stations located throughout the House Floor, and pressing one of three buttons Yea, Nay or Present. (See attached illustrations 1 and 2.) The Member's vote condition or presence will be stored in a computer for permanent record, available for retrieval at anytime and will be displayed immediately in the Chamber for his verification. A computer printout will be available immediately following the vote. The voting and quorum call periods will be limited to 15 minutes. Members who fail to bring their cards to the floor can, at the end of the 15-minute period, indicate their vote or presence at the "well" microphone and be recorded by the Clerk in a special console.

All 435 Member's names will be displayed alphabetically on the wall behind the press gallery in the Chamber. Two displays for showing the running totals and the time remaining in the voting period will also appear in the Chamber. In order to preserve the present appearance of the Chamber, the names and voting conditions will be located behind opaque panels and will be lit and visible only while a vote is in progress. When no vote is being taken the Chamber would appear just as it does today. The attached illustrations 3 and 4 show how the Chamber would appear while the vote is in progress. Illustration 5 shows the location and appearance of the running totals and time remaining displays.

Because of the visual limitations associated with a full display, a partial display was also considered. A partial display would employ two high quality projectors (loctated in the attic) to project up to 75 names, with vote conditions, at any given time during the voting period. Each grouping of names, identically projected on disappearing screens located on the north and south walls, would appear on the screen for 10 to 15 seconds and repeat until all names have appeared. Running totals and time remaining will also appear on the screens (see attached illustrations 6 and 7).

Your comments on our voting approach and the types of displays outlined, are respectfully requested. We plan to install a sample of a full display in the Chamber soon.

Sincerely yours,

SAMUEL N. FRIEDEL,
Chairman.

SCHOOL BUSING IN NORTH AND SOUTH: A DUAL STANDARD

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, the United Press International moved a story November 16, describing the decision of the New Jersey education commissioner to halt all forced school busing in Trenton begun for the purpose of achieving racial balance. The story points out that the forced busing of 155 elementary schoolchildren "touched off bitterness in the city" and "had led to racial disorders, a state of emergency, and high absenteeism."

This mornings's Washington Post, by contrast, headlines a story on page 1, that six so-called civil rights organizations have accused the Nixon administration of illegally handing out special desegregation funds to Southern school districts, funds aimed at preventing just such disorders, states of emergency, and absenteeism. These self-appointed arbiters of all that is moral, ethical and wise, call this effort a fraud. The contrast between these two stories is the contrast of the still prevalent double standard, of intelligence versus ignorance and I would like to preserve it in the RECORD today by including both these stories following my remarks:

CONTROVERSIAL SCHOOL BUSING IN TRENTON ORDERED HALTED

TRENTON.—White students who had been boycotting Trenton schools will return today according to Ken Carolan, chairman of the Citizens Reaction Committee which spearheaded the boycott.

Carolan said that the decision by state Education Commissioner Carl L. Marburger to ban forced busing for integration purposes, prompted the organization to scrap plans it had to establish a private school and to end the boycott.

The controversial busing program for six schools, had led to racial disorders a state of emergency and high absenteeism.

Marburger enjoined the board Saturday

from continuing its plan to bus 155 elementary school pupils in an effort to achieve racial balance.

The board last month adopted the busing plan by a split vote in response to the orders of Marburger and the state Board of Education to improve racial makeup in the schools of the state through various means, including busing.

Marburger's reversal, in a 26-page ruling, said the local board failed to follow suggestions of the state board in its integration order of last year.

The commissioner said the board failed to involve certain community groups in planning the busing, didn't provide enough information about the plan to parents, students and teachers and enacted the plan under pressure.

The board decided by a one-vote margin last month to use the busing plan. The eleventh-hour decision, however, touched off bitterness in the city, especially in the largely white Chambersburg section.

SIX RIGHTS GROUPS ACCUSE ADMINISTRATION: SCHOOL-FUND FRAUD CHARGED

(By Peter Milius)

Six established civil rights organizations yesterday accused the Nixon administration of illegally handing out special desegregation funds to Southern school districts still "engaging in serious . . . racial discrimination."

They described the $75 million "emergency" desegregation program, the first installment on $1.5 billion proposed by the President over the next two years as "politically oriented" and "a fraud."

Only hours after the six groups issued their report at a press conference here, the House Education and Labor Committee unanimously approved legislation authorizing the full $1.5 billion program.

