

of NATO, I went to one. I do not have time to travel as much as I would like to, but I went to one through a sense of duty, and as I said this afternoon, I took a very vigorous position there that they must do more. I do not believe I made a dent in their armor, but others were over there on the same mission. I was there in 1968, and others were there then from the Johnson administration, I know that for the last 2 years, at least, we have been very urgent indeed on this matter, and now we have these definite promises and commitments.

I feel encouraged by that. As I have said, I am not willing just to leave them alone. I do not want to fail to insist on their stepped-up contributions. We got them to promise to make modern and to replace many of their tanks. That is not paying money into the Treasury, but it certainly is carrying their part. We had to do all that ourselves in the beginning. This thing started back in 1951, as I recall. I was a new member of the Committee on Armed Services then, and we considered the matter of NATO, whether or not we would go in.

The witness who impressed me the most was a gentleman who impressed many other people with his ability to sell an idea. He was then General Eisenhower, later President Eisenhower. I recall a statement he made then. After outlining all this, he said:

Gentlemen, I believe in this so strongly that I am willing to stake my place in history on the success of the outcome of this alliance.

Well, we went into it. He became the first supreme commander. He was the heart and soul of it, and headed it very successfully. It has been successful ever since. I have no doubt that it was successful by any measure, far more so than anything else we have been able to do in post-World War II in foreign policy and in international affairs.

I dislike to just choke it off here, reduce it by half, put it on half rations, more or less—the favorite offspring of America's contribution in international affairs for peace since World War II.

I think that one of the things that contributes to the current monetary crisis is the matter of confidence, especially as it affects interest rates. We will not improve that confidence now by just pitching this alliance overboard. It is my understanding that there is a chance for better understanding of the financial structure in western Europe. The Common Market is making some progress and is destined to make more.

So I think we have to stay with this thing and do our part until we can do

better, and I believe that they will continue to make contributions.

Mr. President, I yield the floor.

#### ORDER FOR RECOGNITION OF SENATOR WEICKER TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Connecticut (Mr. WEICKER) be recognized tomorrow immediately following the Senator from New York (Mr. JAVITS), rather than immediately following the Senator from Tennessee (Mr. BROCK).

The PRESIDING OFFICER. Without objection, it is so ordered.

#### QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, does any Senator wish to speak further today?

Mr. President, I suggest the absence of a quorum. This will be the last quorum. I put the cloakroom on notice in the event any Senator wishes to come to the floor to make a statement before the Senate adjourns.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### PROGRAM FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. and, following the recognition of the two leaders under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order named:

Senator HUGHES, Senator BROCK, Senator BELLMON, Senator GRIFFIN, Senator JAVITS, Senator WEICKER, and Senator GRAVEL.

Immediately following the remarks of the distinguished Senator from Alaska (Mr. GRAVEL), there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Upon conclusion of the period for the transaction of routine morning business, the Chair will lay before the Senate the unfinished business, H.R. 6531.

Attention is called to the fact that the Pastore rule of germaneness, paragraph 3, rule 8 of the Standing Rules of the Senate, by previous order, will extend

for 5 hours instead of the normal 3 hours, beginning with the laying before the Senate of the unfinished business.

There may be, hopefully, a vote or some votes soon.

#### ADJOURNMENT TO 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 1 minute p.m.) the Senate adjourned until tomorrow, Wednesday, May 12, 1971, at 10 a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate May 11, 1971:

##### DEPARTMENT OF THE INTERIOR

Nathaniel Pryor Reed, of Florida, to be Assistant Secretary for Fish and Wildlife, Department of the Interior.

##### DIPLOMATIC AND FOREIGN SERVICE

E. Ross Adair, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

Bernard Zagorin, of Virginia, to be the representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

##### U.S. ADVISORY COMMISSION ON INFORMATION

The following-named persons to be members of the U.S. Advisory Commission on Information for the terms indicated:

For a term expiring January 27, 1973:

Frank Stanton, of New York.

Hobart Lewis, of New York.

For a term of 3 years expiring January 27, 1974:

James A. Michener, of Pennsylvania.

##### DIPLOMATIC AND FOREIGN SERVICE

The nominations beginning Darrell D. Carter, to be a Foreign Service Information officer of class 1, and ending Mrs. Katherine K. Young, to be a Foreign Service Information officer of class 6, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on Mar. 25, 1971;

The nominations beginning John George Bacon, to be a Foreign Service officer of class 1, and ending Matthew P. Ward, Jr., to be a Foreign Service officer of class 6, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on Mar. 25, 1971; and

The nominations beginning J. Donald Blewins, for appointment as a Foreign Service officer of class 3, a consular officer, and a secretary in the diplomatic service of the United States of America, and ending Michael M. Sherman, to be a consular officer of the United States of America, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on Mar. 25, 1971.

## HOUSE OF REPRESENTATIVES—Tuesday, May 11, 1971

The House met at 12 o'clock noon.

Rabbi Oscar L. Bookspan, Temple Hillel B'Nai Torah, West Roxbury, Mass., offered the following prayer:

ברוך אתה יי אלהים מלך העולם שהחלק מחמתו לכשר ידים

Blessed art Thou, O Lord, who has

imparted of Thy wisdom to mortals that they administer the welfare of our country. In these difficult and soul-stirring times, we invoke Thy guidance and inspiration upon those charged with the overwhelming responsibility of directing the affairs of this Nation

To keep America as the land of free-

dom and equal opportunity for all its citizens, bent upon righteousness, and provide justice with mercy for all its inhabitants, our dedicated Members of Congress need vouchsafed unto them wisdom equal to their task, courage equal to their resolve and mastery equal to the enormity of the problems. Crown their

efforts with success, O God, that all our people be blessed with peace, both within and without our borders—that peace which enables every man to sit under his vine with none to make him afraid. Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

#### 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.

#### THE JOHN W. McCORMACK ANNUAL AWARD OF EXCELLENCE TO CONGRESSIONAL EMPLOYEES—1970—TO LEWIS DESCHLER, PARLIAMENTARIAN

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

Mr. BOGGS. Mr. Speaker, I was very privileged along with the Speaker and other Members of the House to attend a ceremony a few minutes ago at which time the distinguished Parliamentarian, Hon. Lewis Deschler, was presented the first John W. McCormack Award for Excellence.

Mr. Speaker, you will recall that the employees of the House of Representatives, working with our former Speaker, established this award last year. I am happy to see Speaker McCormack in the Chamber today. I might add that since his retirement, this is the first visit that Speaker McCormack has made to this Chamber, which he graced for so many years with his dedicated service. We are happy to see his health is good and Mrs. McCormack's health is improved. We are all indeed happy to see him here today.

Mr. Speaker, and I think it is fitting that we honor Lew Deschler in presenting him this award. I know of no man who has made a greater contribution to this body than Lew Deschler. He has been an invaluable aid to nine Speakers of the House of Representatives and has been of great help to the chairmen of the committees of this body. He gives of his time and his efforts to every Member of the House of Representatives and we all seek his aid day in and day out.

So, Mr. Speaker, I am very happy to join in paying this very small but very sincere and most deserved tribute to the great Parliamentarian of this body, Hon. Lewis Deschler.

Mr. ALBERT. Mr. Speaker, I am delighted to join all the Members, officials and employees of the House in congratulating our great Parliamentarian, Lew Deschler, on becoming today the first

recipient of the John W. McCormack Annual Award of Excellence for congressional employees. No person, Member, or employee of the House, in all its history, could be more deserving of this award than Lew. A parliamentarian who stands above all others in his profession, he is also one of the wisest men I have ever known.

I have another reason for expressing joy on this occasion. It has brought our great former Speaker, John McCormack, back to us for his first visit of the 92d Congress. It was John McCormack who bestowed the award on Lew Deschler. No one else could so appropriately have done this.

John, we welcome you back—all of us. I especially welcome you for your friendship, for your tutelage of me over the years, and for your greatness as a Congressman, a Speaker, and an American. The day never passes but what I long to have you by my side as I tackle some of the problems which you mastered over the years. Welcome home, Mr. Speaker, welcome home.

#### GENERAL LEAVE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that all Members today may have permission to revise and extend their remarks with respect to the visit of the former Speaker of the House, the Honorable John McCormack, and also with respect to the award to our distinguished Parliamentarian, Lew Deschler.

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

There was no objection.

#### PERSONAL EXPLANATION

Mr. KOCH. Mr. Speaker, yesterday I had to be in New York to attend a meeting of the Congress of Senior Citizens of Greater New York to discuss the pending health bill, H.R. 22. More than 2,000 senior citizens were present. Had I been present, I would have voted "yea" on H.R. 5638.

#### THE TRIALS OF THE SOVIET JEWS BEGIN

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

Mr. KOCH. Mr. Speaker, according to reliable sources, the trials in the Soviet Union of Soviet Jews now detained in the jails of Leningrad, Kishnev, and Riga are due to begin this week.

In order to ascertain what the facts are, I made a trip to the Soviet Union on March 29, returning on April 6. I visited the families of Lev N. Yagman and Lassal S. Kaminsky. Having spoken with the wives of these two men, it was an even greater shock to see their names listed in the New York Times of May 10 as being the first scheduled to be tried.

What is the crime of the 25 imprisoned Jews? No one knows specifically because

the charges have not been announced publicly nor even conveyed to their families. But, among those working closely with this case, it is believed that the 25 Jews were arrested for allegedly having hand copied and photographed Jewish and Hebrew translations of textbooks for their children and because they had stated a wish to emigrate to Israel by petitioning the United Nations for help.

I urge President Nixon, as well as leaders of all other countries, to communicate with First Secretary Brezhnev of the Soviet Union urging his intercession on behalf of these 25 men and women now awaiting trial.

The Soviet Union does respond to world opinion. The families of Lev Yagman and Lassal Kaminsky knew full well that it was very dangerous for them to meet with me and yet they had no hesitation in doing so because they realized that, only if world opinion is aroused, will the Soviet Union relent and free these men and women and perhaps even permit their emigration.

A greater number of Jews have been permitted to emigrate from the Soviet Union this year than ever before because of aroused public opinion. Of course, the number allowed to go, as compared to the total wishing to leave, still remains very small.

The names of those nine now awaiting trial in Leningrad are: Gilya I. Butman; Lev N. Yagman; Lev N. Korenblit; his brother, Mikhail; Lassal S. Kaminsky; Vladimir O. Mogilever; Solomon G. Dreisner; Viktor N. Boguslavsky; and Viktor Shtilbans.

Those scheduled to be tried in Riga on May 24 are: Ruth Alexandrovich, Boris Mastzir, Mikhail Shepshelovich, and Arkady Shpielberg.

Mr. Speaker, as I left the families of Lev Yagman and Lassal Kaminsky, their final plea to me was "help us, help us." This plea really is addressed to the people of the world. Men and women of every country should respond and add their voices in opposition to the great injustice being committed by the Soviet Government.

The way our fellow citizens can do this is to write their own letters to the Soviet Ambassador to the United States, Anatoly F. Dobrynin—at 1125 16th Street NW., Washington, D.C.—urging his intercession with Soviet officials to have these 25 men and women freed immediately.

#### AMERICAN CITIZENS AIDING IN ASSAULT ON THE DOLLAR IN EUROPE

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

Mr. HANNA. Mr. Speaker and Members of the House, I should like to bring to the attention of this body a situation I am sure Members have all casually observed; that is, the action in the monetary system and the assault upon the dollar abroad.

I am most unhappy to report to this body today that a part of that assault

was made by our own citizens. I am even more unhappy to announce that they were aided in that assault by funds borrowed from U.S. banks here, and they used that money out of our economy to join in the attack upon the dollar in the monetary markets abroad.

We were not very friendly disposed toward those who attacked this House and the operation of the Government in Washington. It seems to me as fully unpatriotic of our citizens to take their dollars and borrowed money from this economy and then assault our dollar abroad; and I would hope that the Secretary of the Treasury and the Federal Reserve will take note of these facts.

Today's Wall Street Journal indicates that some restraints on private capital flowing abroad are called for. Particularly where such flow is for pure speculation in currency which compounds the ordinary problems of adjustment.

Banks of all sizes should be warned against speculative loans. Income tax forms should require special reporting of gains leading from currency speculation. I call upon this House and all agencies of Government to discourage and penalize those who for personal greed and private gain exploit the money markets abroad to the total disadvantage of our national policy and our dollar position.

Such persons as practice these pursuits and those that aid and abet them are as questionable as to their patriotism as the young radicals who attempted to halt the

operations of Government here in Washington.

#### ON A U.S. WITHDRAWAL FROM VIETNAM

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

Mr. JACOBS. Mr. Speaker, the following is the language of House Resolution 319, which I introduced on March 17, 1971. I was hoping it might catch the attention of the administration:

H. RES. 319

Whereas the President of the United States on March 4, 1971, stated that his policy is that: "as long as there are American POW's in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

Whereas Madam Nguyen Thi Binh, chief delegate of the Provisional Revolutionary Government of the Republic of South Vietnam stated on September 17, 1970, that the policy of her government is "In case the United States Government declares it will withdraw from South Vietnam all its troops and those of the other foreign countries in the United States camp, and the parties will engage at once in discussions on:

"—the question of ensuring safety for the total withdrawal from South Vietnam of United States troops and those of the other foreign countries in the United States camp. —the question of releasing captured military men."

Resolved, That the United States shall

UNEMPLOYMENT IN CONNECTICUT BY AREA—APRIL 1971

	April 1971		March 1971		April 1970		April 1971		March 1971		April 1970		
	Number	Ratio to labor force (percent)	Number	Ratio to labor force (percent)	Number	Ratio to labor force (percent)	Number	Ratio to labor force (percent)	Number	Ratio to labor force (percent)	Number	Ratio to labor force (percent)	
State totals <sup>1</sup> .....	118,900	8.4	119,300	8.5	63,600	4.6							
Bristol.....	5,500	21.5	5,200	21.0	2,100	8.6	Danielson.....	2,200	9.6	2,400	10.5	1,300	5.8
Ansonia.....	2,300	13.3	2,300	13.3	1,000	6.0	Middletown.....	4,600	9.6	4,500	9.7	2,300	5.1
New Britain.....	6,700	12.1	6,400	11.9	3,000	5.6	Norwich.....	2,100	8.1	2,300	9.0	1,400	5.6
Torrington.....	4,400	12.1	4,800	13.1	2,500	7.5	Norwalk.....	4,200	7.9	4,200	7.9	2,000	3.6
Waterbury.....	10,200	11.0	10,600	11.4	6,300	6.8	New Haven.....	13,500	7.2	13,400	7.2	7,600	4.2
Meriden.....	5,800	10.9	6,000	11.3	2,700	5.3	New London.....	3,800	6.5	3,300	5.8	2,600	4.4
Bridgeport.....	18,000	10.2	17,800	10.1	9,700	5.5	Hartford.....	23,500	6.4	23,400	6.5	12,600	3.5
Danbury.....	5,000	9.9	5,100	10.3	2,500	5.1	Willimantic.....	1,400	6.1	1,500	6.7	1,000	4.5
							Stamford.....	5,700	5.7	6,100	6.1	3,000	3.1

<sup>1</sup> Revised.

<sup>2</sup> State totals may not agree with the sum of the area totals due to rounding.

#### ANNOUNCEMENT OF HEARINGS ON IMPLEMENTATION OF THE VOTING RIGHTS ACT

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

Mr. EDWARDS of California. Mr. Speaker, I would like to announce that the Civil Rights Oversight Subcommittee of the Committee on the Judiciary has scheduled a series of public hearings on the implementation of the Voting Rights Act. These hearings will commence on May 26, 1971, at 10 a.m., room 2141, Rayburn House Office Building.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, House of Representatives, room 2317, Rayburn House Office Building.

#### RUMANIAN INDEPENDENCE

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

Mr. VIGORITO. Mr. Speaker, the 10th of May is a time of great importance for Rumanians and Americans of Rumanian descent. The 10th of May celebrates three great events in Rumania's history. On that date in 1866, Charles, a Prince of the Prussian royal family, was proclaimed Prince of Rumania, thus forming the Rumanian dynasty. On May 10, 1877, the Principality of Rumania proclaimed her independence from the Ottoman Empire. And on May 10, 1881, Charles I was crowned King of Rumania, establishing Rumania as a kingdom.

The 10th of May remains the symbol of Rumanian perseverance under the hardships of Communist rule. The Com-

forthwith propose at the Paris peace talks that in return for the return of all American prisoners held in Indochina, the United States shall withdraw all its Armed Forces from Vietnam within sixty days following the signing of the agreement: *Provided*, That the agreement shall contain guarantee by the Democratic Republic of Vietnam and the National Liberation Front of safe conduct out of Vietnam for all American prisoners and all American Armed Forces simultaneously.

#### GAME PLAN BRINGS RECORD UNEMPLOYMENT

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

Mr. MONAGAN. Mr. Speaker, the attached unemployment statistics for the State of Connecticut for the months of March and April 1971 and April 1970 were received by me yesterday.

These statistics hardly bear out the contention of the President and his administration that the economy is on the upward swing. In fact these shocking statistics, where nearly every major city in the State has an unemployment rate of well over 6 percent, demand action and prompt action at that.

This is further evidence that the administration game plan is not working and that other more effective measures are needed and needed soon to terminate this recession and bring back adequate employment and economic activity.

munists have oppressed the Rumanian nation, but they have not been able to uproot the people's faith and courage; faith and courage resulting from their heritage, faith, and courage which sustain them today.

The brave people of Rumania deserve our abiding interest and support until the day when freedom is restored to them. I therefore salute the Rumanian people on this, their day of Independence, May 10.

#### TROOP WITHDRAWAL FROM EUROPE WOULD AID IN DOLLAR CRISIS

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

Mr. PUCINSKI. Mr. Speaker, I listened

with great interest to the remarks of our colleague from California regarding the dollar crisis in Europe.

It is quite obvious that this dollar crisis could be resolved relatively simply by pulling our American troops from Europe. We have had large numbers of troops in Germany for some time now. These troops constitute a great burden to the American taxpayer and have served as substantial aid to bolster Germany's economy. But I do not believe we need them in Europe any longer.

Our Defense Department has established that it can move a whole division, with all equipment, in less than 12 hours, by airlift from North Carolina to any point in Europe should the need ever arise—and I pray it never will.

We could save from \$3 billion to \$4 billion of American dollars right now by pulling our troops out of Europe. So long as there are surplus dollars in Europe and they do not need the economic propping up we have been giving them for these years, we ought to start pulling the troops out now.

We also ought to start paying German nationals who work for the American military in Europe with German marks from our counterpart funds, instead of using 180 million American dollars annually for this payroll in Germany.

Finally, Mr. Speaker, we should demand that the 20 billion American dollars Germany now has, and which is creating this dollar surplus, should be used to pay the \$30 billion German debt outstanding to America since World War I.

It seems to me, so long as there are surplus American dollars in Europe, we ought to start pulling some of that money home, where help is urgently needed.

#### INTERNATIONAL RAILROAD PASSENGER SERVICE

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

Mr. PICKLE. Mr. Speaker, I think we are seeing definite signs of progress in getting an international railroad passenger service between Mexico and the United States through the Laredo gateway.

Hopefully, sometime next week we can have a meeting with Amtrak officials, representatives from the U.S. Department, Mexican Government officials, and Members of the Texas delegation in Congress.

I view this as progress.

Also, I can report to you that the Mexican Government is very interested in pursuing this international service. And, if for no other reason than the obvious international ramifications, I think we should move ahead in adding railroad passenger service on the U.S. side of the border from Laredo, north through the urban corridor of Texas and connecting in Dallas with service on to Chicago.

Last week, I met informally with the general manager of the National Rail-

ways of Mexico, Mr. Victor Manuel Billa-senor. Although we were both speaking unofficially, I came away from the meeting impressed with the enthusiasm and high interest of the Mexican Government in initiating railway passenger service between our nations. Already, Mexico is running passenger service from Monterrey through Mexico City and to the border at Laredo.

Our goal is through service between our nations. In this day of modern technology, it can and should be done.

#### TUNE IN RESPONSIBILITY

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

Mr. CONABLE. Mr. Speaker, I have an alarm clock radio, set to a "news" program. It is a bad way to start out the day, listening to an early morning catalog of society's woes, the brutalization of civilization, the deficiencies of the Nation's leadership and the drumbeat of partisan politics. I do not know how the American people can survive if they do not tune at least part of this unhappiness out. This morning I decided I was going to try to do so, in any event, and I reset my radio to a music program.

I am scarcely an unprejudiced observer. I support the President, and so harbor a presumption in favor of his leadership. He is the only man who can speak effectively for the country for some time to come. Most of the people making news by attacking the administration and our institutions of Government are scarcely unprejudiced either, since they are announced or unannounced candidates for President, seeking attention by dramatizing charges or accusations. We cannot expect people whose possible political success must be built on rejection of our present leadership to be quiet, but we would better see them for what they are if we are to keep our perspective about our democratic system. They have to be answered on occasion, but for the most part I urge Americans to tune them out until such time as the opportunity for decision is a real one. Then that decision should be made on the record of accomplishment or failure rather than on a climate created by the constant babble of posturing headline seekers trying to attract attention by running down the credibility of those who now have the real responsibility of Government.

#### STATE COMPROMISING SALT

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

Mr. SCHMITZ. Mr. Speaker, a recent column by Chicago Tribune reporter Willard Edwards brought out the fact that the Department of State is refusing to release the essential document in a former Foreign Service officers grievance hearing.

Mr. John D. Hemenway is attempting to have what he considers to be false accusations removed from his Foreign Service record. The Department of State refuses to release a part of the one document which is the key to the whole case.

The Department of State obstinately and, according to the chairman of the grievance committee, "arbitrarily" refuses to turn over the full report of the two-man special panel former Secretary Rusk entrusted with reviewing Hemenway's case.

This would hardly seem to coincide with the best interests of justice and, in this case, may well be inconsistent with U.S. security needs. One of the men who authored this report which the Department of State continues to withhold, for various changing reasons, from both the official grievance committee panel and Mr. Hemenway is presently assigned to our negotiating team at SALT. Ambassador J. Graham Parsons, deputy to the U.S. representative at the Strategic Arms Limitation Talks, is the coauthor of the report which the State Department refuses to release.

Here we have a case where they have entrusted Ambassador Parsons with a mission which could have the greatest bearing on the future of our Nation while, on the other hand, they proceed to cast grave doubts on his objectivity and judgment by attempting to bury, for no good reason whatsoever, a document which he coauthored.

I will insert the column by Willard Edwards in the Extensions of Remarks section of the RECORD.