The committee vote revived the prospect that Congress this year might still pass the program to which Mr. Nixon has publicly assigned high priority. It would be the first federal aid of any size given expressly to reduce racial isolation in the nation's schools.

The committee bill, however, would give less money to the South and more to the North and the West than the President proposed. And its sponsors said last night that they had written in safeguards to prevent abuses of precisely the sort the civil rights groups yesterday complained about.

The six groups said in their report that "a substantial portion" of the present $75 million is being used for general education purposes unrelated to desegregation, and that some funds have gone to "projects which are racist in their conception" or "which will resegregate black students within integrated schools."

Their extensively documented 100-page report cited as one example of a "racist" project a grant to Madison County, Miss., which, the groups said, in its application "described its most 'pressing problem brought about by court-ordered desegregation' as the 'sanitation and personal hygiene of its students.'"

According to the civil rights groups, the application declared that, "'For students to accept close association with the opposite race, a very close watch must be kept on the cleanliness of all aspects of the operation of the school. This is especially true with females.'"

The organizations said that Madison County was subsequently given funds "to hire a female hygienist for each of its four schools."

The Department of Health, Education and Welfare issued a swift reply to the report yesterday afternoon. The reply did not deal with the specific charges made. It stressed instead "the fact that the dual structure of public schools in our nation was finally brought to an end this fall," that "this objective was accomplished with a minimum of violence and disruption," and that "the extent to which the ($75 million) aided in smoothing the way may be immeasurable."

The reply said "the department believes that the support and encouragement which the swift dispatch of these funds, gave to desegregating school districts greatly aided in the transition," and that "the administrators of this program have done a good job, consistent both with the emergency nature of the program and . . . the law that governs it."

The six civil rights groups involved in the report are the American Friends Service Committee, the Delta Ministry of the National Council of Churches, the Lawyers' Committee for Civil Rights Under Law, the Lawyers Constitutional Defense Committee, the NAACP Legal Defense Fund and the Washington Research Project.

Their conclusion was that, "For the most part (the $75 million program) is not helping desegregation" and "may well have the effect of retarding it."

They described it as "yet another broken promise by the federal government," and, to the extent that funds have gone to ineligible districts, "a fraud upon the Congress" and "acquiescence in fraud perpetrated by local school officials."

Congress appropriated the $75 million on Aug. 18. The money was mainly to tide over the 600 Southern school districts that were desegregating this year for the first time and could not wait for Congress to make up its mind on the full $1.5 billion.

Grants totaling $56.1 million have been made so far to 812 school districts, all but 34 of them in the 11 Southern states. The civil rights groups said they visited 295 of the Southern districts, and found 179 "engaged in practices that rendered them ineligible" under anti-discrimination safeguards written into the appropriation or the Department of Health, Education and Welfare's own subsequent and more detailed regulations governing the funds.

The groups said they found 87 other districts whose eligibility appeared "questionable," and that "in only 29—less than 10 per cent—did we find no evidence of illegal practices."

The "illegal practices" they listed were such things as classroom and other in-school segregation (94 "clear cases"), disproportionately black or white faculties (62 clear cases), and public aid to "private segregated schools" (13 "clear" examples).

The groups complained that, in addition to being spent for general education purposes, the funds were spread too thin, with the result that many grants were too small to do much good under any circumstances.

They noted that only a fourth of each grant has actually been released so far. They urged HEW to crack down before distributing the rest, "to retrieve what remains" of the program.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

Mr. PETTIS (at the request of Mr. GERALD R. FORD), for November 24 and 25, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. GUDE) to revise and extend his remarks, and include extraneous matter:)

Mr. FINDLEY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DON H. CLAUSEN, to include extraneous matter with his remarks made today during debate on H.R. 19504.

Mr. STRATTON, to include extraneous material in his statements made today on the highway transportation bill.

Mr. BINGHAM, to insert a letter with his remarks today on the highway transportation bill.

Mr. RANDALL, and to include extraneous material.

Mr. MILLS, to revise and extend remarks made in Committee of the Whole on the bill, H.R. 19504, and to include extraneous matter and certain tables.

(The following Members (at the request of Mr. GUDE) and to include extraneous material:)

Mr. ZWACH.
Mr. MATHIAS.
Mr. WEICKER.
Mr. WYMAN in two instances.
Mr. SMITH of California.
Mr. ANDERSON of Illinois.
Mr. SNYDER in two instances.
Mr. EDWARDS of Alabama.
Mr. ADAIR.
Mr. SCHMITZ in three instances.
Mr. LANDGREBE.
Mr. FINDLEY in three instances.
Mr. BROYHILL of Virginia in two instances.
Mr. LUKENS.

(The following Members (at the request of Mr. BURLISON of Missouri) and to include extraneous material:)

Mr. KARTH in two instances.
Mr. WOLFF.
Mr. LONG of Louisiana in two instances.
Mr. CHARLES H. WILSON.
Mr. MOORHEAD in four instances.
Mr. ABERNETHY in two instances.
Mr. MIKVA in eight instances.
Mr. FISHER in three instances.
Mr. KYROS.
Mr. O'NEILL of Massachusetts in four instances.
Mr. CONYERS.
Mr. DOWNING in two instances.
Mr. STOKES in two instances.
Mr. WALDIE.
Mr. BYRNE of Pennsylvania.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 670. An act to amend section 19 of the District of Columbia Public Assistance Act of 1962;

H.R. 4183. An act to provide that the widow of a retired officer or member of the Metropolitan Police Department or the Fire Department of the District of Columbia who married such officer or member after his retirement may qualify for survivor benefits;

H.R. 9017. An act to amend the District of Columbia Alcoholic Beverage Control Act;

H.R. 10336. An act to revise certain laws relating to the liability of hotels, motels, and

similar establishments in the District of Columbia to their guests;

H.R. 13564. An act to provide that in the District of Columbia one or more grantors in a conveyance creating an estate in joint tenancy or tenancy by the entireties may also be one of the grantees;

H.R. 13565. An act to validate certain deeds improperly acknowledged or executed (or both) that are recorded in the land records of the Recorder of Deeds of the District of Columbia;

H.R. 17970. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

ADJOURNMENT TO MONDAY, NOVEMBER 30

Mr. BURLISON of Missouri. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In accordance with House Concurrent Resolution No. 786, the Chair declares the House adjourned until 12 o'clock noon on November 30, next.

Thereupon (at 4 o'clock and 53 minutes p.m.), pursuant to House Concurrent Resolution 786, the House adjourned until Monday, November 30, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2570. A letter from the Assistant Secretary of the Interior, transmitting a copy of an application by the Tehachapi-Cummings County Water District, Tehachapi, Calif., for a loan under the Small Reclamation Projects Act, pursuant to section 4(c) of the act; to the Committee on Interior and Insular Affairs.

2571. A letter from the Administrator of General Services, transmitting a prospectus revising the authorized courthouse and Federal office building and parking facility at Akron, Ohio, pursuant to 73 Stat. 480; to the Committee on Public Works.

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. FRIEDEL: Committee on House Administration. House Resolution 1264. A resolution relating to the limitation on the number of employees who may be paid from the clerk-hire allowances of Members of the House and Resident Commissioner from Puerto Rico; with an amendment (Rept. No. 91–1628). Referred to the House Calendar.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 17436. A bill to amend the National Environmental Policy Act of 1969, to provide for a National Environmental Data Bank; with amendments (Rept. No. 91–1629). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAREY: Committee on Interior and Insular Affairs. H.R. 19413. A bill to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives; (Rept. No. 91–1630). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of conference. Conference report on S. 2224; with amendment (Rept. No. 91–1631). Ordered to be printed.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 15188. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; with an amendment (Rept. No. 91–1632). Referred to the House Calendar.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 212. A bill to provide for the appointment, promotion, separation, and retirement of commissioned officers of the Environmental Science Services Administration, and for other purposes; with amendments (Rept. No. 91–1633). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):

H.R. 19868. A bill to amend the Internal Revenue Code of 1954 to accelerate the collection of estate and gift taxes, to continue excise taxes on passenger automobiles and communications services, and for other purposes; to the Committee on Ways and Means.

By Mr. FASCELL:

H.R. 19869. A bill to amend title 10, United States Code, to equalize the retirement pay of members of the uniformed services of equal rank and years of service, and for other purposes; to the Committee on Armed Services.