#### ANNUAL REPORTS OF THE PACIFIC NORTHWEST, THE SOURIS-RED-RAINY, THE GREAT LAKES AND THE NEW ENGLAND RIVER BASIN COMMISSIONS FOR FISCAL YEAR 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-110)

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 Interior and Insular Affairs and ordered to be printed with illustrations:

#### To the Congress of the United States:

I am pleased to transmit the annual reports of the Pacific Northwest, the Souris-Red-Rainy, the Great Lakes and the New England River Basin Commissions for fiscal year 1970.

These commissions were created under the Water Resources Planning Act of 1965 which provides for the establishment of commissions, composed of State and Federal members, if requested by the Governors of the States involved. The primary responsibility of these commissions is to plan for the best use of water and related land resources in their respective regions.

I recently signed an Executive Order setting up a Federal-State commission for the Ohio River basin. With the establishment of this new commission, 27

States containing over 50 percent of the population of the United States are now participating in Federal-State cooperative planning through river basin commissions. The documents which I am transmitting tell the impressive story of these cooperative activities and describe the new challenges which the commissions now confront.

RICHARD NIXON.  
THE WHITE HOUSE, May 11, 1971.

#### CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. 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. 86]		
Abernethy	Gallifanakis	Nix
Ashley	Gallagher	O'Hara
Barrett	Green, Pa.	Poff
Bell	Griffin	Price, Tex.
Bevill	Halpern	Rangel
Blanton	Hawkins	Rees
Brooks	Heckler, Mass.	Reid, N.Y.
Carey, N.Y.	Hillis	Riegle
Celler	Hollifield	Roy
Clay	Hutchinson	Runnels
Colmer	Jarman	Scheuer
Corman	Johnson, Pa.	Sikes
Diggs	Jones, Tenn.	Skubitz
Dowdy	Kee	Staggers
Eckhardt	Long, La.	Steed
Edmondson	McCulloch	Stratton
Edwards, La.	Mayne	Terry
Evans, Colo.	Miller, Ohio	Wiggins
Fish	Mink	Wilson, Bob
Ford,	Montgomery	Wylie
William D.	Murphy, N.Y.	Yates

The SPEAKER pro tempore (Mr. MILLS). On this rollcall 369 Members have answered to their names, a quorum.

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

#### SECOND SUPPLEMENTAL APPROPRIATIONS, 1971

Mr. MAHON. 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. 8190) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Ohio (Mr. Bow) and myself.

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

There was no objection.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House

on the State of the Union for the consideration of the bill H.R. 8190, with Mr. ASPINALL in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Texas (Mr. MAHON) will be recognized for 1 hour, and the gentleman from Ohio (Mr. Bow) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas (Mr. MAHON).

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

Mr. Chairman, I think this is a good time to give a general report on the appropriation bills.

#### PROGRESS ON THE FISCAL YEAR 1972 APPROPRIATION BILLS

Since early in the year the Committee on Appropriations, with its 55 members and 13 subcommittees, has been conducting hearings on the annual appropriation requests for the forthcoming fiscal year which begins on July 1, about 7 weeks from today. We have completed hearings on some of the bills and are well along on others.

I would like to say to the House that the committee will be bringing the bills to the House in an orderly fashion during the months of June and July, and we hope to be able to pass all of the regular annual appropriation bills during the months of June and July unless, perhaps, we fail to get authorization on one or two of the bills. But I did want the House to know we are soon to begin to move the annual appropriation bills for fiscal 1972 into the House and over to the other body.

#### THE APPROPRIATION BILLS FOR FISCAL YEAR 1971

As the current fiscal year draws to a close—and it ends on June 30, next month—I think this is a good time to take some stock of what we have done appropriation-wise, or perhaps I should say to point out what we have done on appropriation bills thus far for the fiscal year which ends, as I said, next month.

The pending bill, relating almost entirely to the fiscal year 1971, is the last scheduled appropriation bill dealing with the current fiscal year 1971.

I would like to say that, in my judgment, the Congress, in the overall, has exercised considerable restraint in respect to the appropriation bills for the current fiscal year. In the appropriation bills, in respect to fiscal 1971, we reduced the President's budget requests for appropriation by about \$1.7 billion. That was in the last session, but relating to fiscal 1971. Some will not especially applaud this, but nevertheless in the overall, we have exercised some considerable restraint. We have made some increases and some decreases, but in net sum we are approximately \$1.7 billion below the President's requests for appropriations, in the appropriation bills relating to fiscal 1971. I am not counting the pending bill.

#### THE BUDGET GENERALLY AS TO FISCAL YEAR 1971

I should also say that in nonappropriation bills which mandate or provide for spending we are in some instances considerably over the President's budget. That may require some explanation. For example, the Congress in its wisdom decided that the administration's requests for increased benefits in social security should be increased. There have been increases made which have mandated spending above the President's budget in the field of social security. That increase will total for the current fiscal year probably about \$600 million. This is through action of the Congress in increasing the President's spending budget.

There have been other elements of increase above the President's original budget for fiscal year 1971. However, I must say that the bill before us today does not increase the President's budget; it decreases the request made by the President.

The original budget, submitted February 2 of 1970, was amended and supplemented by the President in various respects. One had to do with increases in pay of Federal workers, proposed back in April 1970. There were other changes.

But as I say—and I repeat—in appropriation bills, in the overall, we have held the line quite well—or quite poorly, judging from one's own standpoint—by reducing the President's budget requests for appropriations relating to fiscal 1971 as of now by about \$1.7 billion.

#### THE SWING FROM A SURPLUS TO A DEFICIT—FISCAL YEAR 1971

I regret to report that, speaking fiscally, we have had a very disastrous fiscal year. There were rosy estimates made when the original 1971 budget was submitted in February 1970.

In the original budget, the President estimated that for the current fiscal year which ends next month, the budget would be in the black by about \$1,300,000,000. This was rather encouraging to me and it was hoped that this could be achieved. Certainly, in the appropriation bills we have not upset the apple cart, I should say.

But, we have fallen upon evil days fiscally and instead of being in the black about \$1,300,000,000 for the fiscal year 1971 which ends next month, this Government is going to be in the red by at least \$18.6 billion according to the most recent unified budget updating. If we consider the Federal funds budget alone, we are going to be in the red by more than \$25 billion, again according to the most recent budget updating. This is not a very rosy picture. It is by no means the kind of picture that was sketched in the original fiscal 1971 budget. But it is a harsh reality of life that for the current fiscal year, we are going to be in the red in Federal funds by \$25 billion plus—which means we are going to increase the national debt by more than \$25 billion this year. By all estimates which are to be relied upon, we will increase the national debt again next year by the same, or probably even a larger sum.

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

Mr. MAHON. I yield to the gentleman from Minnesota.

IMPOUNDED FUNDS

Mr. FRASER. Mr. Chairman, I wonder in the estimates of the \$25 billion deficit, and that is excluding the trust accounts, where the \$12 billion is that has been frozen by the administration. How does that \$12 billion figure appear in these totals?

Mr. MAHON. The expenditures that would relate to that \$12 billion are taken into account. Of course, if the \$12 billion plus which has been withdrawn or withheld from expenditure—not permanently perhaps—but which has been impounded for the present, if all of that should be released and obligated and expended this would, of course—and this is not possible, of course, in the brief time before the fiscal year ends—this would increase the national debt additionally by about \$12 billion, as the gentleman knows. But this, of course, cannot be done in the brief period of time remaining in the fiscal year 1971. I join with others in urging the release of certain impounded funds.

According to information from the executive branch, I believe that only about \$1.7 billion of the \$12 billion plus relates to 1971 funds. Most of the impounded funds were appropriated or otherwise made available in years prior to fiscal 1971. For example, about \$5.8 billion of the impounded funds are in the Federal-aid highway fund. A large share of that money was, I believe, impounded during the Johnson administration; it is a carryover from earlier years. But I think that in some respects there has been an undue and an inappropriate use of the power not to expend money by the administration. I join with others in trying to get a selected release of those funds, as I think the gentleman knows. This is about where we stand.

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

Mr. MAHON. I yield to my friend, the gentleman from Ohio.

Mr. BOW. Mr. Chairman, the gentleman said there is a selected list that he believes should be released from the impounded funds. I wonder if the gentleman can tell us at this time what that selective list is and the items he believes ought to be released from the impounded funds?

Mr. MAHON. I would not place high on the priority a release of all highway funds. I would release some of the hospital funds that may have been im-

pounded—they might be released. I would say that funds for public works which have been provided by the Congress in the public works appropriation bill, which total somewhat less than \$100 million, might be released.

I would add for the record that I do not have the precise list of impounded funds before me at the moment.

There may be one or two other areas that would be candidates for releases.

I am not talking in terms of releasing \$12 billion or anything like that sum.

For example, certain funds for drought relief in the drought disaster areas were impounded. I would think that those kinds of funds should be released. I am talking about certain areas in which the impounding procedure has not been handled as wisely as it might have been.

Mr. BOW. I would like to point out to the gentleman, if he would yield further—

Mr. MAHON. I am glad to yield to the gentleman from Ohio.

Mr. BOW. From my study of the detail in relation to impounded funds, I can say I know of no funds that have been impounded for hospitals to be built under the Hill-Burton Act. There has been a lot of talk about impounded funds. It has been going on for years. I know we have on this side complained about it at times when there was somebody else down at 1600 Pennsylvania Avenue. This is something that goes on in great discussions at times.

I do not know of any funds for hospitals under the Hill-Burton Act that have been impounded. As to other areas, the gentleman has suggested maybe \$100 million. Perhaps he can get that figure.

Mr. MAHON. I was speaking in relation to public works.

I would suggest another example, Rural Electrification Administration loans. There has been a withholding there of \$25 million I believe. That is not a large amount. I would consider that as a good candidate for release. For certain housing programs, not all of the funds, but a portion of the funds for them could be released. But this is a matter that we cannot decide and determine under the bill before us.

Mr. BOW. I agree with the gentleman. I would like to make the observation at that point, in relation to some of these funds, for example, for housing and some other funds that have been appropriated, the recipients do not have any plans. Plans have not been submitted by the municipalities or by the people to whom these funds would go. So there is no

chance to release funds to them until plans have finally been submitted by the people who would be the recipients.

Mr. MAHON. In one of the procedures set up by Congress there is the basis or predicate for the orderly release of funds and, of course, funds should not be released under our system until they are ready to be utilized.

I think that this is a subject about which there has been considerable misinformation, but I do think that a better job with respect to certain items and certain funds could have been done, and I trust that certain corrections will be made in the near future. As I understand it, some considerable portion of the funds currently impounded will be released on or about July 1—not all of them, but portions. Some portions, of course, are scheduled for use in the 1972 budget.

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

Mr. MAHON. I yield to the distinguished gentleman from North Carolina.

RELATION OF BUDGET OBLIGATING AUTHORITY AND SPENDING

Mr. JONAS. I do not care to prolong the colloquy on this particular subject, but I think it would be appropriate at this time, since there seems to be a continuing misunderstanding about the difference between the spending program and the appropriations program, for the chairman of the committee to explain that we appropriate funds this year, some of which may not be spent for several years in the future, and I think the Membership generally and those who read the Record should again be reminded of the fact that there is not any direct relationship between a spending program in a particular year and the amount of new obligational authority granted in that particular year.

Mr. MAHON. The gentleman is correct. I have a great deal of information before me on this subject which I shall not undertake to repeat at this time, but I shall get unanimous consent to place in the Record a statement clarifying this situation and explaining the matter which the gentleman has presented to the House in this colloquy.

Mr. Chairman, under leave to extend, I include certain tabular and explanatory material concerning the matters of unexpended carryover balances and the relation of appropriations or budget authority to expenditures in a particular fiscal year. There are more details in the budget documents, but I trust the following will be helpful.

THERE ARE ALWAYS LARGE CARRYOVER BALANCES—BOTH OBLIGATED AND UNOBLIGATED

[In billions of dollars]

	Federal	Trust	Total		Federal	Trust	Total
A. Relation of appropriations to spending (outlays):							
Fiscal year 1972, a typical year:							
1. Unexpended balances from fiscal year 1971 and prior years (both obligated and unobligated).....	*143.1	*116.4	*259.5	5. Less: Availability expiring, fiscal year 1972....	-3.0		-3.0
2. Plus: New appropriations requested for fiscal year 1972.....	184.9	64.1	249.0	6. Equals: Unexpended balances, carryovers into future years.....	148.1	128.2	276.3
3. Equals: Total availability, fiscal year 1972....	328.0	180.5	508.5	*B. Obligated/unobligated, as of June 30, 1971:			
4. Less: Expenditures, fiscal year 1972.....	-176.9	-52.3	-229.2	Obligated (estimate).....	74.7	13.3	88.0
				Unobligated (estimate).....	68.4	103.1	171.5
				Total (estimate).....	143.1	116.4	259.5

Source: The Budget for 1972, various pages.

## Unexpended carryover balances

[In billions of dollars]

Unexpended carryover balances of Budget Authority (all kinds), estimated June 30, 1971 (special analysis, p. 97).....	\$259.5
Deduct trust fund balances (obligated, \$13.3 billion; unobligated, \$103.1 billion).....	-116.4
Federal funds balances (obligated, \$74.7 billion; unobligated, \$68.4 billion).....	143.1
Deduct estimate of obligated portions.....	-74.7
Estimated unobligated balances, Federal funds, June 30, 1971.....	68.4
Analysis of unobligated balances, Federal funds, June 30, 1971:	
Defense/civilian:	
Defense military (approx.).....	11.7
Civilian.....	56.7
Total.....	68.4
By broad categories:	
Guarantee and insurance programs (39%).....	26.5
Loan programs (13%).....	9.1
Procurement programs (12%).....	8.4
Construction and land programs (30%).....	20.6
Research and development programs (2%).....	1.3
All other (4%).....	2.5
Total.....	68.4

Source: The Budget for 1972, Special Analysis G.

According to the 1972 budget, total unexpended carryover balances at the beginning of fiscal 1972 will approximate \$259.5 billion—about \$116.4 billion in social security and other trust funds and \$143.1 billion in Federal funds. But some \$74.7 billion of the \$143.1 billion of Federal funds will have been obligated for programs across the Government but not yet actually paid out. The remaining \$68.4 billion, not obligated and not expended, is also in many accounts across the Government.

But of the \$259.5 billion total beginning carryover, trust and Federal funds combined, roughly \$85.8 billion is projected for expenditure (disbursement, that is) in fiscal 1972. The remainder of the carryovers—some \$170.7 billion—(\$173.7 billion less \$3 billion in expiring authority) becomes part of the total unexpended carryover projected into the following year, fiscal 1973.

Roughly then, it can be seen that only about \$143.4 billion of the newly projected outlay total for 1972 (\$229.2 billion, less the \$85.8 billion from carryover) estimated to come from the \$249 billion net new budget authority requested or estimated for that same year of 1972. In other words, the 1972 outlay total involves a little more than half of the new budget authority requested for 1972. Funds appropriated in a given year are expended partly in that year and partly in subsequent years because of long lead-times, construction time, and other factors.

## DIMENSIONS OF ANNUAL ACTIONS ON BUDGET

Budget obligational authority (appropriations, essentially) is the traditional

basis on which appropriation and authorization bills are stated and voted on regardless of the year or years in which the funds are to be actually disbursed in the form of budget outlays.

Thus the \$229.2 billion "outlay" budget for 1972 is not the "action" budget before the Congress. The Congress will not vote on that figure in the various appropriation and other spending and authorization bills relating to fiscal 1972. Congress, in these bills, will be voting on an entirely different basis—the appropriations or new budget (obligational) authority basis. The gross total new budget (obligational) authority proposed or estimated in the January budget for 1972—and this is not as widely known as the more familiar \$229.2 billion outlay estimate—is \$267,437,000,000, gross.

Of that, about \$97,946,000,000 is estimated to become available automatically without action by the Congress this session for such so-called permanent items as interest on the debt and various social insurance trust funds. That leaves roughly \$169,491,000,000 subject to congressional action this year. That is the total in the January budget for 1972, and, like all budgets, is subject to amendments and supplements from time to time.

The January budget for 1972 in respect to budget authority totals; budget outlay totals; and what is subject to annual action and what is not is captured in the following table (using budget figures):

## FISCAL YEAR 1972 BUDGET TOTALS

[In millions]

	New budget authority, 1972 budget requests (estimated)	Budget outlays, 1972 (estimated)
1. Proposed to be available through current actions by the Congress (gross).....	\$169,491	\$122,655
2. To become available without current actions by the Congress (so-called permanent authorizations under laws of earlier years, such as interest on the debt, social security, and other trust funds, etc.).....	97,946	39,225
Subtotal.....	267,437	161,880
3. Outlays from unexpended carryover balances of all kinds (from prior years).....		85,824
Gross total.....	267,437	247,704
4. Deduct offsetting receipts (intrabudgetary transactions to avoid double counting, and "proprietary receipts from the public").....	-18,472	-18,472
Net totals in the 1972 budget.....	248,965	229,232

Note: The details, (but not the net totals) vary from figures in the budget for 1972 because of computer errors, etc.

## THE SWING FROM A SURPLUS TO A DEFICIT

There were miscalculations bringing about the switch from being in the black by \$1.3 billion to being in the red by \$18.6 billion in the unified budget for fiscal 1971, to which I earlier referred.

The largest item that brought about this situation was a short fall in revenues. The Budget estimated a certain

amount of revenues, but it now develops that the estimate of revenues that would raise funds for expenditures was on the high side by about \$7 billion. Then it was estimated about \$18 or \$19 billion would be required to pay interest on the national debt.

But then it developed that interest rates went up so rapidly that it took \$1.5 billion more to pay the interest on the debt than it was estimated would be required. I shall elaborate in the RECORD some of those miscalculations. I am not saying that this administration has set a precedent of miscalculation. All administrations have found it impossible to accurately predict what may develop.

Mr. Chairman, I include a table from page 43 of the hearings on the Budget for 1972, held earlier by the committee, in a summary way to bridge from the that in approximate amounts, undertakes originally projected \$1.3 billion surplus for 1971 to the revised, as of January 29, deficit of \$18.6 billion on the unified budget basis.

I must say that all administrations, including this one, have tended at the beginning of a fiscal year in presenting the state of the budget to present it in a very rosy and optimistic vein, which seldom works out.

This is, generally, the fiscal picture.

## SUPPLEMENTAL AMENDMENTS TO THE SENATE

I should say we notified the Budget not to send to the House for our consideration in this bill certain items, but to send them over to the other body so the other body could handle them, because we wanted to get this bill passed and enacted as soon as reasonably possible. For example, the Secretary of Agriculture notified me over the telephone that a budget estimate for \$65 million would be sent up for disaster loan funds. We suggested that it be sent to the other body. We are strongly in favor of that amount being included in this bill, but we had to have a cutoff date in order to bring this bill before the House.

## THE PENDING SUPPLEMENTAL BILL

What does this bill contain? It is a rather large bill. The request made of us by the administration was for \$7.7 billion. We made a reduction of \$864 million plus, and we present to the Members a bill of \$6.8 billion plus.

Why do we need this money in the closing days of this fiscal year? We need it largely because we have not heretofore financed a lot of the pay raises that have been approved and enacted. So most of it is for pay of personnel.

There is \$250 million to continue the Food Stamp program, and \$32 million is for payment under the Home Ownership and Rental Housing Assistance programs.

Public assistance, which is constantly with us and which is always underestimated by all administrations, is included. We had to bring in a billion dollar supplemental for that.

For pay costs for Federal workers we have recommended \$4.1 billion plus.

There are some major reductions made in the Foreign Operations chapter. That totals about \$457 million.

CHANGES IN THE FISCAL YEAR 1971 BUDGET ESTIMATES BETWEEN ORIGINAL 1971 BUDGET AND REVISED 1971 ESTIMATES IN FISCAL YEAR 1972 BUDGET

	Estimated outlay	Estimated receipts	Estimated surplus or deficit		Estimated outlay	Estimated receipts	Estimated surplus or deficit
Fiscal year 1971 budget as submitted in February 1970	\$200,771,000,000	\$202,103,000,000	+\$1,331,000,000	Legislation affecting the budget (including inaction):			
Changes in the budget made by the President:				Pay and retirement benefits	+\$1,445,000,000		
Budget amendments to appropriation requests	+1,480,657,000			Veterans benefits	-625,402,000		
Pay legislation proposed by the President	+1,600,000,000			Delay in postal rate increase	+1,176,000,000		
Revised estimates for uncontrollable items:				Welfare reform—family assistance	-500,000,000		
Social security, medicare and other social insurance trust funds	+2,000,000,000			Legislation for sales of stockpile, Alaska Railroad and other actions offsetting expenditures	+720,564,000		
Interest payments (net)	+1,500,000,000			Rejection of other legislative proposals	-170,256,000		
Farm price supports	-500,000,000			Revenue proposals not enacted or delayed			-\$3,266,000,000
Sales of financial assets	+1,000,000,000			Fiscal year 1971 budget further adjusted to reflect congressional changes	209,830,710,000	194,093,000,000	-\$15,737,710,000
Failure to submit revenue sharing proposal	-275,000,000			Proposals for enactment by 92d Cong.:			
Updating of estimates reflected in 1972 budget	-1,102,415,000			Social security benefits	+1,100,000,000	+100,000,000	
Revenue proposals and revisions by the President:				Public assistance grants	+800,000,000		
Leaded gasoline tax		+1,600,000,000		Veterans benefits	+300,000,000		
Estate and gift tax		+1,500,000,000		Highways	+300,000,000		
Other proposals and revisions in revenue estimates (net)		-7,844,000,000		Retired pay, Defense	+200,000,000		
Fiscal year 1971 budget as adjusted by the President	206,474,242,000	197,359,000,000	-9,115,242,000	Wage board pay increases	+224,000,000		
Changes in the budget made by the Congress:				Food stamp program	+100,000,000		
Appropriation bills (last session)	-211,242,000			Other	-100,000,000		
Disapproval of limitation on public assistance administrative costs	+271,000,000			Revised fiscal year 1971 budget as reflected in fiscal year 1972 budget document	212,754,710,000	194,193,000,000	-18,561,710,000

The report is before the Members. It covers every item. We want to get to the amendment stage as soon as reasonably possible. And I shall not burden Members with a more extensive statement. I shall place in the RECORD material which is pertinent and will be of interest.

As I understand it, an amendment will be offered to restore funds for the SST, which was not considered by the committee but is thought by those who will offer the amendment to be such that it should be presented to the House for consideration. Probably there will be other amendments offered. We want to spend the major portion of the time debating those features of this bill which are controversial.

I can see nothing controversial about the large block of money for public assistance, which is mandated by law. I see nothing very controversial about paying the people who are on board the pay we have agreed to pay under the pay-increase legislation.