By Mr. HANSEN of Idaho (for himself and Mr. MCCLURE):

H.R. 19870. A bill to provide for the disposition of a portion of the funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of Fort Hall, Idaho; the Shoshone Tribe of Indians of the Wind River Reservation, Wyo.; the Bannock Tribe and the Shoshone Nation or Tribe of Indians in Indian Claims Commission dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367, consolidated, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARSHA:

H.R. 19871. A bill to amend the Railroad Retirement Act of 1937 to provide that an individual's entitlement to retirement benefits under that act or the Social Security Act while he or she is entitled to dependent's or survivor's benefits under the other such act shall not operate to prevent any increases in his or her benefits under the 1937 act which would otherwise result under the so-called social security minimum guarantee provision; to the Committee on Interstate and Foreign Commerce.

By Mr. MATSUNAGA:

H.R. 19872. A bill to amend title 38 of the United States Code to provide, under certain circumstances, for the payment of travel expenses for home visits by veterans undergoing extended treatment in Veterans' Administration medical facilities, and for visits to such veterans by certain relatives if home visits cannot be made by the veterans due to medical reasons; to the Committee on Veterans' Affairs.

By Mr. GAYDOS:

H.R. 19873. A bill to provide a program to improve the opportunity of students in elementary and secondary schools to study cultural heritages of the major ethnic groups in the Nation; to the Committee on Education and Labor.

By Mr. ROGERS of Florida (for himself, Mr. JARMAN, Mr. KYROS, Mr. PREYER of North Carolina, Mr. NELSEN, Mr. CARTER, and Mr. HASTINGS):

H.R. 19874. A bill to amend the Public Health Service Act to provide the public with an adequate quantity of safe water for drinking, recreation, and other human uses, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT:

H.J. Res. 1409. A resolution proposing an amendment to the Constitution of the United States of America providing a 4-year term for Members of the House of Representatives; to the Committee on the Judiciary.

H.J. Res. 1410. A resolution proposing an amendment to the Constitution of the United States of America providing a 4-year term for Members of the House of Representatives; to the Committee on the Judiciary.

By Mr. TAFT:

H. Con. Res. 787. A resolution expressing the sense of the Congress with respect to the attempt to rescue American prisoners of war held captive in a North Vietnamese prison camp; to the Committee on Foreign Affairs.

By Mr. ASHBROOK:

H. Res. 1278. A resolution creating a special investigating committee; to the Committee on Rules.

By Mr. BROYHILL of Virginia:

H. Res. 1279. A resolution relating to the joint Army-Air Force effort to liberate American prisoners of war held captive by North Vietnam; to the Committee on Armed Services.

By Mr. JACOBS:

H. Res. 1280. A resolution; consistency; to the Committee on Public Works.

By Mr. RYAN (for himself, Mr. BURTON of California, Mrs. CHISHOLM, Mr. CONYERS, Mr. ECKHARDT, Mr. FRASER, Mr. KASTENMEIER, Mr. LOWENSTEIN, and Mr. MIKVA):

H. Res. 1281. A resolution expressing the sense of the House of Representatives with respect to the impairment of first amendment freedoms; to the Committee on the Judiciary.

By Mr. STRATTON (for himself, Mr. DANIEL of Virginia, Mr. DICKENSON, Mr. MONTGOMERY, Mr. LENNON, Mr. PELLY, Mr. KUYKENDALL, Mr. NICHOLS, Mr. BELCHER, Mr. DORN, Mr. KING, Mr. HANSEN of Idaho, Mr. CLARK, Mr. BURTON of Utah, Mr. RIVERS, Mr. ABBITT, Mr. MARSH, Mr. POFF, Mr. SATTERFIELD, Mr. BROYHILL of Virginia, Mr. DOWNING, Mr. WAMPLER, Mr. SCOTT, Mr. WHITEHURST, and Mr. EDMONDSON):

H. Res. 1282. A resolution; support for efforts to rescue American prisoners of war incarcerated in North Vietnam; to the Committee on Armed Services.

By Mr. STRATTON (for himself, Mr. HUNT, Mr. WAGGONNER, Mr. ROBERTS, Mr. MOLLOHAN, Mr. FREY, Mr. JARMAN, Mr. HOSMER, Mr. CEDERBERG, Mr. SMITH of New York, Mr. MCEWEN, Mr. BROOMFIELD, Mr. BUCHANAN, Mr. HAGAN, Mr. PIRNIE, Mr. WATSON, Mr. BYRNE of Pennsylvania, Mr. GRIFFIN, and Mr. POLLOCK):

H. Res. 1283. A resolution; support for efforts to rescue American prisoners of war incarcerated in North Vietnam; to the Committee on Armed Services.