Mr. Chairman, I include additional explanatory material, summarizing the bill. As I say, the committee report is available. It covers every item:

The grand total of new budget (obligational) authority recommended in the bill is \$6,881,152,545, a reduction of \$864,925,604 from the \$7,746,078,149 requested. These totals include a recommended advance appropriation for fiscal year 1972 of \$100,000,000, the amount of the request, to initiate the Conquest of Cancer program. The total of new budget (obligational) authority recommended in the bill for fiscal year 1971 is \$6,781,152,545, a reduction of \$864,925,604 from the \$7,646,078,149 requested.

The committee also recommends transfers of \$37,607,900 between appropriations, increases in limitations on administrative and non-administrative expenses of trust funds amounting to \$67,012,000, appropriations of \$363,520,000 to liquidate contract authority,

and limitations on obligations amounting to \$10,000,000. Authorizations to transfer between appropriation accounts have the effect of reducing the need for appropriating new budget (obligational) authority; most of these have to do with absorption of pay act costs.

SELECTED MAJOR ITEMS

Second supplemental, 1971

MAJOR MANDATORY-TYPE ITEMS

Pay costs—all of title II (Public Laws 91-231 and 91-656, generally effective January 1970 and January 1971—Not heretofore appropriated for)	\$4,131,745,452
Retired military pay	166,400,000
Public assistance	1,047,587,000
Payment to Civil Service Retirement Fund	337,841,000
Payments under homeownership and rental housing assistance contracts	32,900,000
Food stamp program	250,000,000
Subtotal, these items (87% of bill total)	5,966,473,000

Selected Other Items

Cancer crusade	100,000,000
Investment in Inter-American Development Bank (a cut of \$211 million) and so on.	275,000,000

MAJOR REDUCTIONS

Title II, pay costs	-292,000,000
Foreign aid chapter	-457,860,000

THE SST

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

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

Mr. VANIK. I should like to ask the distinguished chairman of the Appropriations Committee whether, when we talk about an appropriation for the SST and \$15.2 million for the termination of

the helium program, there is any certainty that these appropriations will constitute the full terminal cost of either of these programs.

Mr. MAHON. I am convinced that the money in this bill for termination of the SST will not be adequate. We have spent over \$800 million. We will have to spend probably about \$1 billion if we cancel the program.

This was the issue which was before us not long ago. I am saying that in my judgment—and I am only speaking for myself—the so-called termination cost in this bill will not be all the Congress will eventually be compelled to appropriate as a result of cancellation, if the cancellation is finally and completely not only enacted into law but is kept as the law of the land, so that we cannot go forward with the SST.

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

Mr. MAHON. I yield to the chairman of the Subcommittee on Transportation, the gentleman from California (Mr. McFALL).

Mr. McFALL. There are two items which possibly, one probably and one possibly, would need to be appropriated in order to finish the termination of the SST program. If we appropriate in this bill \$85 million for payment to Boeing and General Electric, as outlined in the report, we will probably need to appropriate about \$12 million to provide for the additional termination costs associated with closing down the program. In addition to that, there is a request by the airlines for some \$58.5 million. This will repay them for their support of the program. Most probably we will have to appropriate \$12 million in order to close out the program. There will be a decision by the House and by the Congress later

as to whether or not there should be a payment to the airlines of the \$58.5 million. We probably have a moral obligation to return that, but I am not sure of the legal obligation. This is a matter that will be decided by the Congress at a later date.

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

Mr. MAHON. I yield further to the gentleman from Ohio.

Mr. VANIK. The question I raise is whether or not it would not be more prudent to withhold these payments until we could determine the full cost of settlement. Why make a partial payment on something when this could enter into a final settlement? Once the contractors received these payments, they would be less inclined to work out a settlement, because they would have received this money already and any settlement would start off after this amount is paid. It seems to me a settlement would be a lot more prudent if it were a total settlement of the Government's obligation under the contract either by an agreement or by a determination by the courts.

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

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

Mr. McFALL. The contract on the SST sets out the amount of money which is due to Boeing and to General Electric, but in addition to that there are other termination matters which have been estimated to cost \$12 million. We do not know whether that will cost \$10, \$11, \$12, or \$15 million, but it is an amount which will probably have to be paid in order to complete this job.

Mr. YATES. Mr. Chairman, will the gentleman yield to me on that point?

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

Mr. YATES. The point is that the money is being made available. It may not be paid in its entirety. All of the items that are there are for termination costs will be audited by the General Accounting Office in order to make sure that no excess money is paid to the contractors.

APPROPRIATIONS TO "REMAIN AVAILABLE UNTIL EXPENDED"

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

Mr. MAHON. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the distinguished chairman of the Committee on Appropriations yielding to me.

My question is as to procedures. It is well known in the House, the history of revenue versus income to the taxpayers' Treasury, and the appropriations made by the Congress and the constitutional prerogatives of our House, in originating such appropriations, ways and means, and we must originate "taxes, tariffs, and levies." As one who has always been proud of the procedures of the House, I have enjoyed the purse-string control of the Committee on Appropriations. However, in reviewing the bill today I count well over 50 places where it seems we

have given up or delegated control of the pursestrings with such phrases as "to remain available until expended" or "without fiscal year limitation."

Have we given up annual line-item review of appropriations of the departments in the executive, legislative, and judicial branches of the Government, I will ask the distinguished gentleman from Texas?

Mr. MAHON. I will say to the distinguished gentleman from Missouri that inclusion of such language in no way relates to line-item consideration of appropriations.

There are a number of places in the bill where, as the gentleman rightly points out, if funds are not obligated and expended during the few remaining weeks of this fiscal year, they can later be obligated and expended. However, most of the money contained in this bill, as the gentleman knows, is for increased pay of personnel on account of the pay bills of last year, and I would say that, generally, this is not the kind of money that is carried over into future years. There is research and development money and some procurement money in defense, of course, which is usually made available "until expended" and is thus carried over into subsequent years.

Mr. HALL. Mr. Chairman, if the distinguished gentleman from Texas will yield further, if most of it is for welfare and the greater part of the rest of it is for preauthorized operations of the Congress, such as pay of employees and those who are "on board," as the distinguished gentleman from Texas phrases it, why is there an average of more than two different items per page which says, "to remain available until expended"?

Is this not a departure from the practice of the Committee on Appropriations?

Mr. MAHON. No, it is not a change in practice of the Committee on Appropriations. It is not an uncommon procedure on this type of general supplemental bill which ranges across the whole Government.

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

Mr. MAHON. I am glad to yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I take this time, because one or two of the items about which the gentleman from Missouri made inquiry were handled by my subcommittee. For instance, the very serious question of corn blight which affects so many areas of our country resulted in tremendous losses to the farmer, made for high prices for all consumers, and wrecked numerous hog producers. In order to move expeditiously in the field, the committee moved some of the money requested for next year, about \$1 million forward for the remainder of this fiscal year. This would make the money available by the 1st of July, but we did not want to require that the Department rush in and commit the money before the 1st of July, if it was good business and better fiscal practice to carry it forward to a later date.

Another item is in the amount of \$13

million for the Environmental Protection Agency. As the gentleman knows, this agency is in a shakedown period. It was created in December 1971. The \$13 million was requested, and, frankly, we have to take a chance at this time, as to how they can spend it. At the same time we see the enormity of problems, and we know it has to be spent. So instead of tying them down and requiring expenditure between now and the 1st of July, we gave them more time, and we shall take that into consideration in recommending funds for the fiscal year beginning July 1.

Those are two instances. There are others. The reasons we extended the time for spending the money; whereas, otherwise, we would require the agency perhaps to rush in and spend it without thorough and careful consideration, because the funds would otherwise lapse.

Mr. HALL. Mr. Chairman, if the distinguished gentleman from Texas will yield further, I appreciate that explanation, and certainly I understand in those instances to which the gentleman from Mississippi has referred.

However, for example, on page 29 there are eight different instances where the statement is made that the money is appropriated and will remain available until expended, but it does come under the Subcommittee on Appropriations. I think that is all right.

Will the distinguished chairman of the Committee on Appropriations advise us if in the different number of instances, at least where such a phrase is used, there is authorizing law by the Congress, inasmuch as I understand that part of the 1972 appropriation has been slipped forward into the supplemental bill and, therefore, this is a supplemental, not only for fiscal years 1971 and 1972, and in no wise a deficiency bill?

Mr. MAHON. Most of the money in the bill is for fiscal year 1971. But there are some items that to some extent will spill over into 1972.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, I was just referring to the statement of the distinguished gentleman from Mississippi, the chairman of the Subcommittee on Appropriations for Agriculture.

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

Mr. MAHON. I yield further to the gentleman from Mississippi.

Mr. WHITTEN. This is a matter which I failed to cover in my earlier remarks; I am sorry that I overlooked it. But in connection with this type of operation, there are a lot of local actions required, contracts have to be let and performed before funds are actually expended.

So there, again, we think it is good business not to put the Department under the pressure of having to act quickly and then have to increase the amount later.

So we thought we were working in a sound way, so as to get the maximum benefit for the dollar.

Mr. MAHON. For example, on page 29, to which the gentleman made reference, where it says:

Watershed works of improvement, \$2,350,000, to remain available until expended.

The committee investigated that requirement for the funds, and agreed that this was where money was needed, and indeed more money would be needed, but certain requirements must be met, and in order not to fix a deadline, and for the most expeditious use of the funds, we said it should remain available until expended. That is true of most of these items.

A number of the items are loan funds, and when they are loan funds it is not always possible to tell when they may be terminated.

Mr. HALL. I thank the gentleman and agree. Now, could the gentleman answer the other part of my two-way question, where they have been set forth are they authorized?

Mr. MAHON. The gentleman makes reference to a very pertinent matter, and that is as to the purposes for which the money has been appropriated, has the Congress authorized the expenditure of these funds not only for this year, but for the next year and succeeding years.

Mr. Chairman, may I add that I neglected to call the attention of the distinguished gentleman from Missouri to section 301 of the pending bill, which reads:

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided therein.

Thus, if the amount in respect to any given appropriation in the bill is predicated on use of the funds beyond June 30, 1971—and that is the case in a number of the items, as the hearings and report show—it is necessary that language, such as "to remain available until—", be included in the individual appropriation language paragraph concerned. The same would be true if the supplemental in this bill is an addition to a regular 1971 appropriation that is "available until expended." The two amounts co-mingle.

I do not of course have at my fingertips the related authorization statutes for every appropriation in the bill which is proposed to be available beyond June 30, 1971, but I believe many of them authorize the extended availability. There are some that do not.

Mr. HALL. Mr. Chairman, I know that, and I thank the gentleman.

Mr. MAHON. Mr. Chairman, I reserve the balance of my time.

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

The distinguished chairman of the committee has suggested that this budget is below the President's request, and that we are saving him some money. But, Mr. Chairman, in my judgment the reductions are not savings, they are not anything that will help the American taxpayer very much.

The two largest items of reductions in this bill are those from the Subcommittee

on Foreign Operations. One is a \$211.7 million reduction in the budget estimate of the Inter-American Development Bank from \$486.7 million to \$275 million. It is unusual for this to be in a supplemental bill, and it is not a savings, it is a putting over until some other time when the \$211 million will be used.

The other is in the World Bank, where we have a request, again not needed, and also unusual to be in a supplemental bill. That is a reduction of \$246 million.

So here are two large items of reductions which are not a reduction in spending, and not a savings to the American taxpayer.

Then we go on down the line.

Mr. FRASER. Mr. Chairman, would the gentleman yield?

Mr. BOW. I yield to the gentleman from Minnesota.

Mr. FRASER. Do I understand the distinguished ranking minority Member to say that with respect to the World Bank amount the elimination of that request you regard as a postponement rather than an elimination of the item?

Mr. BOW. I think it is, yes; it is a postponement. We have never had this in a supplemental bill before. It was not fully justified. I did not sit in on those hearings, particularly, but I have heard the discussion of the gentleman from Louisiana (Mr. PASSMAN) and other Members on the item, and I think it is simply a passing over at this time, until further hearings can be held.

Mr. FRASER. I thank the gentleman, because as I understand it this is a commitment to the World Bank representing an international agreement, and I would hope that the United States will not retreat from carrying out its part of the bargain, but I can understand where this might not be the right vehicle.

Mr. BOW. I do not think this is the right vehicle. I also have some feeling at this time about what some of the world bankers said about us being too liberal in the past—maybe this was a pretty good thing to do.

Mr. FRASER. I would just say to the gentleman, I do not think this is the reason we are having a run on the dollar. We have some other problems.

Mr. BOW. Well, this is the fact—it was not justified before the committee.

Then there is another item here of \$11 million which is a part of the SST argument. In addition, we did not appropriate all the money that they claimed was necessary for the liquidation of the SST. There is an additional \$11,900,000 that is part of the so-called cost savings that will have to be paid.

Then we go on down to the Small Business Administration. They have asked for \$80 million in the estimate and we gave them \$64 million. That is \$16 million and that is not a saving to the taxpayers. It simply was not appropriated in this supplemental at this time.

Then we get down to the other item of \$34 million and that is for the subway here in the District of Columbia, which I am sure we will hear much more about before the day is over. But that \$34

million is going to have to be paid. The day is going to come when they will probably some day comply with the law and go ahead with the full interstate transit system and then we are going to have to pay it.

The fact is the Congress has authorized it and said we will pay it. If they comply with the law, there is no question but that the subcommittee of the full Committee on Appropriations will pay the money and pay it promptly.

So you take all these items, the so-called reductions, and not any of them are going to mean a thing to the American taxpayer. So we cannot take much credit today for doing anything for the taxpayers.

Mr. Chairman, I shall not take more time because I am sure there is going to be a great deal of debate on some of the items in this bill. I think we should move on to the consideration of amendments, but I am going to yield to several Members who have asked for time.

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

Mr. BOW. I yield to the gentleman.

Mr. VANIK. I note that the armed services have been reduced effective the first of June, by almost 100,000 in personnel. I note in this bill that you are asking for additional expenditures in order to make up for the salary increases.

If we were to estimate the cost of the 100,000 personnel reduction, at about \$22,000 a man, it would amount to something like \$2¼ billion.

I wonder if the committee has taken into consideration the reduction of troop strength in determining the amount of supplemental appropriations in order to take care of the pay increases.

Mr. BOW. I will say to my friend, that that is a matter, of course, that was considered by the defense subcommittee. I am not a member of that committee although I attended some of the hearings. I would yield to my friend, the gentleman from Texas (Mr. MAHON) to answer the gentlemen.

Mr. MAHON. We had extensive hearings in the Defense Subcommittee and we took into account the reductions in personnel that are taking place in the Defense Department in both military and in civilian personnel. We tailored the appropriations in order to take advantage of savings made possible by the reduced number of personnel.

We are requiring absorptions from prior year and other appropriate funds available for certain pay. So this was all taken into consideration.

Mr. VANIK. I thank the gentleman.

Mr. BOW. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, the first item in this bill has to do with \$1 million as heretofore alluded to, for research on the problem of corn blight.

Corn blight last year caused a greater production loss on one crop in 1 year than we have ever experienced before.

The new Race T of this disease was first identified from infected corn plants collected in central Illinois in the fall

of 1969. While it caused serious local damage, at that time the widespread damage of the following year could not be predicted.

Race T was identified in Florida in the spring of 1970, and by the end of the growing season it had spread across the commercial corn production areas of the Southern, Northeastern and North-Central States.

It was first thought that simply shifting to blight-resistant varieties of corn would solve the problem. That in itself created problems, of course, because not enough resistant seed is available for this season.

However, an even more serious problem has also come to light. Mounting evidence indicates that other potentially destructive new races of corn blight are already present, raising the question of whether there really are any "safe" varieties of corn in the long run.

This is why we need to initiate an expanded research effort immediately, for this season, and why we have recommended an additional \$1 million in this bill. We cannot afford to gamble on this one—the stakes are too high and the risk too great.

While some have felt that the problem last year was partially attributable to unusual climatic conditions, it appears to others that on a national scale, conditions in 1970 were not all that unusual. This, in addition to the probability of a high level of overwintering spores raises some real questions about what we can expect this year.

The nub of the problem is that southern corn leaf blight is much more complex than many first suspected and there is a critical need for an immediate expansion of our research in this area.

About 80 percent of the corn produced in this country is fed to livestock. The rest is used for industrial purposes, human food, seed, and is exported. The 1970 crop will be substantially below market requirements, so that a part of our carryover supply must be used. If we do not produce enough corn and other feed grains in 1971 to meet the market requirements, our carryover stocks could drop to the lowest level of many years.

But, unless we can find some answers now to the Southern corn leaf blight threat, the real crunch could come in the years following. I do not need to go into the details of what effect substantial crop shortages would have on food prices to the consumer.

Research is presently being conducted by a number of the State agricultural experiment stations and several agencies of the U.S. Department of Agriculture. Much of this research, however, has been accomplished by shifting people working on other problems, and has been conducted primarily to answer immediate questions. We need a coordinated program of more depth, and the funds provided in this bill will give us the necessary resources to initiate such a program right away, so we will not run the risk of losing the entire 1971 crop season.

Since the chairman of our subcommittee is on the floor, I would like to engage him in a brief colloquy with respect to

the use of the \$1 million that first came to us as a budget amendment for the fiscal year 1972. As our good friend (Mr. WHITTEN) has said heretofore today in his colloquy with the chairman of our committee, we saw fit to move it from a budget amendment in the 1972 bill up to this supplemental to point up the urgency of the problem and get something done about it.

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

Mr. MICHEL. I yield to the gentleman from Mississippi.

Mr. WHITTEN. As the gentleman knows, since he served on this subcommittee for many years, after the committee had acted in an effort to expedite consideration and work in this area, there was a feeling in the Department that we might need to put it under a different branch of the Department. There is a question of whether it should be in ARS, where it is now, or should be contracted to private enterprise in time. They insist that probably it should not be, that they do have land-grant colleges that are ready to move right now, and the statement was made to the Department that in conference we would consider this matter and work out where we could move the most expeditiously.

So I am glad to state that while we are not offering any amendment at this point, because they could move either way, they intend to work toward the solution which would move the program most expeditiously.

Mr. MICHEL. I wish to make it abundantly clear that I believe the Secretary of Agriculture does have some degree of responsibility here. While he has told us of the severity of the problem, we intend by our action here to see that the best route possible is explored to get this thing moving. We are not the experts in this vital field of research. We do know the need is urgent and I personally hope the Secretary and his immediate subordinates will see to it that this money is put to immediate use to get a remedy for this plant disease by whatever means the best professionals feel it can be done.

Mr. WHITTEN. We certainly are, and in a letter yesterday the Department said they had already held at least three meetings in anticipation of these funds becoming available, and they will go ahead the minute they become available.

Mr. MICHEL. I appreciate the gentleman's contribution. I would like now to turn to the item of \$250 million in the supplemental for food stamps, an item which now brings the total for food stamps in this fiscal year to \$1,670,000,000. It might be interesting to the House to know that from December 1969 to February 1971, we have had food stamp areas increased from 1,584 to 1,997. Participation in food stamps has increased in that same period, from December 1969 to February 1971, from 3,600,000 persons to 10,200,000 in February of this year. Think of it; 5 percent of our total population. The bonus coupons have increased in value from \$24 million to \$137 million in that same base period, and there is a very interesting discussion in the hearing record on pages 1459 to 1470 on the new eligibility requirements.

Last year we passed new food stamp legislation containing several provisions to tighten up the program and direct it to those who really need it—the involuntarily poor. Hopefully, the Department's new regulations will fully implement these provisions.

The program has expanded so fast recently, that I know it has been difficult for State, local, and Federal officials to cope with the new workload, but it is essential that elimination of program abuses be given first priority. This is necessary for the long-range effectiveness of the program, for every dollar that goes to someone who does not need it, is a dollar less for someone who does. In the long run, we can judge the value of the program and justify it only on how effectively it channels assistance to those who need it.

I would again like to call my colleagues' attention to the printed hearings on this bill, especially pages 1458 to 1491. We had quite an extensive discussion in our subcommittee on food stamp program abuses, and the record includes details on the number and types of abuses which have occurred.

The Agriculture Department cites eight major types of situations where the lack of proper administration, criminal conspiracy, or fraud can cause the loss of Federal dollars.

Inadequate security for the physical inventory of the coupons from the printing stage to the actual issuance to households has resulted in thefts, burglaries and armed robberies amounting to a loss of about 1 percent of the total coupon volume. This amounted to about \$475,000 during calendar year 1970.

The State governments are responsible for the security of the coupons from the time they receive them until they are issued, and the USDA has billed States for losses which occurred at this stage. The Food and Nutrition Service advised us that they conducted a crash security program following theft losses in 1969.

Weaknesses in the systems design of either the State issuance system or certification system can also lead to losses. These weaknesses can include, for example, inadequate checks to make certain that coupons are issued only to a properly authorized household, inadequate computer systems that allow the duplicate issuance of authorization to purchase cards, and improper continuation of households on the rolls after certification periods have expired.

The Food and Nutrition Service recently billed the District of Columbia for \$63,861 because their computer system was not being used to weed out duplicate authorizations to purchase to the same household. As a result, many households received more coupons than they were entitled to. Other counties are currently under investigation by the Office of the Inspector General where the same types of problems are suspected.

In San Antonio, Philadelphia, and Chicago, some caseworkers and issuance personnel have been indicted as a result of system weaknesses which allowed illegal conversion of Federal funds to personal use. The Food and Nutrition Service reports it is working to tighten

audit procedures and taking other steps to prevent this kind of fraud.

Inadequate certification staff to deal with the food stamp caseload can cause improper certification. The rapid expansion of the program has compounded this problem.

Deliberate disregard by State and local officials of the Food Stamp Act, the regulations, and the procedures issued to implement the act can also result in serious program violations. The FNS is currently conducting some investigations of suspected violations in this area.

Deliberate recipient fraud, of course, is a significant type of program abuse, and misuse of coupons after they are issued—such as purchase of ineligible items, conversion of coupons into cash, purchase of alcoholic beverages—is another.

Program abuses can also be caused outside the food stamp system, such as counterfeiting or theft of coupons by postal employees. There have been five recent cases of the latter.

Finally, there are apparent abuses in the program which are caused by the technical eligibility of certain classes of households which commonly would not be regarded as economically needy. The new regulations implementing provisions of the bill we passed last year should, hopefully, have some effect in this area.

The Food and Nutrition Service report to us that they are taking various steps to eliminate these abuses. It is imperative that these efforts be continued and intensified if we hope to maintain any semblance of program integrity.

I would like to insert in the RECORD at this point some examples of cooperation between Federal and State enforcement agencies and officials in connection with the food stamp program, and some examples of typical requests for investigation:

**FOOD STAMP PROGRAM  
EXAMPLES OF COOPERATION  
1. San Antonio, Tex.**

OIG in cooperation with the San Antonio Police Department and the Texas Department of Public Safety, is investigating a conspiracy involving some employees of the San Antonio Welfare Office who entered fictitious information on certification records and with the help of accomplices, illegally acquired food stamps. The stamps were later dis-

counted to retail grocers. To date, two welfare caseworkers and three others have been indicted. One of the welfare caseworkers has pleaded guilty and has been sentenced to 3 years imprisonment. Investigations are continuing.

**2. Shreveport and Lake Charles, La.**

OIG began investigation based on information from a confidential source that food stamps were being bought and sold in the Lake Charles area. The investigation was coordinated with the U.S. Attorney who suspected that a hard-core criminal element might be involved.

Based on OIG findings, the Federal Grand Jury at Alexandria, La., on October 30, 1970, returned indictments (totaling 70 counts) against nine defendants charging violations of the Food Stamp Act. Trials are scheduled for April 1971.

**3. Philadelphia, Pa.**

OIG investigated a conspiracy by a group of individuals in the Philadelphia area, which used over 2,500 spurious ATP's to buy food stamps valued at over \$114,000. Based on OIG findings, a Federal grand jury at Philadelphia indicted 12 persons on charges of conspiracy and violations of the Food Stamp Act. Indicted were two welfare office caseworkers, six of their associates, and four bread and dairy route salesmen who dealt in stamps knowing they were illegally obtained.

On March 29, 1971, six of the defendants pleaded guilty to one count each of their indictments. All other counts against these six were dismissed. All counts against two subjects is still pending.

**4. Spokane and Seattle, Wash.**

Based on information developed in two separate OIG investigations, the Federal grand jury at Spokane, Wash., on March 8, 1971, indicted the manager of United Farm Workers Cooperative, Inc. (a retail grocery in Toppenish), and an operator of an apartment house in Yakima, both on charges of illegally purchasing food stamps for cash.

On March 25 and 26, 1971, nine persons indicted by the Federal grand jury at Seattle on March 23, 1971, were arrested on charges of violating the Food Stamp Act. A tenth person indicted is being sought by Federal authorities. The indictments resulted from OIG investigations which disclosed that the defendants, mostly employees of retail businesses such as cafes, food markets, and gas stations, had illegally purchased stamps at about half their face value.

**EXAMPLES OF TYPICAL REQUESTS FOR  
INVESTIGATION**

Requests to OIG for food stamp program investigations fall into four categories: (1)

Recipient offenses; (2) retailer-wholesaler offenses; (3) trafficking, and (4) thefts. Typical requests for OIG investigation within these categories include the following:

*Recipient offenses*

Violations on the part of recipients include:

- (1) Misrepresentations or fraud in connection with applications to participate.
- (2) Purchase of ineligible items with coupons.
- (3) Payment of back grocery bills or other debts with coupons.
- (4) Sale of coupons for cash.
- (5) Sale or barter of authorizations to purchase (ATP's).

Recipient noncompliance is primarily a State responsibility. Therefore, individual instances of recipient or applicant fraud will normally be investigated by the State agency unless the circumstances involve conspiracy and trafficking operations which will be of concern to the Department of Agriculture.

*Retailer-wholesaler offenses*

Violations in this category are varied and constitute the major threat to the program's integrity. While recipients may be tempted to convert coupons for unlawful purposes, widespread abuse is possible only with the cooperation of authorized wholesalers and retailers. These business entities apply for participation in the program and are constructively and repeatedly informed on the laws and the regulations. When they violate the regulations knowingly, they do so for profit or to attract customers. The most common violations are:

- (1) Sale of ineligible items for coupons.
- (2) Purchase of coupons for cash (usually at discount).
- (3) Acceptance of coupons in payment of back bills, which usually involve both eligible and ineligible items.
- (4) Purchase or bartering for customer's unused ATP's.
- (5) Unlawful proxy activity for the purpose of obtaining coupons.
- (6) Fraudulent redemption of irregularly acquired coupons.

*Trafficking*

The key element in trafficking is the bonus value of food coupons issued to recipients for cash. Trafficking is the unlawful acquisition or transfer of coupons. Technically, at least, the sale of one coupon by a recipient for cash is trafficking. However, as used in OIG's enforcement program, it is understood to refer to organized activity by persons authorized to be in the program (wholesalers or retailers), or by those not authorized to participate who acquire and dispose of coupons or ATP's for profit.

OIG, FISCAL YEAR 1970: FOOD STAMP PROGRAM COMPLAINTS (REQUESTS) AND INVESTIGATIONS

State <sup>1</sup>	Investigative findings <sup>2</sup>							No violations
	Complaints <sup>3</sup> (requests)	Completed investigations	Sale of ineligible	Illegal sale of coupons	Trafficking	Burglary, robbery	Administrative violations	
Connecticut.....	9	16	13	2			1	2
New Jersey.....	32	45	30	6	3		1	12
New York.....	25	26	15	1			3	8
Ohio.....	48	42	28	1	3		5	9
Pennsylvania.....	50	74	43	11	4		5	25
Vermont.....	1	1	1					
Rhode Island.....	3							
Maryland.....	8	9	5			2	2	
Virginia.....	12	8	5	2			3	
West Virginia.....	69	42	15	4	3	6	5	14
District of Columbia.....	21	12	1	1		7	3	1
Alabama.....	33	16	4	1		1	6	5
Georgia.....	30	16	8	2	1		6	1
Mississippi.....	111	43	23	3			6	13
North Carolina.....	20	9	2				5	2
South Carolina.....	33	29	19		1		6	4
Tennessee.....	68	50	19	1			6	25
Illinois.....	127	136	70	12	13		18	34
Indiana.....	2	8	2				2	4
Kentucky.....	85	45	12	3			5	27
Michigan.....	15	28	14	2	2		5	7
Minnesota.....	14	12	5				2	5
Wisconsin.....	10	13	5	1			2	5
Survey (Illinois and Minnesota).....	16	14	7				7	

OIG, FISCAL YEAR 1970: FOOD STAMP PROGRAM COMPLAINTS (REQUESTS) AND INVESTIGATIONS—Continued

State <sup>1</sup>	Complaints <sup>2</sup> (requests)	Completed investigations	Investigative findings <sup>3</sup>					Adminis- trative violations	No violations
			Sale of ineligibles	Illegal sale of coupons	Trafficking	Burglary, robbery			
Arkansas.....	30	33	8		3	3	8	17	
Louisiana.....	43	50	17	1	4	3	14	17	
New Mexico.....	19	26	7	1		2	4	13	
Texas.....	8	13	1	1			6	5	
Iowa.....	16	20	6	2	3	1	10	2	
Missouri.....	27	32	9	1			20	3	
Nebraska.....	5	8	1				6	1	
North Dakota.....	3	9	3				5	1	
South Dakota.....	3								
California.....	35	58	22	3	5		10	20	
Colorado.....	4	14	8					6	
Montana.....	1	7	3					4	
Oregon.....	1	5	1		1		2	1	
Utah.....	2								
Washington.....	16	10	1			3	2	4	
Wyoming.....	14								
Alaska.....	1	1						1	
National totals.....	1,070	980	433	62	46	28	188	298	

<sup>1</sup> The complaints (requests) were received from all sources, public, FNS, welfare agencies, etc. These complaints fall into the following categories:

Sale of ineligible items.....	717
Trafficking.....	53
Administrative and miscellaneous.....	193
Illegal sale of coupons.....	75
Thefts, burglaries and robberies of issuance office.....	32
Total.....	1,070

<sup>2</sup> Completed investigations include complaints on hand at the beginning of the fiscal year and excludes cases in progress and complaints to be investigated at the end of the fiscal year.

<sup>3</sup> Individual investigations may have multiple findings.

Many of us have been concerned about two special areas of program abuse—food stamps for college students and strikers.

For example, the Food and Nutrition Service has asked the Illinois Department of Public Aid for a review of the food stamp program in De Kalb County because of a Chicago Tribune story disclosing that nearly 75 percent of those using stamps in that county are college students. The resource and income tax deduction provisions in the new law and regulations should help curb student abuse of food stamps.

Also, during our subcommittee hearings I discussed with Assistant Secretary Lyng and Mr. Heckman the cost of food stamps going to strikers—particularly during the General Motors strike, at my request, they provided the following information for our record:

#### ESTIMATES OF POSSIBLE FOOD STAMP COST OF GENERAL MOTORS STRIKE

Definitive information is not available on the number of GM strikers, and their families, who received food stamp benefits in October and November because participation data is not tabulated by "cause" of eligibility. It is estimated that the value of bonus coupons issued to GM strikers, their families, and others who became unemployed because of the GM strike could have been as high as \$6 to \$7 million per month in October and November. This estimate was derived by comparing October bonus issuance with September issuance, adjusted for new project openings in October and expected normal month-to-month program growth. States faced with a heavy GM strike impact indicate in their preliminary reports that November issuance rates are at about the October level.

It is not possible to determine the extent to which October costs may have been increased by general changes in unemployment rates, that is, those not associated with the GM strike. Therefore, the 2-month cost is regarded, at an outside estimate, as between \$12 and \$14 million.

We cannot afford to lose sight of the original objectives of the food stamp program. The hungry must be fed, but those who have the personal and financial resources to provide for themselves have no business asking the taxpayer to help put food on their tables.

The Administration and the Agriculture Department are to be commended for the steps they are taking to eliminate abuses and to effectively administer the food stamp law. We need to help them all we can, and monitor this program just as carefully as possible, and, above all, make changes when it is clear that changes are necessary.

If I might turn now, Mr. Chairman, to several of the items having to do with our other Subcommittee on Health, Education, and Welfare, the labor section—

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

Mr. MICHEL. I am happy to yield to my good friend from Iowa who serves on our subcommittee.

Mr. SCHERLE. I thank my colleague for yielding. As was mentioned a moment ago, the Department of Agriculture is asking for a \$250 million increase in this supplemental appropriation bill.

Mr. Chairman, one of the reasons for the \$250 million increase in this bill for food stamps is that it has gone beyond the original intent of the program.

The purpose of the food stamp program was to increase the nutrition of low-income families by providing extra purchasing power for groceries. Now comes word from Colorado that Mr. Softee, a mobile ice-cream vendor, is accepting food stamps for such items as 25-cent cones and 40-cent sundaes. The Department of Agriculture first denied and later confirmed that Mr. Softee had been authorized to receive stamps. USDA spokesmen promised to look into the

matter, but, meanwhile, Mr. Softee continues to rake in the stamps.

At the same time, a Federal court in Missouri ruled that the Department of Agriculture must approve authority for the Colonel Sanders southern fried chicken chain to accept food stamps. Confused Agriculture officials have said that they will appeal the ruling. If this trend continues, however, it will not be long until a whole string of caviar shops, Trader Vics, and even the Playboy clubs will be trading in food stamps. Food stamps may be "finger-lickin' good," but the program is making a Mr. Softee out of the American taxpayer.

The Department of Agriculture has now revoked Mr. Softee's authority to accept food stamps and promised to "pursue" through the appellate court a reversal of the Missouri court ruling allowing Colonel Sanders to accept food stamps.

Mr. Chairman, there is no question in my mind that this program was designed for a specific purpose, and every Member of the House is aware of that fact. However, when the courts go overboard and liberalize the guidelines to this extent—not the fault of the Department of Agriculture, not the fault of the committee, but because of some court ruling—I believe they have gone too far. I compliment the Department of Agriculture for taking the appropriate action. Let's not make a mockery out of this program.

I thank my good friend from Illinois for yielding.

Mr. MICHEL. Mr. Chairman, I shall turn now to several items in the Labor-HEW Subcommittee area.

We have \$100 million in this bill for summer jobs. This will provide some 601,400 jobs for our youth in this summer. This increase added to the \$165 million already appropriated for fiscal

year 1971 brings the total for this item to \$265 million. As I said, it will support 601,400 summer jobs. This is substantially higher than last year, when the level, as I recall, was somewhere in the neighborhood of 425,000 jobs.

The Alliance for Businessmen last year was able to employ some 143,000 youngsters, and they tell us this year their goal is 250,000. The State employment security agencies also set a goal of putting another 250,000 young people to work. Last year, they placed nearly 212,000 in summer jobs.

There is \$100 million in this bill to implement that portion of the President's message with respect to a stepped up war on cancer. This now brings the total for cancer research up to some \$330 million.

Mr. Chairman, the President made a very significant statement on this subject, released just a few hours ago, and I shall extend my remarks at this point to include the full text of this very significant statement:

#### STATEMENT BY THE PRESIDENT

Cancer has become one of mankind's deadliest and most elusive enemies. The conquest of cancer is one of the most important efforts of our time.

Success will test the very limits of our imagination and our resourcefulness. It will require a high sense of purpose and a strong sense of discipline.

In my message to the Congress on the State of the Union on January 22, 1971, and again in my special message to the Congress concerning a National Health Strategy on February 18, 1971, I expressed my determination to wage a successful campaign against this dread disease. I called upon the Congress to appropriate an additional \$100 million to support such an effort. I am pleased that in recent days the Appropriations' Committees in both the Senate and the House of Representatives have favorably viewed this request and I am hopeful that the House—which votes today—and the Senate will both follow the Committee recommendations.

#### FEARS AND HOPES ABOUT CANCER

Across the Nation, there is a growing consensus that our vast scientific and technological resources should promptly be marshaled in an unprecedented attack on this devastating disease.

This consensus springs both from fear and from hope.

Cancer is second only to heart disease in the number of lives it takes in this country. And the nature of its ravages makes it our most feared disease. If the present incidence of cancer were to continue some 52 million Americans who are alive today would contract this disease someday. This means that cancer would strike one out of every four individuals in this country—and two out of every three American families. It would mean that in the next ten years alone, three and a half million Americans would die from cancer. For many of its victims, death is a slow and painful process. And for many of their families, the personal tragedy is compounded by the financial implications of a prolonged disease.

At the same time, however, there is much reason for hope.

New vistas are now opening for further research into the treatment and prevention of cancer, the result of some remarkable advances which have been made during the past ten years as we have multiplied many

times over our fundamental knowledge in this area. Virus research, for example, has demonstrated that cancer can be produced in animals by over 110 of the nearly 1000 viruses that science has identified. We have learned that animal cancers can be induced by over 1,000 chemical substances. Effective measures for preventing cancer have been developed in animals, and scientists have even demonstrated that human cancers can be prevented by avoiding exposure to certain chemicals. Other advances include new surgical procedures, more effective radiation therapy, and techniques for treating cancer with improved combinations of known drugs.

All of these developments have fueled our hopes and provided a broad frontier of possibilities for researchers in the months and years ahead. This is why I was able to suggest in my special health message to the Congress in February that "of all our research endeavors, cancer research may now be in the best position to benefit from a great infusion of resources."

#### MORE MONEY AND BETTER ORGANIZATION

The time has now come for us to put our money where our hopes are. In the first full budget developed by this administration last year, an increase of \$20 million was provided for cancer programs. For Fiscal Year 1972, the administration request for cancer programs is slightly over \$332 million—an increase of \$100 million from the 1971 Fiscal Year. If these resources are provided by the Congress, we should be able to finance a new and massive assault on cancer. If it should turn out that we need more money, however, I will not hesitate to ask the Congress to provide whatever funds can be effectively utilized. But I would also emphasize this important point: More money alone will not be enough. Money can help set the stage for faster progress, but in the end it is brainpower alone which can lead us to our goals. This means, of course, that we need to mobilize the intelligence and imagination of our doctors and scientists. And it also means that we must do a better job of tapping the Nation's administrative and organizational skills, which can help remove many roadblocks to success. Our capacities for efficient management were instrumental in our efforts to split the atom and travel to the moon. Now we need to apply those same capacities to the conquest of cancer.

This means, for one thing, that a wide variety of research activities in all parts of the country, in many areas of society and in a great number of disciplines must be carefully coordinated. There must be as much cross-fertilization as possible between various scientific pursuits.

In the past, the National Institutes of Health have had considerable success in fostering such coordination and cooperation and, in the process, they have earned both the respect of the scientific community and the gratitude of thousands who live happier and healthier lives because of NIH successes. It is for this reason that I have asked the Congress to establish a Cancer-Cure Program within the National Institutes of Health, where it can take the fullest advantage of other wide ranging research.

At the same time, it is important that this program be identified as one of our highest priorities, and that its potential for relieving human suffering not be compromised by the familiar dangers of bureaucracy and red tape. For this reason, I am asking the Congress to give the Cancer-Cure Program independent budgetary status and to make its Director responsible directly to the President. This effort needs the full weight and support of the Presidency to see to it that it moves toward its goals as expeditiously as

possible. I am further recommending that this Director be supported by a strong management group which has as its one goal: the cure of cancer—and which can pursue that goal with single-minded tenacity.

In addition, I am recommending that a new Cancer-Cure Advisory Committee be set up to provide a broad range of advice and assistance to the President and for others who lead the Cancer-Cure Program, particularly as they work to set intelligent priorities for the Nation's efforts in this area.

I am pleased to report that the detailed management and administrative mechanisms for carrying out these plans have been discussed in considerable detail within the National Institutes of Health, with experts in the field outside of Government, and in the Office of the Secretary of the Department of Health, Education, and Welfare. As these plans are translated into action, I hope that the Congress will comment on them and suggest additional ways in which we can work toward these significant goals.

I would not want to discuss the subject of cancer research, however, without offering a word of caution. Many of the experts that we consulted with told us that biomedical research is a notoriously unpredictable enterprise. Instant breakthroughs are few and the path of progress is strewn with unexpected obstacles. As we undertake this crusade, we must put on the armor of patience, ready to persist in our efforts through a waiting period of unknown and possibly anguishing duration.

Yet I feel confident that with such funding as I have proposed, with such organizations as we are developing, with the dedicated efforts of thousands of men and women from many disciplines, and with the cooperation of the Congress and the people of the United States, we can make great strides against this terrible enemy, bringing new hope for all Americans—and indeed new hope for all the world.

If I might, I should like to make one or two comments with regard to one of the biggest items in this bill, if not the largest. It is \$1,047,000,000.

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

Mr. BOW. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MICHEL. Mr. Chairman, there is over a billion dollars in this bill for public assistance. It might be interesting to the Members to know that in the fiscal year 1971 the total of Federal grants to the States for public assistance will come to \$9,699,537,000.

The States normally provide 48 percent to match the 52 percent of the Federal share. The total State portion now is in the neighborhood of \$7 billion.

The original estimate of cases numbered 11,210,600, but the supplemental here provides for an additional 1,171,000 cases. So all in all we have total public assistance cases in 1971 in the amount of 12,381,890. We have no control over this item appropriation-wise until we change the law. We're locked into an outmoded formula and until such time as we get welfare reform we have no alternative but to keep coming back to you with bigger and bigger amounts for public assistance. It is a national disgrace.

Mr. BOW. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chair-

man, I regret that the Committee on Appropriations failed to provide the District of Columbia's share, the \$34.2 million payment, or contribution for the 1971 budget for the construction of the metropolitan area rapid transit system.

I realize that the Committee on Appropriations is not against this subway system. They are only advocating that the funds be delayed or held up.

There is no question but what this system is essential to the economy of the area. The Congress worked on it and studied it for years, and it authorized and directed its construction. Any delay will be extremely costly. Anyone who knows anything about construction costs knows that they are increasing every year. The District of Columbia portion, by not being appropriated, is costing the District of Columbia government interest at the rate of \$5,600 per day, and the District of Columbia's budget or financial condition is such that it just cannot afford to have that additional cost.

Mr. Chairman, I most sincerely appreciate the position of the gentleman from Kentucky (Mr. NATCHER) in insisting upon a balanced transportation system. The Congress has been advised that we must have a balanced system—a freeway and highway and bridge and subway system—and the Congress, with a great deal of reluctance, in the Highway Act of 1968 directed that certain highways, freeways, and bridges be constructed.

There has been too much delay in carrying out that mandate of Congress. Delay in construction of needed highway facilities in the Nation's Capital is a national disgrace. I think the people responsible for this delay should be required to comply with the law.

However, Mr. Chairman, I submit that using the District of Columbia portion of the subway cost as a hostage for requiring compliance with another law is wrong. It is wrong for three reasons.

First of all, it merely causes a delay in the construction of a system that all of us agree must be constructed. It is a costly delay.

Second, it gives the people who are responsible for not constructing the highways, as they have been instructed to, an option to determine whether or not they want a subway system.

That is the net effect of using the subway system as a hostage, telling the people of the District of Columbia government that if you do not want the highway system, we will not give you the subway system, and if you do not want the subway system, you do not have either.

We have determined that we must have both. The Congress has made that choice. You cannot give the District of Columbia government the choice of denying the people of the District of Columbia and the metropolitan area and the people of the country the use of both.

Third, Mr. Chairman, this is a partnership arrangement. We worked for years on an agreement with the other two States and with their communities. The State legislatures of Virginia and Maryland agreed to an interstate com-

pact which was requested by the Congress and ratified by the Congress, and the people of these communities and of the States of Virginia and Maryland have lived up to their agreement. They have already put up \$115 million as their share up to this point.

Mr. Chairman, the Congress and the Congress only, has reneged in failing to provide the portion that is the responsibility of the District of Columbia government.

Mr. Chairman, I submit that failure to go forward with the subway system, because someone in the District government has failed to comply with an act of the Congress is totally unfair. I submit that we should not use the subway system as a hostage in making them comply with the law.

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

Mr. BROYHILL of Virginia. I yield to the gentleman from Massachusetts.

Mr. CONTE. I want to take this opportunity to commend the gentleman from Virginia for his very forceful and concise argument, and I want to join with the gentleman in his statement.

What we are talking about as being held hostage is not only the \$34.2 million in the District of Columbia appropriation bill, but we are also talking about \$105 million in 1971 and over \$100 million in 1972. If that money is not released the Federal Government cannot put up its share because the District of Columbia has not put up its share, we are actually talking about \$205 million of construction money.

Mr. BROYHILL of Virginia. The gentleman from Massachusetts is correct. Another subcommittee of the Committee on Appropriations, has already agreed to appropriate the Federal Government's share but it cannot be used until the District of Columbia local share is appropriated. I do hope and urge that further costly delay will be avoided.

Mr. BLACKBURN. Mr. Chairman, I am very troubled by the action taken by the Appropriations Committee in drastically cutting the proposed appropriations for paying our internationally agreed-upon share in the replenishment of the Inter-American Development Bank, and the increase in the capital of the World Bank.

The cuts in the Inter-American Development Bank appropriation in particular, if not restored, would strike a body blow to that Bank at a time when it is struggling to meet only a fraction of the needs for development finance in Latin America. It would be a vote of no confidence, both in the institution and in its new president, Mr. Ortiz Mena. It would be a profound setback to the President's policy of mutual partnership with our Latin American neighbors.

We extensively considered last year the need for these funds, and authorized the appropriation of the sums now under consideration. We must continue to closely scrutinize the need for funds, and the purposes to which they are put. But we should not capriciously cut the meager funds requested for programs of vital im-

portance to our own foreign economic objectives and to the economic well-being of our less developed neighbors. In this particular case, it will have grave consequences to American interests in Latin America and throughout the world.