By Mr. FINDLEY (for himself, Mr. BEALL of Maryland, Mr. BLACKBURN, Mr. CLARK, Mr. COWGER, Mr. CRANE,

Mr. CUNNINGHAM, Mr. DENNEY, Mr. DEVINE, Mr. FRELINGHUYSEN, Mr. FULTON of Pennsylvania, Mr. FULTON of Tennessee, Mr. DON H. CLAUSEN, Mr. HASTINGS, Mr. HUTCHINSON, Mr. JOHNSON of Pennsylvania, Mr. MAYNE, Mr. MICHEL, Mr. MYERS, Mr. PRICE of Texas, Mr. ROTH, Mr. ROUSSELOT, Mr. THOMPSON of Georgia, Mr. WYMAN, and Mr. ZION):

H. Res. 1284. A resolution; support for efforts to rescue American prisoners of war incarcerated in North Vietnam; to the Committee on Armed Services.

By Mr. FINDLEY (for himself, Mr. RHODES, Mr. SMITH of New York, and Mr. CLEVELAND):

H. Res. 1285. A resolution; support for efforts to rescue American prisoners of war incarcerated in North Vietnam; to the Committee on Armed Services.

By Mr. FINDLEY (for himself, Mr. GROVER, Mr. HORTON, and Mr. WILLIAMS):

H. Res. 1286, a resolution; support for efforts to rescue American prisoners of war incarcerated in North Vietnam; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 19875. A bill for the relief of Giuseppa Allessandrini (nee Belacchi); to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 19876. A bill for the relief of Maria Regina Montenegro-Quintero; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

COL. WALDRON E. LEONARD, THE VETERAN'S VETERAN

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Wednesday, November 25, 1970

Mr. YARBOROUGH. Mr. President, the veterans of this country lost a great and true friend Friday, November 20, when Col. Waldron E. Leonard died.

Colonel Leonard served with millions of American servicemen and then served for them in many important positions with veterans organizations and groups. Knowing first hand the problems of the young man leaving service, Colonel Leonard worked to make the transition from military service to civilian life easier for all who left active duty.

As a veteran, I had a great appreciation for what Colonel Leonard did for all veterans. As a member of the Senate Veterans' Affairs Subcommittee for the past 13 years, and having served 7 of those years as chairman of that subcommittee, I knew firsthand the commitment and the dedication of Colonel Leonard in serving all veterans.

Through the years of working with Colonel Leonard, I got to know him personally. We became friends and close associates, working together to help our veterans.

Mr. President, I had the great honor and sad duty of delivering the eulogy at the Veteran's Memorial Service for Colonel Leonard here in Washington, Sunday, November 23. I ask unanimous consent that this eulogy be printed in the extension of remarks today along with the article "Much-Honored Head of Washington Bureau: W. E. Leonard, Crusader for Veterans" from the Washington Post of Saturday, November 21, and the article "Waldron Leonard Dies; 'Fightingest Veteran'," published in the Washington Evening Star of Saturday, November 21, 1970.

There being no objection, the eulogy and articles were ordered to be printed in the RECORD, as follows:

EULOGY OF COLONEL WALDRON E. LEONARD, DECEASED, BY SENATOR RALPH W. YARBOROUGH

Buddies, comrades, brothers, fellow veterans. The Veterans' Veteran has left us.

Colonel Waldron E. Leonard, 73 years of age, passed away Friday, November 20, 1970, in Alexandria, Virginia. He is survived by his widow, Mrs. Helen T. Leonard, his daughters, Miss Laura Leonard, Mrs. Robert Millan, Mrs. Douglas Gates, a son, W. E. Leonard, of Tyler, Texas, a sister, Miss Helen R. Leonard, of Buffalo, New York, and seven grandchildren.

He lived out the Biblical three score years and ten—with an added three years—but what a life! What a great life for his fellow man. He lived virtually three lives in that one lifetime.