Mrs. GRASSO. Mr. Chairman, the supplemental appropriations bill under consideration today contains funds for many important domestic programs. One of the most important is the Neighborhood Youth Corps summer jobs program.

The committee has recommended a \$100 million supplemental for this project. The money is urgently needed, and I call on all my colleagues to support the committee recommendation.

At present only \$164 million is budgeted for the Neighborhood Youth Corps. This is \$18.6 million less than last year, though at the present time teenage unemployment is averaging 18.8 percent—about three times the national average.

The supplemental appropriation will go far toward relieving this situation. Although the U.S. Conference of Mayors recommends an appropriation of \$308.6 million for the Neighborhood Youth Corps, I think that the \$264 million which will be available upon passage of this bill is a good start toward an adequate summer jobs program.

At the \$164 million level, the program would provide 414,000 jobs. The supplemental, however, will provide about 200,000 additional vitally needed jobs for our youth during the coming vacation period.

To point up the needs, one has but to look at the situation in my own State of Connecticut. Presently, only 3,814 summer job slots have been allocated to the entire State. A conservative estimate of the need is 10,000 jobs—and this is a bare minimum. If the supplemental appropriation is accepted, Connecticut could receive an additional 1,800 positions, assuming the existing allocation formula is used. There would then be a total of roughly 5,600 jobs for some 10,000 applicants. I am sure the situation is similar in other urban areas.

The magnitude of the problem is clear. Certainly a larger share of the Nation's resources should be used to solve our pressing domestic problems. However, considering existing budgetary constraints, I think the committee has done a commendable job in marking up this bill, and should be fully supported.

Mr. ROSTENKOWSKI. Mr. Chairman, in recent summers, the Federal Government has greatly assisted the youth of America by providing a substantial number of work opportunities through the Neighborhood Youth Corps, as well as providing funds for inner-city recreational and transportation programs. This assistance has been exceptionally helpful to America's cities in developing sorely needed employment, educational, and recreational opportunities for our Nation's disadvantaged youth.

It is my firm belief that the dollar amount requested by the President to fund this program this year was woefully inadequate in light of the urgent sum-

mer recreation needs of our Nation's cities.

For this reason, Mr. Chairman, I would like to commend the members of the Appropriations Committee and the members of the Labor, HEW Appropriations Subcommittee in particular, for their decision to increase the appropriation for summer youth programs from a requested \$64.3 million to a more meaningful \$100 million.

I am quite sure that this action will not go unnoticed by the many Americans who are truly concerned about the welfare of the underprivileged youth in our country.

Mrs. ABZUG. Mr. Chairman, with the end of school this spring, millions of young men and women will be faced with the prospect of a jobless summer. This is a particularly frustrating and agonizing time for the many disadvantaged young men and women who reside in our urban areas—where unemployment for work-age youths already stands at almost 20 percent. Among black youths in disadvantaged sections unemployment is as high as 40 percent. And unemployment will get worse as the summer months approach us, because the pressure will be increasing from the adult sector and from youths leaving school for vacation.

It is no wonder many shudder at the thought of summer. Today this Congress has the opportunity to make good its commitment to expanded employment opportunities for disadvantaged youths. We have already appropriated \$164 million for the neighborhood youth corps summer jobs program. The President has asked for a supplemental appropriation of \$64 million in order to raise the number of jobs for disadvantaged youths to 576,000. Unfortunately the administration's supplemental request falls far short of the \$144 million the mayors of the Nation's 50 largest cities say is their minimum need. The Appropriations Committee has evidenced a better grasp of the tremendous nationwide need for an expanded neighborhood youth corps and has recommended an additional \$100 million be appropriated. This is a sum which will permit many additional tens of thousands of youths to enjoy the benefits of a summer job and service to their community. I stand today in firm support of this \$100 million supplemental appropriation. I urge my colleagues to join me in making the opportunities of summertime a reality for hundreds of thousands of disadvantaged youths.

I rise in support of chapter IV of the Supplemental Appropriations Act, that section which would provide \$32.9 million in supplemental appropriations for section 235 and section 236 housing programs for low-income families. This \$32.9 million is the bare minimum needed to meet contract commitments already made for fiscal 1971—commitments to subsidize homeownership for low-income families and rental assistance programs for low- and moderate-income families. It involves no new commitment on the part of HUD but gives them the ability to meet commitments on 108,000 units requiring financing so that they might be

available to those families in this country most affected by the acute housing shortage in this country. This supplemental appropriation will bring the total appropriation for fiscal year 1971 for both of these programs to just about 50 percent of the original authorization in the Housing and Urban Development Act of 1970.

Both 235 and 236 programs have provided an imaginative way of dealing not only with the acute housing shortage hitting low- and middle-income families, but with the fact of ghettos as a part of the American landscape, by permitting low- and middle-income people to obtain housing, either rental housing or owned, that they might otherwise not be able to afford. The 235 program subsidizes the interest rate so that the low-income home buyer pays only 1-percent interest on his mortgage, making the downpayment and mortgage payments fall within the range of possibility for low-income families. The success stories that have resulted from the 235 program, stories of people achieving the American dream of home owning, a figure numbering in fiscal year 1971 about 225,000 families, are heart-warming. The 236 program operates in essentially the same way: the mortgage on rental property is subsidized so that the owner of the building can afford to charge lower rents, rents that amount to no more than 25 percent of the tenant's rent. As a result some 100,000 families are estimated to live in housing they might otherwise not be able to afford and the housing industry has been protected in some small way against even further recessions since the Government is subsidizing the financing.

These programs need more than 32.9 million dollars—they need an additional \$50 million at the very least—they need to be expanded, particularly the 236 program which holds such promise for urban areas like New York City, for non-profit groups developing cooperative and rental housing at prices which people in this time of economic crisis can afford. And I am happy to point out at this time that the 236 program is modeled after a pioneer program in New York City, the Mitchell-Lama program, which has brought New York such fine examples of apartment living as Penn Central South. We need more Penn Central Souths and I urge the appropriate committees in this House to consider greatly increased appropriations for fiscal year 1972 for both the 235 and 236 programs.

But today I urge the passage of this very modest supplemental appropriations request.

Due to the drop in interest rates, the number of units available for financing has increased to 236,000 units under section 235 and 78,900 under 236; the opportunities for families to move into housing they might otherwise not be able to afford has increased; and the money needed to meet the contractual commitments has increased by the 32.9 million requested here today. I urge its passage for these two very beneficial programs that will help alleviate some part of the

housing crises we in both urban and rural areas are faced with.

Mr. BIAGGI. Mr. Chairman, I supported the amendment to provide \$10 million in appropriations for the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970. This act, when passed last year, was hailed in this body as a significant step forward in the fight against this terrible disease. It is totally inconsistent and, in fact, deceptive to not provide the funds to carry out this far-reaching program.

Like drug addiction, alcoholism has only lately been recognized as a medical problem. Up until recently the alcoholic was tossed in a cell for a period of time only to be returned to the streets to drink more alcohol and then land back in jail.

During my 23 years on the New York police force, I recall many regulars at the stationhouses I worked in whose appearance on drunk charges was as regular as clockwork. This in-and-out pattern does little for the court and criminal justice system and absolutely nothing for the alcoholic.

Alcoholics Anonymous made the first initial strides in rehabilitating the alcoholic, but their resources even today are limited and cannot begin to match the overwhelming proportions of the problem nationally.

Congress has committed itself in word to the cure of alcoholism and the prevention of alcohol abuse; now is the time to translate those words into action. This amendment for \$10 million would have been a definite step in that direction and it is disappointing that a majority of my colleagues did not see fit to support it.

Mr. RYAN. Mr. Chairman, the second supplemental appropriations bill for fiscal year 1971, which we are today considering, has some worthy aspects—\$250 million for the food stamp program and \$100 million in additional funds for summer youth programs, for example. But, in some respects, the bill exhibits the continued misperception of priorities which has perpetuated the Government's failure to meet the needs of the people—for example, the absence of funds for the Lead-Based Paint Poisoning Prevention Act, and for numerous critical housing programs.

#### SUMMER YOUTH PROGRAMS

The second supplemental appropriations bill provides \$100 million for summer youth programs. This amount exceeds by \$35,700,000 the administration's request, and I commend the committee for refusing to abide by the inadequate bookkeeping of the administration. However, while this \$100 million is urgently needed, it is still not enough. I would hope that the Senate, in its version of the second supplemental appropriations bill, would provide sufficient funds, and that the House conferees, when the conference eventually occurs to iron out the differences between the House and Senate versions of the bill, would abide by the Senate's increased figure, should such figure be provided.

More money is needed because, very simply, more jobs are needed. The national unemployment rate—thanks to administration policies which actually contemplate an unemployment rate of 4.5 percent rate as acceptable—now exceeds 6 percent.

The rate for teenagers is even grimmer. In the last quarter of 1970, the teenage unemployment rate in poor neighborhoods was 27.8 percent—a jump of over 10 percent from the same period in the preceding year. Among white teenagers, the unemployment rate was 18.8 percent. And among disadvantaged black youth, the figure was a staggering 42.4 percent.

The need for jobs for these youths could not be clearer, just on the basis of the unemployment statistics alone. But in addition, the National League of Cities-U.S. Conference of Mayors has conducted a national survey and determined that there is a total need of 641,639 full-time summer opportunities nationwide—330,973 in the 50 largest cities, and 310,666 in rural and other areas.

For each of these job slots, a Federal expenditure of \$481 is needed—a total of \$308,628,359. Thus far, the Neighborhood Youth Corps, the prime vehicle for providing these slots, has been funded in the amount of \$164 million. In terms of job slots, this means, in New York City alone, a short-fall of 46,000 job opportunities—that is, there will be 46,000 fewer slots than are necessary. In fact, at the present funding level, less than half the job opportunities which New York City needs can be provided.

That is why the \$100,000,000 provided in the second supplemental appropriations bill before us today is so critical. Of this amount, \$12.8 million will be allocated to summer recreation programs for boys and girls aged 8 to 13. These programs, too, are enormously important. The remaining \$87.2 million will provide additional job slots within the Neighborhood Youth Corps program, bringing the total funding for this program up to \$252,900,000.

While the bill before us today is therefore a major step in abating the devastating effects of the administration's economic policies, and in mitigating the consequences of these policies, it still fails to provide the complete funding necessary to meet the total job opportunities need. For this end, a total funding of \$308,628,359 would be necessary. Thus, while the House Appropriations Committee has responded particularly well in the face of the administration's own inadequate request, hopefully the Senate will act to provide still further funds.

#### FUNDS FOR HOUSING

It is a commonplace to speak of the dire housing shortage afflicting the Nation. Nevertheless, while repetition of a commonplace may reduce the subject matter to a cliché, it in no way alters the truth of the matter. And the fact is that, despite the ringing statements in prior legislation—for example, in the Housing and Urban Development Act of 1968—about producing massive amounts

of decent housing in livable environments, the lack of housing continues.

In my communication to the Subcommittee on the Department of Housing and Urban Development and Independent Offices of the House Appropriations Committee, I detailed the lack of funds for numerous key housing programs. This communication which appears on pages 370-373 of the hearings on the second supplemental appropriation bill, 1971, amplified the figures incorporated in the legislation—H.R. 1115—which I introduced on the first day of the 92d Congress—and subsequently with 25 co-sponsors as H.R. 4001 and H.R. 4160—to provide full funding for five key programs: the section 236 rental assistance program, the section 235 homeownership assistance program, the urban renewal program, the model cities program, and the rent supplement program.

For each of these five programs, there is a large gap between the amounts which have been authorized by the Congress and the amounts which have been appropriated—in other words, the gap between rhetoric and reality. For the sections 235 and 236 programs, the gap is \$25 million for each. For the rent supplement program, the gap is \$113 million; for urban renewal, \$1,087,500,000; and for model cities, \$836,600,000.

Today's bill is a disaster, so far as closing these gaps is concerned. Not one penny is provided for any of them. An appropriation of \$32,900,000 is provided for payments under sections 235 and 236 programs. Of this total, \$29.5 million is for section 235, and \$3.4 million is for section 236. But—and this is the crucial point—this money is for interest subsidy payments, not for the new contract authority authorized under the Housing and Urban Development Act of 1970. No request was made by the administration for the additional \$25 million in new contract authority authorized for each program. No money is provided by the bill before us today.

This is not recognition of the problem of insufficient housing. This is blindness to it. Virtually every major housing organization has gone on record in support of these additional funds, yet no action has been the result. The National Association of Home Builders passed a resolution on January 8 of this year providing:

Now, therefore, be it resolved that NAHB urge there be appropriated as soon as possible all funds authorized for fiscal year 1971 under the Housing Act of 1970 for sections 235 and 236.

The National League of Cities and the U.S. Conference of Mayors have gone on record urging the same. So, too, has the National Association of Housing and Redevelopment Officials. They are all asking that Congress match rhetoric with reality, that it put the money where its figurative mouth has already been.

Fifty to sixty thousand new units could be started, were this money provided. So far as the bill before us today provides, that is 50,000 to 60,000 units down the drain.

Once again, we must depend upon the

Senate to act affirmatively. I am confident that the Senate will do so. I am less confident that the outcome of the House-Senate conference will result in retaining the full \$25 million for section 235 and for section 236. That is what we must work to insure.

Section 236, particularly, is of the utmost importance to New York City. Even if the full \$25 million is eventually provided in this fiscal year, it would in no way meet the city's needs, since, of course, most of those funds would not be allocated to New York City's Housing and Development Administration or to the New York State agencies. Nevertheless, New York City would receive a portion of the total of \$19.5 million in section 236 funds which it needs just for the current fiscal year.

The lack of funds for urban renewal, model cities, and the rent supplement program is also particularly severe. Each of these programs is an integral component of the ostensible Federal effort to provide decent housing, at feasible costs, in decent environments, for all Americans. That effort continues to be inadequate, and today's second supplemental appropriations bill further emphasizes that failure.

#### FOOD STAMPS

Seven years ago the Congress declared it to be the "policy of the United States to eliminate the paradox of poverty in the midst of plenty." Yet today, millions of Americans still suffer from hunger and malnutrition.

That hunger and undernourishment should exist at all in a society as rich as ours is unconscionable. But what is even less justifiable is the failure of Government to adequately respond to the plight of countless Americans who are dependent upon the Government for aid and relief.

Programs for the eradication of malnutrition must be expanded. The \$250,000,000 supplemental appropriation in the bill before us today for the Food Stamp Program is a much needed step in that effort.

But it is with the greatest concern that I note that the Department of Agriculture has proposed new regulations which the Department estimates will eliminate over 340,000 persons from the program, reduce benefits for another 1.75 million persons, and exclude 1.5 to 2 million potential beneficiaries.

These regulations run directly counter to President Nixon's statement on May 6, 1969, that:

The moment [is] at hand to put an end to hunger in America itself for all time.

The proposed regulations will adversely affect hundreds of thousands of disadvantaged people throughout this Nation, including over 500,000 New York City residents.

The Department of Agriculture has prescribed maximum monthly allowable income standards which set an income eligibility ceiling of \$4,320 per year for a family of four. In the passage of Public Law 91-671 the intent of Congress was to provide an income floor, under which no State could go. However, the

regulations set an arbitrary income ceiling so that in some States, where public assistance payments are higher than the national average, households will either be excluded from the food stamp program or they will have to pay more than they presently do for food stamps.

The proposed definition of household is so restrictive that, it has been estimated, a million households containing one or more unrelated persons would be ineligible. Most of those are children under 18. Also families in which the parents are united by common-law marriage, in States where this is not recognized, will be excluded from the program.

Further, the proposed regulations would create an administrative nightmare by requiring welfare recipients to be recertified regardless of whether or not they have been previously receiving food stamp benefits.

The Department of Agriculture believes that these proposed regulations will make food stamps available to many families who have not participated before. That is highly desirable. But in no way does that justify removing from the rolls thousands of families which are now receiving benefits which they desperately need. As a Washington Post editorial pointed out on May 6:

It is fine that more of the poor in some states will now get much needed food, but what about the two to four million whose tables will be stripped clean? What have they done to be ignored so suddenly? Is hunger and malnutrition in New York City, for example, easier on the stomach than in Sunflower County, Mississippi?

It is of the highest national concern that the Department of Agriculture delay the promulgation of these regulations and reconsider their effects. To this end I am calling upon the Secretary of Agriculture to extend to June 16 the time for interested persons to make known their views on these restrictive regulations.

The existence of hunger and malnutrition in this the richest country in the world cannot be tolerated.

#### FUNDS FOR FIGHTING LEAD-BASED PAINT POISONING

A glaring omission in the bill before us today is the total absence of funds for the Lead-Based Paint Poisoning Prevention Act, Public Law 91-695, which was signed into law by the President on January 13 of this year. Hopefully, the Senate will provide funds for this law in its version of the second supplemental appropriations bill.

Yet I cannot be so sanguine as to merely leave the matter at that. The fact that the Senate may act to provide funds is fortunate, to say the least. The fact that the administration has resisted all pressures to request such funds, thereby making it that much more difficult to persuade the Congress to act in the face of the administration's very meaningful silence, is unconscionable.

I do not think it unfair to claim some expertise in this field. I first introduced the legislation, which was enacted into law as the Lead-Based Paint Poisoning

Prevention Act, in March of 1969. There then ensued an 18-month-long campaign on my part to get this legislation passed. Hundreds of individuals and groups played an enormously important role; it was very largely their efforts which finally produced congressional action late in the 91st Congress. And it was their efforts which persuaded the President to sign the legislation into law, despite the recommendations of the Department of Health, Education, and Welfare and the Office of Management and Budget to veto it.

On the basis of this long effort I think I can claim to know something about the problem of lead-based paint poisoning. And the facts all point to one conclusion—this is a vicious disease which must be treated and eradicated.

The fact that the policymakers within the Department of Health, Education, and Welfare,—which is designated by the new legislation as the implementing agency to undertake the programs of treatment and eradication—are not prepared to implement the law is unacceptable.

Those officials charged with the responsibility of actually implementing the Lead-Based Paint Poisoning Prevention Act within HEW are cognizant of the need, and do support funding of the program. I have in my possession the formal "Implementation Plan To Carry Out the HEW Responsibilities Under the Lead Paint Poisoning Prevention Act of 1971." In yesterday's CONGRESSIONAL RECORD, I inserted portions of this formal plan, prepared by the Bureau of Community Environment Management, the division within HEW charged with implementing the law by virtue of delegation from the Assistant Secretary of Health, Education, and Welfare on March 5, 1971. That plan states:

Inaction on this problem would be an economic and human disaster. An estimated 16,000 little children are treated for severe lead poisoning each year at a cost of \$1,800—a total of \$28,800,000 annually. It is believed that many additional children are affected but are not detected or treated because the symptoms are not specific and the effects are very subtle in developing. One fourth of the infants treated continue to suffer from permanent damage such as visual disorders, impaired digestive and kidney functions, convulsive seizures, decrease in learning ability and mental retardation. Each moderate case of brain damage requires approximately 10 years of special instructions, and other care averaging \$1,750 per year—a total of \$560,000 for the 3,200 children stricken each year. Cases of severe and permanent mental retardation (800 children each year) require lifetime institutionalization at a cost of \$4,000 per year each, or \$3,200,000 annually. The economic cost to the Nation for one year's damage for this group of children is \$32,560,000. Who among us can price the human misery and suffering involved? The cost of treatment falls on that segment of our population least able to bear the expense. The result is an incredible demand for tax dollars. (Pages 2-3.)

This is the conclusion of the formal plan prepared within the Department of Health, Education, and Welfare to implement the Lead-Based Paint Poison-

ing Prevention Act. To repeat: "Inaction on this problem would be an economic and human disaster."

The plan also points out, as is well known, that "the problem of lead poisoning is completely controllable with existing technology." And as for the ability to use the funds authorized for fiscal year 1971—\$10,000,000 total, of which \$8.33 million would be allocated to HEW—the Implementation Plan states:

Based on the extent of the valid need evidenced to date—based on pilot screening programs already undertaken—the Bureau is convinced that the full funding authorized under the law for 1971 can be effectively utilized in the current fiscal year to carry out the tipes of community programs as outlined above . . . (pages 4-5)

The formal plan—which those with final decisionmaking authority have obviously rejected—makes very clear that the Lead-Based Paint Poisoning Prevention Act should be funded, that is should be implemented. Those with the power have spurned this course.

In doing so, they have not only rejected the formally prepared implementation plan for the act. They have also ignored those employees within the department, organized as the Health Employees for Change, who yesterday issued a strong statement criticizing the administration for its inactivity in helping to fight lead poisoning in children. The Health Employees for Change stated:

In spite of the Administration's opposition, the lead poisoning bill was passed by Congress and signed without comment by the President, against the recommendations of HEW. Since the signing of the bill, nothing has happened. The President did not mention lead poisoning in his health message, nor was a request presented in the 1972 budget . . .

We again repeat our deep concern at the present inactivity. What is called for is effective action now and not simply discussion about the problem.

The Lead-Based Paint Poisoning Prevention Act lies moribund. However, hopefully, the Senate will provide necessary funds for the program. Certainly, my reception, when I testified before the Senate Appropriations Committee's Subcommittee on Health, Education, and Public Welfare on April 21, has encouraged me that affirmative action will be forthcoming.

At this point I include the text of my testimony on April 21, 1971, before the Senate subcommittee:

#### STATEMENT OF CONGRESSMAN WILLIAM F. RYAN

Mr. Chairman, I want to thank you and the distinguished members of this subcommittee for the opportunity to appear before you today. Virtually every program involving the health and welfare of the public requires additional funds. But my purpose in testifying here is to talk about one specific group of programs with which I have a particular familiarity, and which is currently lying dormant—not for lack of sufficient funds, but because there are no funds at all for its operation.

These programs were created by the enactment, this past January 14, of the Lead-Based Paint Poisoning Prevention Act, P.L.

91-695. This legislation, which I introduced in its initial form as a package of three bills in March of 1969, creates a multiple-program approach aimed at detecting and treating lead-based paint poisoning, and at eradicating the sources of this disease.

It is estimated that 225,000 urban children between the ages of 1 and 6 are its victims; in New York City alone, some 30,000 children suffer from the disease. The effects of the disease are devastating—mental retardation, cerebral palsy, convulsive seizures, blindness, learning defects, behavior disorders, kidney diseases, and even death.

Yet the striking aspect of this disease is that it is preventable. Let me quote from an article by Dr. Jane S. Lin-Fu, Pediatric Consultant, Division of Health Services, Department of Health, Education and Welfare, entitled "Childhood Lead Poisoning . . . An Eradicable Disease," which appeared in *Children Magazine*, January-February 1970, at pages 2-9.

"In the history of modern medicine, few childhood diseases occupy position as unique as lead poisoning. It is a preventable disease. The etiology, pathogenesis, epidemiology, and symptomatology have all been well defined. Methods for screening, diagnosis, and treatment have long been available."

Yet, despite the fact that lead poisoning is preventable, this disease, as Dr. Lin Fu writes, "exists in epidemic proportions in many cities."

The problem lies in the congruence of two factors. The first is a disposition in young children to eat foreign materials. This habit of eating such non-food items as clay, plaster, ashes, starch, paint chips, and so forth is called "pica". The second factor is the presence of lead pigment paint on interior surfaces of many dwellings. These two factors combine to result in young children, most—but not all—living in decaying slum housing, eating the lead-tainted paint and plaster chips which fall from the walls and ceilings of their apartments and hallways and developing lead-based paint poisoning.

Today, throughout the nation, lead-based paint poisoning afflicts thousands of small children. The actual number is impossible to know. Detection centers are very few; the symptomatology is confusing. Some indication may be obtained from various surveys which have been conducted in a few localities. In Cleveland, a survey among 549 children aged 12-35 months living in areas of old, poorly maintained housing disclosed that 28 percent had an abnormal urine that might be indicative of increased exposure to lead; 6.4 percent fulfilled the diagnostic criteria for lead poisoning. In Baltimore, among 604 children aged 7-60 months, 333 had clinical evidence or a history suggestive of increased exposure to lead. Of these 333, 148 had high blood lead levels. In Chicago, a survey of 500 patients from a suspected high incidence area disclosed that 7.9 percent had clinical or laboratory evidence compatible with the diagnosis of lead poisoning.

Putting aside consequences such as brain impairment, and looking at deaths only, we find that the incidence of deaths ran at 25 percent between 1959 and 1963 in Chicago. In Cleveland, the mortality rate for lead poisoning from 1952 through 1958 was 30 percent.

Actually the testimony of the witnesses who appeared last year before the authorizing committees was, I believe, far more persuasive, in terms of statistics and figures, than anything I could add. But I would stress now in the strongest terms, that this is a man-made disease, and it is preventable.

It is because the disease is preventable that it was so encouraging that the Lead-Based Paint Poisoning Prevention Act was enacted into law. Finally, there appeared to

be a focused, comprehensive attack on lead-based paint poisoning. And only good could come of such an attack.

Let me very briefly outline the Act. First, the Secretary of Health, Education, and Welfare is authorized to make grants to units of local government to develop and carry out local programs to detect and treat lead-based paint poisoning. For Fiscal year 1971, \$3,330,000 is authorized, and for fiscal year 1972 \$6,660,000.

Second, the Secretary of Health, Education and Welfare is authorized to make grants to units of general local government for programs to identify those areas that present a high risk to the health of residents because of the presence of lead-based paints and then to develop and carry out elimination programs. For fiscal year 1971, \$5 million is authorized, and for fiscal year 1972, \$10 million.

Third, the Secretary of Housing and Urban Development is to conduct a research and demonstration program to determine the nature and extent of the lead-based paint poisoning problem, and methods of removing lead-based paints from interior surfaces, porches, and exterior surfaces of residential housing with which children might come into contact. For fiscal year 1971, \$1,670,000 is authorized, and for fiscal year 1972, \$3,340,000.

Finally, the Act directs the Secretary of Health, Education and Welfare to prohibit the use of lead-based paint in residential structures constructed or rehabilitated by the Federal Government, or with federal assistance.

In sum, the Lead-Based Paint Poisoning Prevention Act authorizes \$10 million for the current fiscal year and \$20 million for fiscal year 1972. Despite Congress' mandate, by virtue of passage of the Act, to get to work and eradicate this devastating, yet preventable, disease, the Administration has made no request for funds, either for fiscal year 1971 or for fiscal year 1972. I cannot accept this, and I urgently hope that this distinguished Subcommittee agrees with me.

We have already wasted three months, and the end of this fiscal year approaches. Yet there is \$10 million authorized for Fiscal Year 1971 which can be used—particularly, the \$8,330,000 which is authorized for the grant programs. That money can save children's lives, and I am unwilling to settle for bureaucratic slowness, or even recalcitrance. So, too, are the 48 Members of the House who have joined me in introducing H.R. 1748 and companion bills to provide funding for fiscal year 1971.

The failure of the Administration to request funding for the Lead-Based Paint Poisoning Act is very disturbing. Again, and this may sound redundant, but so be it, it is children's lives I am talking about. And \$10 million is really a miniscule amount of money. Let me, for the moment, however, address that issue, for those who might think that \$10 million is a significant sum.

If the child victimized by lead-based paint poisoning has encephalopathy—the most acute form of lead poisoning, which results in acute swelling of the brain and extensive damage to brain cells—and sustains brain damage severe enough to require lifetime institutionalization, the total estimated cost is in excess of \$200,000. If the damage is less severe and just special schooling is required, the costs will be approximately \$17,000. If the diagnosis is made prior to the onset of encephalopathy and if no significant brain damage has yet occurred, the cost is still considerable. Of course, these costs do not take into account the intangible factors of grief and of loss of a productive life.

Now, I do not have any brief for talking in terms of dollars and cents about children's lives. But, even in those callous terms, the

figures are clear. Fifty severely impaired children this year, requiring permanent institutionalization, will produce total costs of \$10 million—the same amount authorized for this fiscal year by the Lead-Based Paint Poisoning Prevention Act.

And I remind you, there are 30,000 children in New York City alone suffering from the disease. How much saner, how much more compassionate, to spend money now, so we can spare children death, or retardation, or blindness, or cerebral palsy.

I urge you to provide the funds for this fiscal year, 1971. I urge you not to delay. Funds appropriated this month, or even in May or June, could still be distributed in grants to local programs so that children may live and thrive.

Mr. KOCH. Mr. Speaker, I rise in support of the Conte amendment to add \$10 million to the supplemental appropriations bill for funding of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970.

The problem of alcoholism in this Nation is acute. In New York City alone there are an estimated 300,000 alcoholics, yet the existing treatment network, including private agencies, reaches less than 2 percent of these persons.

The cost of this problem is enormous, in personal, social, and economic terms. An estimated 15 percent to 25 percent of the families on public assistance have alcohol problems which contribute to their dependency. Alcoholics account for nearly one third of the patients in New York City's municipal hospitals and for an even larger portion of the patients in mental institutions and tuberculosis institutions. Alcoholism is a major underlying social cause of heroin addiction and is a bar to effective treatment of many addicts. Since an alcoholic is not a reliable jobholder, the economic costs of this disease, measured in lost wages, lost municipal and Federal taxes, and lost productivity amount to hundreds of millions of dollars.

The city of New York through its Bureau of Alcoholism Service has developed a comprehensive plan for combating alcoholism, but, as Deputy Commissioner Robert Horton stated before a Senate Subcommittee two weeks ago:

The obstacle to rapid implementation of the City's alcoholism treatment program is lack of funds.

Existing treatment facilities are fragmented and cramped by inadequate funding. Most treatment centers can deliver only a single service, such as detoxification or shelter, and only on a temporary basis. To obtain comprehensive treatment, an alcoholic has to travel to a number of centers.

The City Health Services Administration's plan would end this fragmentation. Six hospital-based treatment centers would be established, each providing a comprehensive range of services: Detoxification, food, shelter, family casework, employment counseling, outpatient care, and inpatient rehabilitation. Treatment would be provided both for those who only require temporary care—detoxification and outpatient care—and for those

who require longer inpatient care and rehabilitation.

A number of city hospitals have already been contacted about the program, and two have definitely agreed to establish treatment centers if funds can be found. Several others are quite interested. If this supplemental appropriation is approved, the first treatment center in New York City could open during the summer and the others during the fall. If funding is not approved, the opening of these six centers will be delayed until at least 1972.

As with too many congressional programs, the promises have been large, but the performance small. The 1971 authorization for this program was \$70 million, yet the President requested no funds for it, and the House included none in the first supplemental bill. The Senate added \$30 million to the first supplemental, but this money was deleted in conference on a technicality. In the second supplemental bill, the President again requested no funds, and none were added by the Appropriations Committee. This much needed legislation has thus been nothing more than words on paper for nearly 5 months. Mr. Conte's amendment is our promise to give substance to those words, and I urge our colleagues to give it their full support.

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

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

NATIONAL COMMISSION ON MATERIALS POLICY  
SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of title II of the Act of October 26, 1970 (84 Stat. 1234-1235), \$50,000.

Mr. WHITTEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to present here the explanation which we carry on the items in the chapter on the Department of Agriculture and environmental and consumer protection.

Mr. Chairman, our committee recommends an increase of \$1,000,000 for a fund to begin additional research on corn blight now. This recommendation is based on the 1972 budget amendment of \$2,000,000 requested in House Document 92-93 received on April 20. The \$1,000,000 is made available until expended to be used principally for contracts and grants to qualified research organizations. Corn blight struck much of the corn-producing areas last summer and poses a serious threat to our basic feed supply and the cost of food to the consumer. In the opinion of the committee, this matter should not wait for the final enactment of the 1972 Appropriation Act.

CONSUMER AND MARKETING SERVICE  
CONSUMER PROTECTIVE, MARKETING, AND REGULATORY PROGRAMS

The committee recommends \$3,379,000, the amount of the request, for the consumer protective, marketing, and regulatory programs. This supplemental is required by the rapid expansion of the Federal poultry inspection program and the passage of the Egg Products Inspection Act—Public Law 91-597. The 1971 ap-

propriation was based on inspection of 12.8 billion pounds of poultry. The current estimate is 14.5 billion pounds.

FOOD AND NUTRITION SERVICE  
FOOD STAMP PROGRAM

The committee recommends an additional \$250,000,000, proposed by the Office of Management and Budget, for the food stamp program. This supplemental request will provide a total of \$1,670,000,000 for fiscal year 1971 for the food stamp program. The growth of this program as a result of the expanded benefits has far exceeded the original budget estimate of \$1,250,000,000. The participation in this program in June 1970 was 6.5 million persons. It is currently estimated that the participation on June 30, 1971, will be 11.5 million. Given this estimate, the committee was informed that the actual requirement for 1971 will be for only an additional \$215,000,000. The committee is placing the balance of the request in reserve to be released by the Office of Management and Budget to offset the costs of additional counties whose applications for the food stamp program are in hand. The committee determined that these 147 counties, now operating commodity distribution programs, have requested entry into the food stamp program, as provided by existing law, but so far have been denied participation. Equity determines that these counties be designated for the program.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

DAIRY AND BEEKEEPER INDEMNITY PROGRAMS

The committee is recommending \$3,500,000, the supplemental request, to establish a fund for indemnification of beekeepers whose livelihood has been, through no fault of their own, impaired as a result of the use of economic poisons registered and approved for use by the Federal Government. This provision was authorized in the Agricultural Act of 1970, which provides reimbursement upon positive proof and then only for the net losses to beekeepers established on the basis of first cost of replacement bees; second, loss of expected income from honey and beeswax; and, third, loss of expected pollination fees. Claims under this act will cover the period from January 1, 1967.

RELATED AGENCIES

ENVIRONMENTAL PROTECTION AGENCY  
OPERATIONS, RESEARCH, AND FACILITIES

The committee recommends an additional \$13,000,000, the amount requested for the operations, research, and facilities appropriation of the Environmental Protection Agency. The need for these funds results from the Clean Air Act and the Resource Recovery Act. In addition, funds are provided to initiate programs for control of mercury in our waters and the waste discharge permit program under the Rivers and Harbors Act of 1899.

The committee has serious doubts as to whether the full amount of these funds can be properly used in the 2 months remaining of fiscal year 1971, and is, therefore, making the funds available under conditions which will permit

the agency to plan for the use of such funds in fiscal year 1972.

NATIONAL COMMISSION ON MATERIALS POLICY  
SALARIES AND EXPENSES

The committee recommends a total of \$50,000, in lieu of the request of \$85,000, to initially fund the National Commission on Materials Policy, established by title II of the Resources Recovery Act of 1970—Public Law 91-512. The reduction was made due to lateness in the fiscal year.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

CHAPTER II  
DEPARTMENT OF DEFENSE—MILITARY  
RETIRED MILITARY PERSONNEL  
RETIRED PAY, DEFENSE

For an additional amount for "Retired pay, Defense," \$166,400,000.

AMENDMENT OFFERED BY MR. GIAIMO

Mr. GIAIMO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GIAIMO: On page 4, after line 11, insert the following:

CHAPTER III  
DISTRICT OF COLUMBIA  
FEDERAL FUNDS  
LOANS TO DISTRICT OF COLUMBIA FOR CAPITAL  
OUTLAY

For an additional amount for "Loans to the District of Columbia for capital outlay," \$34,178,000, to remain available until expended and to be advanced upon request of the Commissioner to the general fund.

DISTRICT OF COLUMBIA FUNDS  
CAPITAL OUTLAY

For an additional amount for "Capital outlay," \$34,178,000, to remain available until expended.

POINT OF ORDER

Mr. BOW. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BOW. It is not germane, and it is not appropriate at this point in the reading of the bill.

We have just read the chapter on military personnel. So I do not see how this is germane.

The CHAIRMAN. Does the gentleman from Connecticut wish to be heard?

Mr. GIAIMO. At the end of that chapter, as chapter III of the legislation, I waited until the Clerk had completed reading the section on the Department of Defense, and there were no amendments to that. I, then, entered my amendment to the next section which is chapter III.

Mr. BOW. I would suggest to the Chair that chapter III is Foreign Operations, and I do not believe this is germane to the chapter on Foreign Operations. It is my understanding that chapter III has not been read as yet.

Mr. GIAIMO. It is my understanding that the point at which to put in legislation which had been deleted by the committee is between chapter II, having to do with Defense, and chapter III dealing with Foreign Operations, and then to renumber the chapters accordingly.

Mr. BOW. Which I submit the gentleman has not placed in his amendment.

Mr. GIAIMO. Mr. Chairman, may I say to the gentleman from Ohio that I have taken this up with the clerk of the committee, and I was so advised.

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

The CHAIRMAN. The Chair will state that the Chair is ready to rule on the point of order.

Mr. YATES. Mr. Chairman, I understood there was a point of order raised, and I wanted to argue on the point of order.

The CHAIRMAN. The Chair will state that the gentleman from Connecticut (Mr. GIAIMO) is being heard on the point of order. If the gentleman from Connecticut has completed, that is one thing, but if the gentleman from Connecticut has not completed his statement, then the gentleman can yield.

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

Mr. YATES. Mr. Chairman, I just wanted to point out that the report of the committee indicates that funds were requested, which are the subject of the amendment offered by the gentleman from Connecticut (Mr. GIAIMO) and the report of the committee on page 13 indicates that those funds were requested and that the committee struck those and refused to appropriate those funds. Therefore I submit it is perfectly proper for the gentleman from Connecticut (Mr. GIAIMO) to offer his amendment.

Mr. BOW. Mr. Chairman, may I be permitted to make one further observation on my point of order?

The CHAIRMAN. The gentleman from Ohio may proceed.

Mr. BOW. Mr. Chairman, unfortunately, the gentleman from Connecticut did not show us the courtesy of submitting the amendment to us, but it just seems to me that the amendment is not proper at this point.

Mr. GIAIMO. Mr. Chairman, may I be heard on the question of courtesy?

The CHAIRMAN (Mr. ASPINALL). The Chair is ready to rule.

Inasmuch as this is a supplemental appropriation bill and two diverse chapters have been read, and debated, the Chair feels that the amendment inserting a new chapter is in order. The Chair overrules the point of order.

Mr. BOW. Mr. Chairman, if I may be permitted to do so I would ask that the Clerk re-read the amendment?

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

The CHAIRMAN. The Chair will count.

One hundred forty-one Members are present, a quorum.

Without objection, the Clerk will again read the amendment.

The Clerk read as follows:

Amendment offered by Mr. GIAIMO: On page 4, after line 11, insert the following:

CHAPTER III  
DISTRICT OF COLUMBIA  
FEDERAL FUNDS

LOANS TO DISTRICT OF COLUMBIA FOR  
CAPITAL OUTLAY

For an additional amount for "Loans to the District of Columbia for capital outlay,"

\$34,178,000, to remain available until expended and to be advanced upon request of the Commissioner to the general fund.

DISTRICT OF COLUMBIA FUNDS  
CAPITAL OUTLAY

For an additional amount for "Capital outlay," \$34,178,000, to remain available until expended.

The CHAIRMAN. The gentleman from Connecticut (Mr. GIAIMO) was recognized for 5 minutes.

Mr. GIAIMO. Mr. Chairman, I ask unanimous consent that I be permitted to proceed for an additional 5 minutes.

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

Mr. BOW. Objection, Mr. Chairman. The CHAIRMAN. Objection is heard.

Mr. GIAIMO. Mr. Chairman, let me state at the outset that the gentleman from Ohio made reference to the fact that the amendment was not submitted to them. The gentleman from Ohio (Mr. BOW) knows that this is the same amendment which I introduced in the Appropriations Committee last Thursday. This amendment would restore the funds for the Washington subway which were deleted.

How difficult it is to stand on the floor of this House and try to do something for the District of Columbia which we think is right, particularly in view of the fact that the President of the United States, President Nixon, has wholeheartedly supported this program, and the Secretary of Transportation has wholeheartedly supported this program. And here we are being faced with having to ask for help from the administration and the Republicans, to put their money where their mouth is; and further than that, in fact, to support the subway for the metropolitan area, and to give the District of Columbia the \$34 million which it must be given if the subway is to continue.

Now, ladies and gentlemen, we know that for years this subway money has been blocked because of the impasse in the struggle over the highway system. My distinguished chairman, the gentleman from Kentucky (Mr. NATCHER) for whom I have the greatest affection, has consistently said that he is not opposed to the subway and that he wants a balanced transportation system—both subways and highways. So do I—so do I. But the fact is that all the local communities which must pay the one-third share into the subway have paid in their money, with the exception of the District of Columbia. Because of the impasse on the highway system, our committee has seen fit to withhold this money for the District of Columbia. I say this is not right. The people who are fighting about the highways—for the highways and against the highways—have their reasons and both have their remedies. They have taken legal remedies and proper remedies. They are in court. The Three Sisters Bridge is being held up by an injunction. There is another ruling against one of the other roads in the freeway system. The fact of the matter is that we, in the Congress—we who hold so much power—should be above maneu-

vering, forcing, and trying to blackmail the people into compliance. You have the freeway forces, both pro and anti, fighting out their struggle in the courts and through the Congress. But we voted for a subway. In this very fiscal year, this Congress has voted \$180 million for the subway in the Department of Transportation budget. That is the Federal share. In the same budget year that the Congress grants \$180 million, it then says on the District of Columbia share—the local share, the \$34 million share that we are withholding—Congress says "You are not in compliance with the law on highways."

The 1969 Highway Act—our act, the act of the Congress—compels the District of Columbia to comply with the law, and to comply with the law as it relates to the subway. Yet, we do not give them the money to comply with the law. We can work out the highway problem, but let us not hold the subway hostage. We must not hold the subway hostage.

If the Transit Authority does not get these funds, they are going to have to stop construction which is already under way, as well as planning and new commitments. It has been said that they will not be out of money and that they have \$116 million which they have invested. True—they have. But these are the moneys that the other municipalities have paid in. These are moneys which are under commitment for work to be done, but not yet ready to be paid for. In the meantime, this money properly has been invested so that it will draw some revenue to help us reduce the cost of the subway. Let us not hold the subway hostage. The people in the District of Columbia and the people in the surrounding towns want the subway. At this late date for Congress to jeopardize the construction of the subway already authorized and approved by the Congress would be improper and unseemly.

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

Mr. MAHON. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Connecticut (Mr. GIAIMO) may be extended for 5 minutes. I will say parenthetically that I have conferred with some of my colleagues and we feel that since others may want some additional time we ought to give both sides an opportunity to be amply heard.

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

Mr. BOW. Mr. Chairman, reserving the right to object, I did object previously to the gentleman from Connecticut having additional time, but at this time I will not object. My blood pressure has gone down just a little bit. The gentleman from Connecticut is making the usual address on this subject and I am delighted to withdraw my reservation of objection.

Mr. GIAIMO. I am delighted to hear that.

Let me say to the gentleman from Ohio that a little later in the afternoon, I will help you to get it down a little more.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. MAHON)?

There was no objection.

The CHAIRMAN. The gentleman from Connecticut (Mr. GIAIMO) is recognized for 5 minutes.

Mr. GIAIMO. The highway people and the people who are opposed to highways have been going round and round for some years, and I agree with my chairman, the gentleman from Kentucky (Mr. NATCHER), that there have been delays. There have been all kinds of maneuvers and maneuvering. But I think that day is over. I think they realize the deadly seriousness of the situation. Even in those cases where there are court suits pending efforts certainly on the part of the administration and the local District government will be made to stimulate and to speed up resolution of those lawsuits.

If we do not give money to the subway, work is going to come to a stop.

Reference has been made to the fact that this subway, which is a 98-mile system, originally designed to cost \$2.5 billion, will now exceed that amount. There is no question about it. They speak of a 5-percent-escalation-per-year cost. Actually the cost is much more than that. It is an average of 7-percent escalation because of inflation. In the last year it was even more than that. But on the average it will be a 7-percent escalation of cost.

Reference is made to the fact that it might cost as much as \$4 billion. There is no evidence of that at this date. There is administration evidence to the extent that it has escalated and the cost will be approximately \$2.9 billion. We also hear it said that this is the largest single public works project ever undertaken in the United States. I do not know whether that is so or not. I am sure it is one of the largest.

The fact of the matter is that when you compare it to some of the other great projects, such as TVA, the Manhattan project, and others, these were undertaken many, many years ago when dollars were not as inflated as they are now—when an aircraft carrier costs in excess of \$1 billion and an SST costs somewhere in the neighborhood of \$50 billion.

Reference will be made to the fact that there were well over 80 studies on the highway system, and there were many studies on the highway system and on the various concepts of freeways. But this is over a period of 20 years. Some of these studies even go back to the year 1946.

Now, remember when we first passed Federal highway legislation; in those days when you passed a highway act, you could design your highway, send your bulldozers out, and build your highway through the streets of the cities. But something has happened in the last 5 or 6 years—an awareness and a realization that you can no longer build highways in that manner, that you must have concern for the dislocated needs of the people in the way of the highway, that you must have concern for the con-

gestion that a highway brings into the city and, most importantly of all, a new concept which is very much on us, and which was not on us years ago when we designed and authorized highways, a serious concern for the environment. Mind you, I am not opposed to a balanced highway system—but look at the cities of America.

Take a plane from National Airport, and as you leave this city and look at the smoke settling down on it, remember that the same thing applies to every one of our major cities in this Nation. We need the mass transit. We know it. We have been derelict. Here we are with a mass transit system that has already been authorized, already appropriated for, already under construction, already in the works, and now we are going to hold back the money which will allow it to continue.