Colonel Leonard was born at Monongah, West Virginia, September 9, 1897. He attended Virginia State Normal School and enlisted in the U.S. Army in March 1917. This enlistment action was typical of his vision, his ability to look ahead and foretell the course of events. Woodrow Wilson called for a Decleration of War on April 6, 1917. Less than a month earlier, Waldron Leonard, not yet 20 years of age, and with no draft law in the land, saw the shape of history to come, and cast his lot with the four million to be inducted later in that War.

When his service ended in March, 1919, he was a Sergeant, First Class. Like so many other veterans of World War I, World War II, and other wars, when his service terminated, he went west—in his case, southwest to Texas.

He went into business in Texas, but with the coming of the Great Depression, acting with that concern for his fellow man that is the hallmark of his life—the hallmark of a great life—he turned to public service in the form of aiding his fellow man. In the early 1930's he became active in Texas with the problem of unemployment, especially unemployment of veterans. You will recall that there was no unemployment insurance at that time, no old age pensions, no Social Security, very little of anything to blunt the heavy blows of unemployment in the early years of the Depression.

Because of that service with unemployed veterans, Waldron Leonard was appointed director of Veterans Affairs for Texas, at Austin, and served for two years.

During these Texas years he was active in the Texas National Guard, winning promotions up to and through the rank of Colonel.

In 1935, he branched out to a broader field of service, coming to Washington with the Department of Agriculture, then moving to the Interior Department as Legislative Director.

In 1945 he left the Interior Department to take a post with the Veterans Center in Washington to aid the 16,000,000 service men and women of World War II in their readjustment after demobilization—an experience he had gone through in 1919, when there was no GI Bill. His own experience aided him greatly in helping hundreds of thousands of other veterans.

For 21 years, he directed the District of Columbia's Department of Veteran's Affairs. He devoted his life to fighting for a fair break for hundreds of thousands of U.S. Servicemen, returning from the battlefields of World War I, World War II, of Korea and of Vietnam. When Colonel Leonard retired from the Directorship of the Veterans Center of the District of Columbia in December in 1965 he was appointed as a consultant to the U.S. Office of Emergency Planning for a year, but all the while, never slackening in his service to the Veterans of the country.

For the past 13 years, it has been my privilege to be a member of the Veterans Subcommitte of the Senate and for seven years of that time, I have served as Chairman. In that 13 years, I saw Colonel Leonard often. He was the most consistent battler for Veterans rights whom I knew in Washington. Commanders of the great national veterans organizations (and I belong to the American Legion, the VFW, and numerous other veterans organizations) come and go. And administrators of the Veterans Administration come and go, but Colonel Leonard keeps on and on and during my years in Washington I observed that he had accomplished more for Veterans than any veteran administrator or any commander of a national veterans organization within my experience. He accomplished much more than many senators, many other people of high rank. I have seen monuments erected to people who accomplished less for their fellow man than Waldron E. Leonard. His life was dedicated to serving his fellow man.

But let another veteran friend who has worked with Colonel Leonard all of his years, all of Colonel Leonard's years since 1945, describe him. Mr. Samuel E. Stavisky describes him as follows:

"Over his lifetime, Colonel Leonard was honored by six Presidents, and more than a score of governors, and he was bestowed with some 200 citations and awards for distinguished service to the veterans. Nonetheless, Colonel Leonard was perhaps proudest of an informal tribute paid him by an ex-GI who dubbed him 'the fightingest veteran for the vets.'"

For the veteran, Colonel Leonard fought apathy, red-tape, and bureaucracy; he fought discrimination at every level. He fought to give the returning GIs a fair break in medical treatment and rehabilitation, in making up for time lost in education and training, in acquiring decent housing and jobs with opportunity. He battled hardest for the disabled veterans and for those veterans who faced the most difficult road back to civilian life because they came from deprived sectors of the U.S.A.

Soon after he was appointed Director of the District Veterans Center in 1945, Colonel Leonard expanded services to handle 400 to 500 veterans daily. He ran the Center not only to serve the veterans of greater Washington, but also for GIs from around the country seeking assistance unavailable elsewhere. It was Colonel Leonard's belief that since Washington is the Nation's Capital, its veterans center there should be available to all ex-GIs, regardless of legal residence.

Much of the legislation for veterans that followed World War II bears the imprint of Colonel Leonard's fair-break philosophy. He persistently lobbied committees and members of Congress for legislation he believed the ex-GIs needed. He fought unyieldingly for years to replace the ramshackle Mt. Alto Veterans Hospital with the ultra-modern