As I said earlier, let the various forces who are fighting the freeway and the subway fight, using their legal means, and if they use some maneuverings and other unethical means, so be it. But let us in the Congress be men—and I say that generically with the gentlewomen present—let us be men in Congress and let us take the high road and say, "We are for mass transit. We are for the subway system. We are not going to hold it hostage any longer."

Mr. BROYHILL of Virginia. Mr. Chairman, I move to strike the last word.

I rise in support of the amendment. It is very interesting, when we stop to think about it, that we are not debating here today the desirability of or the need for a subway system here in the Washington area. That question has already been decided. We have agreed that one is needed. We have spent millions of dollars in studies and surveys. The Congress has recognized the need and has authorized and directed the construction of a subway system.

What we are debating here today, Mr. Chairman, is whether or not we will hold up the Washington Metropolitan Area Transit Authority budget for the fiscal year 1971 and cause a delay, a costly delay resulting both in increased construction costs and increased interest.

Why the delay? What is the reason for the delay being advocated? It is because someone downtown has failed to comply with another act of Congress.

Mr. Chairman, I believe they should be required to comply with the law. As I have already said here, and as the gentleman from Connecticut stated, we should have a balanced transportation system in the area. No one is in disagreement with that. We long ago authorized a balanced system of both highways and rapid transit. But if we use the appropriation of funds for the subway system as a hostage to require compliance with another act of Congress, the net effect of it is we are giving a few people here in the area the choice of deciding whether or not they want either one.

I submit, Mr. Chairman, we must have both freeways and a subway. If we feel we do not need both, then let us change the law. Let us not take the approach that we will let anyone downtown make

the decision to abandon a system the Congress, after so many years, has decided is needed for the Nation's Capital.

Mr. Chairman, I submit the delay has gone on long enough. It has been a wasteful and costly delay.

We have been working on this for years and years. The transportation compact I spoke of a moment ago took years to work out, because we had to get the agreement ratified or enacted by the two State legislatures.

I also pointed out that the suburbs have passed bond issues and their local governments have made appropriations amounting to more than \$115 million as their share of the subway costs.

This year the budget for the entire system is \$376 million, including \$180 million Federal grant, \$55.8 million Maryland and Virginia contribution, \$106.3 million proceeds from sale of revenue bonds, and the \$34.2 million District of Columbia contribution this amendment would provide for at this time.

As of May 1, the Authority actually had: \$112 million Federal grant; \$0 District of Columbia contribution; \$56 million Maryland and Virginia contribution; \$0 proceeds from revenue bonds; a DOT loan of \$57 million. Total from all sources \$225 million. The \$112 million figure for Federal is based on fact that the Authority cannot use Federal money except to the extent of 2 to 1 local contribution, so the only local contribution that can be matched is that from Maryland and Virginia.

At this time all available funds, including those for prior years, have been obligated or committed.

Under terms of the compact the Authority may not enter into commitments or incur obligations until funds are available. So all local participants are required to make cash payments to the Authority in accordance with an agreed-upon schedule. These funds are available to support the commitments of the Authority.

The compact terms also require any jurisdictions who are delinquent with their contributions to pay interest at a rate of 6 percent per annum, and because of our refusal to free the District of Columbia contribution we are incurring indebtedness on the part of the District to the Washington Metropolitan Area Transit Authority at the rate of \$5,600 a day, totaling \$1,200,000 so far.

Since all funds currently available are committed, the need for these funds is urgent. Appropriation of the \$34 million will permit release of the remaining \$68 million in Federal funds, and, since projects scheduled for action already exceed the \$102 million, commitment of funds would be made immediately.

Even if we are successful in adoption of this amendment, the Authority will still be \$49 million short because the legislation to enable them to sell their bonds has yet to be enacted, and this deficit has been only partly offset by the loan of \$57 million made to the Authority by the Department of Transportation recently.

Why should we jeopardize the entire project just because of some disagreement or some misunderstanding between the Congress and the District government on another law, on another act, if it has nothing to do with this subway system?

Why should the other communities, the other States, and the people of the Nation, for that matter, be punished by being denied the use of this rapid rail system in the Nation's Capital simply because someone downtown, someone in the executive branch, possibly, has not done as much as we think he should have done in complying with the law?

There are other ways of making them comply with the law. Holding up these subway funds has not been too effective up to this point.

We tried, in the 1969 Revenue Act for the District of Columbia, to hold up the Federal payment to the District until they complied with the law. At that time they did comply with the law.

In the 1970 Revenue Act we made provision that the Federal payment would be held up until they complied with the Highway Act of 1968. I was advised, when the Congress enacted the Highway Act of 1970, that the District of Columbia was in compliance. Therefore, I agreed, and several other members of the Committee on the District of Columbia agreed, to take out the language in the Revenue Act of 1970, which would have required compliance, or would have denied the Federal payment to the District of Columbia.

I hope, Mr. Chairman, that this amendment will be adopted and that we will get on with the construction of this much needed subway system.

Mr. FAUNTROY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

First, I wish to salute the gentleman from Virginia (Mr. BROYHILL) for his honor and his courage in defending the interests of the people in the entire metropolitan area. Certainly I wish to commend his eloquent and persuasive argument to our colleagues on the other side of the aisle.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Connecticut. On behalf of the people of the District of Columbia, I thank him for his courage and intelligence in pressing our cause before this Congress and commending to you the reasons why the \$34 million requested by the administration and the District of Columbia government should be added to the second supplemental. It makes absolutely no sense to fund the Federal share of the subway system while withholding, with no logical basis, the District's vote. I agree that it is unconscionable to hold the subway hostage to force freeway construction, and I further agree that delaying the Metro funding will result in added cost escalation which we can ill afford in this community.

I wish to focus on the two other aspects of this question, and I speak with some personal knowledge, because, as

many of you know, I was among the first chairmen of the Washington Metropolitan Area Transit Authority.

One argument that has been made in favor of denying the District its share is that the District of Columbia government did not follow the requirements of the Highway Act of 1968 with regard to freeway construction. Mr. Chairman, I submit the fact of the matter is that the District of Columbia government is in compliance with the law of the land regarding the construction of local freeways in the District of Columbia.

The construction of the Three Sisters Bridge actually began in accordance with the wishes of the Congress, although even today it is not clear that the necessary connecting roads will be built in Virginia because of citizen opposition there. Work was halted only under the direction of the U.S. District Court for the District of Columbia. The District of Columbia has moved to comply with court directions, and surely the Congress of the United States would not have the District of Columbia Government act in defiance of that order.

With regard to the other aspects of the freeway system mandated by the Congress in the Highway Act of 1968, construction is underway or being planned or being studied in accordance with the Highway Act of 1970. Nothing more can be required of the District of Columbia government which has proceeded diligently to comply with the law, despite widespread and deeply felt citizen opposition to several roadbuilding projects.

Second, Mr. Chairman, the construction of the subway is essential to the economic and environmental life not only of the District of Columbia but, as the gentleman from Virginia indicated, for the entire metropolitan area. Every year more automobiles clog our streets, polluting more air and destroying the peace and safety of our neighborhoods. It can be clearly demonstrated additional freeway construction only worsens highway congestion because of the additional commuters who are lured by new freeways into abandoning bus service and packing the roads.

One alternative which is clearly indicated is that we must have mass transportation. Certainly not only is it important for environmental reasons but also for economic development.

It is vital to the further economic well-being of the entire metropolitan area. The subway provides the means of concentrating commercial and housing development, thereby eliminating the hazards of urban and suburban sprawl. Some of you may not realize that the subway travels through many of the District's economically depressed and riot ravaged neighborhoods. Subway stations located along 14th Street, Seventh Street, and in the Anacostia area will serve as the magnet for hundreds of millions of dollars of new commercial and residential development. Most of this will be provided by the private sector and will not require Government involvement. Thousands of new jobs will be created and opportunities for minority businessmen will evolve. Equally important is the fact that

the new subway will provide inner-city residents with the opportunity to have the means to go where the jobs are—both within the city and in the suburbs. Inner-city residents having no automobile now have no way to get to suburban jobs except through very expensive and slow bus service. Very often even that is not available.

In 1966 the Congress gave overwhelming approval to the interstate compact creating the Washington Metropolitan Area Transit Authority.

And, again, in 1969, Congress indicated its commitment to the economic and environmental health of the region by authorizing Federal and District contributions to finance subway construction. Congress has repeated its commitment time after time by approving over \$564 million in Federal funds for this project. This Congress knows the value of this project, and must not let it die.

I hope as you approach your vote on this amendment that you will vote not because it is safe, not because it is politic, not because it is popular and good, but because it is right that we move on with the construction of our subway system.

Mr. GUDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in response to the Delegate from the District of Columbia's statement as to whether it was politic to support this amendment, let me say that it is particularly politic, because by supporting this amendment you are going to save some taxpayers money because the amendment to restore the \$34 million which have been requested by the President and the Secretary of the Department of Transportation for the Metro area is a money-saving proposition. If we do not, the cost of the Metro system will escalate, and our commitment is going to cost more and more.

Let me say, first, that it is not a bit unusual for the actual cost of public works projects to exceed earlier estimates. In fact, we right here in Congress have had some very unhappy experiences, notably the Rayburn House Office Building.

Mr. Chairman, let us look at the cost of the Interstate Highway System. It doubled in 16 years, but still Congress went ahead and saw to its construction. What is unusual about the increased estimated cost of the Metro system is that the Washington Metropolitan Area Transit Authority had the forthrightness and courage to publicly disclose the increased costs as soon as they were firmed up.

Mr. Chairman, one of the reasons for the rise in cost has been the reluctance of the Congress to appropriate on schedule the District of Columbia share of the cost of the Metro system. The net effect of congressional refusal to appropriate the moneys was to run up the overall cost of the system because while construction was not progressing, the effects of escalation were progressing at an unprecedented rate.

So when we are looking around for somebody to blame for the increased costs of Metro, let us not overlook ourselves and the rather significant role we have played. I suppose it goes without

saying that the question before us today is whether we engage in a little more of the same. If we do, let us recognize fully that it will run up the overall costs of the system still more.

Another element that, of course, took a terrific toll on the Metro financial plan was the effect of inflation on their estimates. When the plan was first devised, WMATA took what was then considered to be a very prudent step cranking in an escalation factor of 5 percent per year compounded. In effect, Mr. Chairman, they included over half a billion dollars simply to cover the cost of time.

At the time the Authority took that action it was virtually impossible to foresee the remarkable changes that would take place in the national economy and, specifically, in the construction industry. The costs of labor and materials escalated by unimaginable proportions. WMATA faced up to this. The most recent estimate now takes into account a 7-percent annual escalation factor which amounts to some \$850 million solely for the cost of time. That factor alone accounts for a major portion of the increase which has been mentioned.

Still another fact that went into the new estimates was an extraordinary increase in interest rates. Where the Authority had earlier planned on selling revenue bonds at an average interest rate of about 5 percent, they are now allowing for an average interest rate of about 7 percent.

I submit, Mr. Chairman, that all three of these factors—congressional reluctance, skyrocketing escalation costs and interest rates are factors for which the Washington Metropolitan Area Transit Authority is blameless.

They control neither the Congress nor the state of the national economy.

Mr. Chairman, we are in a position today of again helping to raise the cost of the Metro system by refusing to appropriate moneys in accordance with the law which we passed authorizing the 98-mile system.

Or, we can get on with the job of building the Metro system which the National Capital region so sorely needs. I appeal to my colleagues to make the money available to do just that.

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

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Connecticut (Mr. GIAMMO). I do not profess to be an expert on systems of mass transportation, or even to be an expert in the field of subways, but I have lived in the city of Washington, D.C., off and on, for the past 30 years, ever since first coming down here as a congressional secretary, and I believe that this is a great capital. I think this Congress has a responsibility to do all we can to improve it, and to make it literally a model city and to make it an ideal capital.

Especially if you take a look at Wash-

ington this spring you know it has got a lot of mileage on practically any other capital in the world. But we do have some major matters that need attention here, and, as has already been pointed out, one of our important needs is mass transportation.

We have been reading a good deal lately about what has happened, in our ping-pong diplomacy. One of the things that we discovered is that even in Peking they have a subway, and a rather modern one, and a rather clean one. They have had one in Moscow for some time. So, if we are going to try to keep up with the Soviets in our Polaris submarines and in building ballistic missiles, I think we ought to at least try to match them by developing a modern, clean, and attractive subway here in the Capital of the free world.

Since Congress has already decided that we are going to have such a subway here, it seems to me we ought to proceed in that direction as quickly as possible, and without all the delays which have attended the financing of this program since Congress first approved it.

Mr. Chairman, I am not an expert in all of the ins and outs of the operations of the great Committee on Appropriations. And I do have a great deal of admiration for the gentleman from Kentucky; but I must say it has disturbed me greatly to read in the press accounts, whether justified or not that one Member of the Congress is holding up the financing of the subway. This is a decision which surely should not be in the hands of one Member of Congress. It ought to be decided by this body, and by the other body, as a Congress. The gentleman from Connecticut (Mr. GIAMMO) has given us that opportunity here this afternoon. If we want the subway, if we believe there ought to be a subway, then this is the opportunity to indicate our desire that it proceed, and that the funds be made available for it.

As I understand it, the argument is that Congress will not move on the subway unless we get more concrete highways built in the District of Columbia. Well, I know enough about my own district in upstate New York—in Albany, the capital of New York State, and in Schenectady—that we have just about come to the end of the road on the amount of concrete that we can successfully put in metropolitan areas. Today, the people in Washington are not the only ones who are objecting to more interstate highways being built in their backyards. They are objecting in Schenectady and in the town of Guilderland, and in Albany, and I am sure they are objecting in many of your districts, too.

So let us not make the Metro the hostage of more concrete here in the District of Columbia, and certainly let us not make it the hostage of the Three Sisters Bridge. I drive down the George Washington Parkway each morning, and I would hate to see that beautiful Potomac vista damaged by the construction of another bridge. It is bad enough to have that temporary stuff that we have standing up there now, but hopefully, at least

it shows they are not yet constructing the bridge anyway.

Not only should that great Potomac vista not disappear in an age of intense interest in our environment, as the gentleman from Connecticut has pointed out, but in addition, beautiful Glover Park will also largely be destroyed if the Three Sisters Bridge is built. You just cannot have a bridge without all kinds of abutments to it, and one of the very beautiful park areas of this city, which I have enjoyed off and on for 30 years, is destined to be damaged if not entirely destroyed if that Three Sisters Bridge goes up.

So let us get on with the Metro, and let us worry about the highways later on.

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

Mr. STRATTON. I yield to the gentleman.

Mr. CONTE. Mr. Chairman, I want to commend the gentleman from New York, however, I do feel that we need a balanced system. But at the same time we must not use the transit system as a hostage for the highway system.

The gentleman made mention of ping-pong diplomacy. Let me tell you that the ping-pong game that they have been playing with this transit system here in Washington, D.C., makes the ping-pong game that they played in Red China look anemic by contrast.

Mr. STRATTON. The gentleman makes a very good point.

Mr. PEYSER. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I was not privileged to be in the House of Representatives at the time you originally enacted this legislation. At the time you were doing that I was working in New York City, a city which is now and has been for a good many years struggling with the problems of mass transportation.

I have seen, as many of you have seen who have visited New York and who are aware of what is happening—the cost of delay in developing an adequate mass transit program within New York City and the cost and the delays in developing the commuter railroad that serves the city. Let us not let the people of Washington suffer as the people of New York City are suffering.

I think today we are simply faced with the problem of continuing a mass transit program and showing the country and the cities in this country who are struggling with mass transit that we here in the Congress are not just talking but that we are doing something about it in our own Capital City.

That is my only message—that we should be a pace setter, when we can be, in this country—and here is an opportunity, in the place where we work—and where many of us live, to put in and to continue a decent mass transit program that you have already authorized.

Mr. Chairman, I really want to support this amendment and urge that we now move on and make this mass transit system a reality.

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

Mr. PEYSER. I yield to the gentleman.  
Mr. McKINNEY. Mr. Chairman, I also rise in support of this amendment.

Mr. Chairman, I realize it is often difficult to bring ourselves to the point of being terribly concerned with the internal problems of the Federal City for, after all, we do have our own districts—in many cases, far away from the District of Columbia. Should we not realize, however, that this city is a reflection of all America, that it is a symbol to all Americans of the Government and majesty of this country.

When the Capitol of the United States is bombed we are appalled and rightfully so, for the symbol of this great Government has been attacked and it is as if all Americans had been attacked. This city has withstood the British, innumerable marches, protestors, and natural catastrophes, and we all earnestly demand its right to survive. In fact, we state it should not have home rule for it is the Federal City and far too important to be entrusted to the local citizenry.

It is time we all realize that it is not the protestors or the local citizens that endanger the city. Washington is in danger of strangling to death on the automobile.

Washington has always been a city of malls and parks and reflecting pools. We become incensed over any intrusion on this beauty; we galvanize to protect them from assault. Are we now going to stand by and allow Washington to become the city of the automobile and air pollution?

As we look back on the decade of the 1960's, I am sure it would be safe to say that it was the era of space. As usual this Nation, when called upon, started from scratch but in a short time surpassed even the greatest expectations of the world's scientists. The will, support, and drive for these accomplishments were nurtured here in this very room.

Now, as we begin this new decade, it is the wish of many of us here to make this the era of ecology—to accomplish a cleaner America, a healthier America, an America which prospers with its people. I think it would be safe to say this Congress is considering a record number of bills and resolutions aimed at cleaning up our environment, geared toward a safer and saner America.

Where should this drive begin? It should—and will—begin here but, as with space, not just in this room but in this city. Today we have the opportunity to choose between concrete and green grass, noxious fumes and cleaner air, congested highways and mass transportation.

Approval of the subway system would be a giant step toward cleaner air, greener grass—beyond the Capitol grounds—and a sane existence for those who live and work around us. We have the opportunity to make our Nation's Capital a showcase in the fight against pollution—the focal point of our Nation's challenge to pollution. How appropriate it would be—for the heart of our government to be at the forefront in the saving of the body we know as the United States.

If we simply look at the proposed high-

way plan for this city we can clearly see that the greatest danger that Washington has ever faced is coming from the Congress itself. We already are in the position where we cannot move. The entire U.S. Government is at the mercy of some of the worst traffic jams in urban America. We have made it virtually impossible to reach downtown Washington with any ease, resulting in business flowing to the suburbs. The ensuing collapse of the downtown area becomes ever more apparent with each year.

If this is truly the Capital of our Nation, should it not also be the pride of our Nation? Should it not have the best transport system that can be devised? For if we cannot move people in this Federal City, how can we ever expect to solve the transportation problems of this country?

Have you taken a bus ride in this city recently? Have you tried to park in the downtown area? Have you ever tried to catch a plane or train at rush hour?

We are high on monuments but low on transportation.

I implore you to pass this amendment so we can continue with the subway. Let us not bury this beautiful city under more and more concrete and further contaminate its already befouled air with more exhaust fumes.

We must give this city a balanced transportation system. We must give it a way of life which will be a symbol to the rest of our troubled cities. If we fail here, we certainly have no right whatsoever to tell the rest of America what to do. If we fail here we are admitting there may not be a solution to the transportation problems of the cities of this country.

Mr. LONG of Maryland. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Connecticut (Mr. GIAMMO).

The Congress is being asked to appropriate more money to finance the District of Columbia subway system. Let us look at the financial record.

When this proposal first came before the House, we were told that a 23-mile rapid-transit system would cost us about \$400.6 million.

Four years later we were confronted with a much more ambitious program—a 98-mile system, costing \$2½ billion, with the Federal Government financing two-thirds of the project.

Now we find that \$2½ billion figure has gone up. On the last day of December the transit authority directors reported that construction costs have increased, and the entire system would probably cost well over \$3 billion. I believe the chairman now has figures that indicate the total cost of this program is going to run to probably \$5 billion, with the Federal Government paying most of it.

Mr. Chairman, this is just the beginning. There are going to be more readjustments on these figures. I think we are going to find that this subway is a disaster.

Already Governor Mandel of my State has balked at releasing suburban Maryland's share of construction costs. The

reality is that no city can plan and construct a subway system, unless the Federal Government pays most of the bill. The city of Seattle is dragging its feet. Los Angeles is dragging its feet. San Francisco has had financial problems with its mass transit system.

But let us take a look at the cities that have subways. New York City has a subway. New York is probably more ideally situated for a subway than Washington because it is a long narrow city where people can get to the local subway easily and go long distances. In contrast, Washington, D.C., is more spread out; most of the people in Washington will be living far from any subway station.

The New York City subway system was built a long time ago at very little cost and that original cost of construction is practically written off. That is the main part of the cost of any subway system. Even with a 30-cent subway fare, New York City cannot take in enough revenue to pay its operating expenses. The subway is operating at a \$120 million annual deficit.

Last year Chicago, with a 45-cent fare, had a \$28 million operating deficit on its 157-mile system.

Because of the high incidence of violent crime on subways people will be afraid to ride Washington's subways in off hours. Once the subway system is built, you will have problems getting people to ride it. The subway will operate at a deficit just as buses operate at a deficit.

New York City depends on a transit police force of 3,200 men to protect the subway riders on its 237-mile system. Since 1965 that city has been forced to have a policeman on every train and one in every subway station between the hours of 8 p.m. and 4 a.m. Chicago has 204 members of its police force permanently assigned to a transit task force.

The answer to Washington's transportation crisis is better traffic management; a ban on cars in the city to force people to ride the buses; a more efficient bus system; and the movement of a large number of Federal installations to office space outside the District and not to move any more Federal activities into the city. We are trying to put too many angels on the head of a pin.

This is a great waste of taxpayers' money at a time when we have fabulous priorities for military construction, family housing, water pollution control, help for the elderly and the mentally retarded.

As some of my colleagues have pointed out, the D.C. subway system is the biggest public works project in history—bigger than the SST and four times the cost of the Aswan Dam.

We are throwing \$5 billion away for Washington, D.C., because a lot of Congressmen and their staffs want to have a little extra convenience. They probably will not use the subway, but they think other people will. Traffic will decrease and congressional employees will be able to drive to the capitol more quickly. They are asking the people in my congressional district and yours to pay for this convenience.

It will cost the people in my district \$12 million, about \$100 for every family.

I ask them back home what they are going to get out of the Washington, D.C. subway system that is going to be worth that kind of money.

This project will yield little or no benefit to the ordinary person around the country. It is as big a waste as the SST. In fact, I would call it an underground SST, or if you like a little better alliteration, a subterranean SST, or we might call it an ST-SST.

Mr. BOW. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. BOW. I shall not take the 5 minutes, Mr. Chairman. I merely wish to say that I am opposed to the Giarmo amendment. I support the committee report and the work done by the subcommittee. It has been well explained. This cannot be said to be one man alone who is holding this up. It is the subcommittee and the full committee who have supported the gentleman who is chairman of that subcommittee. I am looking forward to his address to the House this afternoon. I am sure that those who will hear him will agree with him as we will defeat the Giarmo amendment.

Mr. NATCHER. Mr. Chairman, I move to strike the necessary number of words.

The CHAIRMAN. The gentleman from Kentucky is recognized.

Mr. NATCHER. Mr. Chairman, for years now our committee has believed that 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 recommended to the House in the year 1966 that the necessary money requested be appropriated to start the rapid rail transit system underway and again in the year 1969 our committee recommended to the House that construction money be released in order that the rapid rail transit system might go under construction.

You will note on page 13 of the committee report which is now before this committee that our Committee on Appropriations has not approved at this time the request for \$34,178,000 to finance and provide the District of Columbia's share of the current costs of the construction of the rapid rail transit system. The estimates submitted in House document numbered 92-73 will be considered at a later date in connection with any future supplemental or along with the \$38,308,000 requested in the regular 1972 budget in anticipation that the current highway-subway impasse will be resolved.

The provisions of the Federal-aid Highway Act of 1970 must be complied with by the District officials before our committee can recommend to the House of Representatives that additional amounts be appropriated to continue construction of the rapid rail transit system. These two acts set forth the law and this law must be complied with by the District of Columbia.

In 1955 the Washington metropolitan

area transportation study was started by the highway departments of Maryland, Virginia, and the District of Columbia with the cost of the District of Columbia's share being \$561,000. Our committee recommended the appropriation of this amount of money and following a 4-year study the mass transportation survey was completed and forwarded to the President of the United States. This survey involved both mass transit and highways and the most up-to-date information and analysis methods were used. The survey recommended a balanced system of transportation consisting of highways, express buses, and rapid rail transit. The need for a freeway concept involved an all-out beltway and inner loop and connecting radials using part of the comprehensive plan for freeways for the District of Columbia and this concept began in the year 1950 and was included in the survey completed in the year 1959.

There were 13 elements composing the freeway program in the District of Columbia and the freeway projects were set forth on page 971 of the hearings which are now before this committee.

Mr. Chairman, no single element composing the freeway program in the District of Columbia was selected by the Public Works Committee, the District of Columbia Committee, or the Appropriations Committee. The location and all of the projects were selected by the District of Columbia officials and detailed plans were worked out by the Department of Highways and Traffic here in the District of Columbia. Neither the location for the Three Sisters Bridge nor the location of any highway project was selected by any committee of this Congress.

On September 15, 1955, the Commissioner of Public Roads pursuant to the Highway Act distributed urban mileage. In this year of 1955 the highway departments of Maryland, Virginia, and the District of Columbia initiated system layouts in accordance with highway legislation. The freeway projects which are set forth on page 971 together with the number of studies for each project are as follows:

First. North east freeway. By the way, they have had eight studies of this one since it was adopted. A study would be made and then the project would be filed away, costing thousands upon thousands of dollars.

Second. The north central freeway, six studies have been made.

Third. Palisades parkway, six studies.

Fourth. Three Sisters bridge, eight studies.

Fifth. Fourteenth 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. Northeast-north central freeway, eight studies.

Eleventh. North leg, east, six studies.

Twelfth. East leg, six studies.

Thirteenth. Intermediate loop, five studies.

Since the adoption of these projects there have been 82 studies made, at a cost of over \$20 million.

You will note, Mr. Chairman, that since these projects were selected, there have been 82 studies made at a cost of over \$20 million. For instance, on the Three Sisters bridge we have eight studies and on the Potomac River freeway we have eight studies. When the footdragging began the studies began and this in the main was a system used to stall the freeway program. There were some people back in the beginning who believed that this was the only method to be used in order to force the Congress to approve a rapid rail transit system in our Nation's Capital. All down through the years our committee has been for a rapid rail transit system along with a freeway system. Both systems have been approved by our committee and recommended to Congress for years now and both systems must proceed together.

We began appropriating for our freeways in the year 1958. Over \$200 million is now available in Federal and District funds for the District of Columbia's freeway system. We would recommend an appropriation to the House and it would be approved and then we would have more studies, more changes, and more footdragging thereby bringing about the accumulation of the \$200 million which is now available.

By virtue of delay and failure to comply with the law set forth in the Highway Acts of 1968 and 1970 the cost of the freeway projects are in some instances more than double the original amount estimated.

In the year 1966 our committee recommended to the House that the rapid rail transit money be appropriated following the action of the National Capital Planning Commission. The Commission approved the freeway program and it appeared at that time that both systems would finally be approved and the freeway-rapid transit impasse solved. Shortly after we recommended the release of rapid transit money the National Capital Planning Commission called another meeting and repudiated its action which brought about the release of rapid transit money. A law suit was immediately filed and the freeway system was again stopped and remained in this category until a final judgment was rendered in February 1968. Certain requirements were set forth in this judgment which had to be complied with by the District of Columbia in order to proceed with the freeway system.

For 10 years, beginning with the year 1958 and extending up to the year 1968, when the final order was entered in the district court, the Committee on Public Works in the House made every effort possible to see that the District of Columbia complied with the action taken on September 15, 1955, when the Commissioner of Public Roads distributed the urban mileage. All down through the years the Public Works Committee has assisted the District of Columbia with its highway program and at all times has made every effort to see that the interests of the District of Columbia were fully protected. After it was clear that the District of Columbia did not intend to construct the freeway program which it had requested and approved, the Pub-

lic Works Committee decided that in all fairness to the States of Maryland and Virginia, who had relied upon the system agreed upon in the District of Columbia and in the States of Maryland and Virginia, brought forth the provision in the Highway Act of 1968 calling upon the District of Columbia to construct certain projects of the freeway system which the District had approved.

The States of Maryland and Virginia had proceeded on the theory and the understanding that the District of Columbia would construct its projects and these two States then perfected their plans to correspond with the exits and entrances to the District of Columbia. Along about this time the Emergency Committee on the Transportation Crisis was formed. Statements were issued by members of this committee that there would be no more exits or entrances into our Capital City. This committee proceeded to make every effort possible to destroy the freeway system which had been approved and to stop construction on each and every project in the system.

Section 23 of the Federal-Aid Highway Act of 1968 required the District of Columbia to commence work no later than 30 days on four projects, namely:

First. The Three Sisters Bridge.

Second. The Potomac River Freeway.

Third. Center leg of the inner loop.

Fourth. East leg of the inner loop.

This section also required the District and the Secretary of Transportation to study the remainder of the Interstate System and report back to Congress no later than 18 months on the results of the studies. A year went by before the District officials made any effort to comply with these mandates of the Congress and then only because the Revenue Act of 1969 from the Committee on the District of Columbia contained a provision that unless they would indicate by letter from the President that they would comply then there would be no Federal payment to the District of Columbia.

The compliance at that time consisted of starting the Three Sisters Bridge under construction, commencing engineering work on the Potomac River Freeway, continuing construction on the center leg of the inner loop, and advertising and receiving bids on the first section of the east leg of the inner loop. The District of Columbia had 60 days to award a contract on this latter program but refused to do so before a suit had been filed in court. The suit however in no way prevented the District from awarding that contract in those 60 days.

The studies submitted to the Congress by the District of Columbia recommended a route for the extension of the east leg of the inner loop which would have extended right through the National Arboretum and forced a change in the upper end of the east leg which had already been directed by the act. The east leg therefore represented a maze of noncompliance with the 1968 act. The suggestion of going through the National Arboretum was premeditated, of course, and brought about hundreds of letters from fine women throughout this country objecting to extending the freeway system through the National Arboretum. Those who had made up their

minds to stop the freeway system in the District of Columbia knew this, of course, and decided that, notwithstanding the fact that such a proposal was fraudulent, it might to some extent place them in a position of being able to say that they were complying with the Highway Act of 1968.

When the Department of Transportation study recommendations came to the Congress they were in complete disagreement with the District of Columbia recommendations and neither the District of Columbia nor the Department of Transportation had even discussed their proposals with the States of Maryland or Virginia. In fact the council of governments which must be consulted on these projects had rejected the District's plan in early 1969.

The 1970 Highway Act in section 129 has simply allowed the District of Columbia 12 months from the enactment of the legislation on December 31, 1970 to further study the East Leg, the North Leg, the North Central Freeway, and the Northeast Freeway. Over 4 months of that 12 month period has elapsed and the District has not as yet begun these studies.

It does not appear that there will ever be compliance with the law until both the District Government and the Department of Transportation are first of all in agreement and secondly move forward aggressively in building this highway system.

The Three Sisters Bridge is a most important part of the freeway system and is being held up by action in the courts. President Nixon in his letter to me of August 12, 1969, stated that he had "directed the Attorney General and the Secretary of Transportation to provide assistance to the Corporation Council of the District of Columbia to vigorously defend any law suits which may be filed to thwart the continuation of the projects called for by the act." It is impossible to ascertain just who is in charge because there are four sets of legal counsels—the Corporation Council of the District of Columbia, the Counsel of the Federal Highway Administration, the Counsel of the Department of Transportation, and finally that of the Attorney General. At this time they are apparently at odds with each other as to how to proceed.

The Attorney General and the Corporation Council of the District of Columbia recommended that the decision of the court in the 1969 case be appealed. This decision upheld the 1968 Highway Act by providing that a design hearing must be held. Notwithstanding that this appeal was recommended the Department of Transportation and the District officials refused to appeal the case.

Mr. Chairman, at this point I would like to state that President Nixon has carried out every commitment that he has made concerning the freeway-rapid rail transit impasse and if the District officials and the officials of the Department of Transportation had listened to him, we would no longer have the present rapid rail transit-freeway impasse.

A contract was let for construction of the Three Sisters Bridge and construction started in August of 1969. Prior

to the letting of the contract a group of people appeared before the city council. At the time that this matter was under discussion, a general disturbance took place with ashtrays thrown at the members of the city council and with a number of arrests made. Mr. Chairman, you will recall that a subpoena was issued and served on me following the arrests of a number of people who for years now have violated every law attempting to stop the freeway system from going under construction and according to the newspapers some of those arrested were demanding that I appear at the time they were to be tried to explain just why it was that the Highway Act of 1968 must be complied with.

You will recall, Mr. Chairman, what transpired at the time I presented the subpoena to the House. Of course, the House refused to recognize the subpoena and the Highway Acts of 1968 and 1970 are still the law and must be complied with by the District of Columbia officials. Both freeways and rapid transit must proceed together.

During the year that the Three Sisters Bridge was under construction from time to time a group of people appeared on the banks of the Potomac River causing trouble and making every effort to stop the contractor from constructing this bridge. On a number of occasions the District of Columbia police had to be called to maintain order and during the disorders a trailer containing valuable tools and equipment was set on fire and destroyed with the damage amounting to nearly \$100,000. Other incidents took place on the river at the bridge construction site which caused the contractor difficulty and made it almost impossible to proceed with bridge construction.

The suit instituted in Federal court in 1969 brought forth an order from the court that a design hearing must be held by the District of Columbia on the Three Sisters Bridge project. The question of the Highway Act of 1968 and its legality was no longer an issue, but the court held that a design hearing must be held before construction could proceed, therefore, the order stopped construction on the Three Sisters Bridge project. In November and December of 1970, design hearings were held and were completed finally on December 16, 1970. Now, some 4 months later, the bridge is still not under construction and nothing has resulted from the design hearings held except the fact that someone suggested that an 81-foot model be constructed to back up the position of the District of Columbia and the Department of Transportation. A contract was let for the 81-foot model and according to my information, Mr. Chairman, several days ago the model while under construction broke and it will require several months before the model will be completed and used. Here again we have nothing but deceit and footdragging, Mr. Chairman.

The District of Columbia today is paying the contractor on the Three Sisters Bridge contract, \$500 per day damages. The amount is based on a 30-day month and this totals \$15,000 per month. This money has been paid consistently since

the bridge job was stopped, and will continue on into the future until construction begins on the Three Sisters Bridge. Mr. Chairman, for some reason you have not read about this in the newspapers or heard it discussed on television or radio. This is very similar to a lot of other things that have transpired during this rapid rail transit impasse.

Today, Mr. Chairman, we have heard quite a bit about the importance of releasing the \$34,178,000 and just what will transpire unless this takes place. We have heard very little about the fact that the Washington Metropolitan Area Transit Authority has within the last 3 weeks invested more than \$106 million in funds not needed immediately.

Mr. Chairman, at this time we should take a look and see just what position the rapid rail transit system is in from the standpoint of the \$2½ billion authorized and the 98-mile system now under construction.

In the year 1963 the bill which was brought to the House authorizing construction of a rapid rail transit system for the city of Washington was recommended due to the fact that the cost of constructing the system and answers concerning where the money would come from were not answered to the satisfaction of the Members of the House of Representatives thereby the bill was sent back to committee.

In the year 1965 another transportation act was brought to the House and here we had a request for a 25-mile system to cost \$431 million, to be constructed entirely within the limits of the District of Columbia. Fifty million dollars of the total amount was to come from the District of Columbia, \$100 million from the Federal Government and the balance to be obtained through the issuance of bonds.

No construction was started under the authorization of 1965 and it was not until the Transportation Act of 1969 was enacted that we finally had construction beginning on a rapid rail transit system here in our Nation's Capital. The Transportation Act of 1969 provided for 98 miles at a cost of \$2.5 billion; \$1,147,044,000 would come from the Federal Government in grants and \$216,500,000 would come from the District of Columbia. The seven jurisdictions in Maryland and Virginia would pay \$357 million for construction of the 98-mile system and the balance of \$835 million would be in bonds to be issued and thereby retired out of funds from the fare box.

Beginning several years ago our committee has maintained that the 98-mile system could not be constructed for \$2.5 billion. I believed then and I believe now, Mr. Chairman, that this 98-mile system will cost at least \$4 billion and may cost \$5 billion. Each year when the officials appeared to testify on construction appropriations we inquired as to whether or not they still maintained that the 98 miles could be constructed for \$2.5 billion. Each time the answer was yes.

Since then, Mr. Chairman, during the supplemental hearings last fall the officials of the Washington Metropolitan Area Transit Authority upon being questioned concerning the \$2.5 billion figure

finally admitted that the 98-mile system could not be constructed for \$2.5 billion. They said then that it would cost \$480 million more than anticipated to construct the 98-mile system.

About 1 year ago the bankers and the brokers in this country indicated that they would not purchase the \$835 million in bonds when issued which were to be retired out of the fare box. They stated that some system to guarantee payment of the bonds must be placed into effect. We have maintained on our committee on appropriations for years that rapid rail transit bonds cannot be retired out of the fare box and this has been the experience of all other communities operating a rapid rail transit system.

A bill is now being prepared Mr. Chairman, which must be brought back to the Congress providing for additional authorization for rapid rail transit construction. The total cost according to the officials of the Washington Metropolitan Area Transit Authority will be \$2,980,200,000; \$1,147,044,000 will be in grants from the Federal Government. The District of Columbia share of the new bill which will be presented will call for \$269,700,000 instead of \$216 million. The Virginia jurisdictions must pay under the new bill \$204,900,000 instead of \$150 million. The Maryland jurisdictions will under the new bill pay \$248,900,000 instead of \$197 million. Now we come to the question of the issuance of the bonds, Mr. Chairman. Instead of \$835 million in bonds we will have \$900 million in bonds plus \$300 million in bonds, with the \$300 million converted to a taxable issue. The Federal Government would guarantee payment of the bonds and this is the provision that the bankers and the brokers in this country are insisting upon.

The rapid rail transit system here in our Nation's Capital is the largest single public works project in the history of the United States of America. The Manhattan project during World War II cost \$1 billion. No single public works project in the TVA or in any of our space programs cost anywhere near \$2.5 billion or \$2,980,200,000.

Mr. Chairman, if you will check you will find that this is the largest single public works project in the history of the world. Even the Aswan Dam project only cost \$1,200 million.

The Highway Acts of 1968 and 1970 must be complied with by the District of Columbia officials and both rapid rail transit and the freeway system must proceed together. Further delays and foot-dragging will not be accepted and such action can, if continued endanger completion of the rapid rail transit system.

As I have explained, Mr. Chairman, additional amounts are now to be requested for the rapid rail transit system and Congress will be called upon to approve of legislation which places the Federal Government in a position of guaranteeing payment of rapid rail transit bonds.

Notwithstanding the fact that the \$34,178,000 comes as a request in a supplemental appropriations bill does not mean that we will not reconsider appropriating this amount during the hearings on the regular bill for the fiscal year of 1972

for the District of Columbia budget wherein we have a request for \$38,308,000 for the regular 1972 fiscal year payment. Our committee on appropriations has been in good faith at all times and we intend to remain in this position. We want to be placed in a position where we can recommend to the House that the \$34,178,000 along with the \$38,308,000 be appropriated together with all additional amounts necessary to complete construction on the rapid rail transit system. Construction work on the Three Sisters bridge must begin and the provisions set forth under the Highway Acts of 1968 and 1970 must be complied with in full by the District of Columbia.

In order that the committee may have a better understanding of the rapid rail—freeway impasse, I incorporate herewith a portion of the hearings on the second supplemental appropriation bill for the fiscal year 1971 beginning on page 970. That portion of the hearings is as follows:

#### STATEMENT OF CHAIRMAN NATCHER ON HIGHWAY-SUBWAY IMPASSE

Before we proceed with the witnesses, I have a statement I would like to make regarding the current situation as far as the Highway-subway impasse is concerned.

For years now our committee has believed that 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 consideration.

#### HISTORY OF HIGHWAY PROGRAM

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 by the National Capital Park and Planning Commission. In 1952, we had the Highway Improvement Program by the highway departments of Maryland, Virginia, and the District of Columbia.

In 1955, the Washington Metropolitan Area Transportation Study was made by the highway departments of Maryland, Virginia, and the District of Columbia and the cost was \$561,000. I recommended to the Subcommittee on the District of Columbia Budget that the District's share for the Mass Transportation Survey be paid. The 4-year study was completed in 1959 and sent to the President of the United States. This study was designated as the Mass Transportation Survey. This survey involved both mass transit and highways and the most up to date information and analysis methods were used. The survey recommended a balanced system of transportation consisting of highways, express buses, and rapid rail transit. The survey 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 a part of the comprehensive plan of the National Capital Park and Planning Commission in 1950.

#### NUMBER OF STUDIES OF FREEWAY PROJECTS

On September 15, 1955, the Commissioner of Public Roads pursuant to the Highway Act distributed urban mileage. In the year 1955 the highway departments of Maryland, Virginia, and the District of Columbia initiated system layouts in accordance with highway legislation. The freeway projects adopted for the District of Columbia were:

### 1. Northeast Freeway.

By the way, they have had eight studies of this one since it was adopted. A study would be made and then the project would be filed away, costing thousands upon thousands of dollars.

No. 2, the North Central Freeway, six studies have been made.

No. 3, Palisades Parkway, six studies.

No. 4, Three Sisters Bridge, eight studies.

No. 5, 14th Street Bridge, staff studies.

No. 6, Potomac River Freeway, eight studies.

No. 7, south leg, seven studies.

No. 8, north leg, west, seven studies.

No. 9, north leg, central, seven studies.

No. 10, Northeast-North Central Freeway, eight studies.

No. 11, north leg, east, six studies.

No. 12, east leg, six studies.

No. 13, Intermediate Loop, five studies.

Since the adoption of these projects there have been 82 studies made, at a cost of over \$20 million.

#### SELECTION OF ELEMENTS COMPOSING FREEWAY PROGRAM

The 13 elements composing the freeway program were not selected by the Public Works Committee, the District of Columbia Committee, or the Appropriations Subcommittee on the District of Columbia Budget. These projects, which compose the freeway system, were selected by the District officials, the Department of Highways and Traffic, and the Bureau of Public Roads.

The 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.

Of the \$20 million invested in plans and specifications over \$10 million of this amount was expended for plans which will never be used.

#### FUNDS APPROPRIATED FOR FREEWAY SYSTEM

Beginning in the year 1958 we started appropriating funds for the freeway system in the District of Columbia. On December 31, 1965, there was a balance available of \$172,200,691 composed of \$20,927,305 in District of Columbia funds and \$151,273,385 in Federal funds. At the present time we have over \$200 million available for the freeway projects. Time after time when funds were appropriated for projects the plans were discarded and filed away.

Beginning in the year 1961 we called attention to the fact that by virtue of the delay and the stalling each of the freeway projects would, when completed, cost considerably more than when approved, and a large portion of the increase was not necessary. The freeway projects will, when completed, cost millions of dollars more by virtue of the delay and the impasse that exists at this time.

In our freeway program for fiscal year 1963 we were to expend \$47.8 million and instead, only \$35.5 million was expended.

For fiscal year 1964 the sum of \$45.4 million was to be expended, and only \$25.4 million was expended. For fiscal year 1965 the sum of \$69.5 million was to be expended and only \$18.3 million was expended. For fiscal year 1966 the sum of \$82.4 million was to be expended and during the first 6 months only \$8.3 million was expended.

#### STUDIES OF FREEWAY PROJECTS

Eight studies have been made of the Three Sisters Bridge beginning in 1953 and extending through 1965. The Potomac River Freeway has had eight studies. Beginning in 1950 and extending through 1966 studies were made for this project. From 1952 through 1966 seven studies were made of the south leg and the north leg has been studied seven times. The north central has had seven

studies beginning in 1955 and extending through 1966. Eight studies costing thousands of dollars have been made of the Northeast-North Central Freeway from 1946 through 1966. Numerous studies have been made of all of the other projects and in most instances studies were inaugurated and used to stall the projects and were not necessary.

#### RELEASE OF RAPID TRANSIT MONEY IN 1966

In 1966 our committee recommended that the rapid rail transit money be appropriated following the action of the National Capital Planning Commission. The Commission approved the freeway program and it appeared at that time that both systems would finally be approved and the existing impasse solved. Shortly after we recommended the release of rapid transit money the National Capital Planning Commission called another meeting and repudiated its action which brought about the release of rapid transit money. A lawsuit was immediately filed and this suit stopped the freeway system with a judgment rendered in February 1968.

#### FEDERAL-AID HIGHWAY ACTS OF 1968 AND 1970

At this time the Public Works Committee of the House brought out the Highway Act of 1968. I insert in the record at this point that portion of the Federal-Aid Highway Act of 1968 pertaining to the District of Columbia.

[Excerpt from Public Law 90-495, pp. 13 and 14]

#### 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 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 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 18 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 18-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.

Mr. NATCHER. The portion of the Federal-Aid Highway Act of 1970 pertaining to the District of Columbia is as follows:

[Excerpt from Public Law 91-605, pp. 18 and 19]

#### DISTRICT OF COLUMBIA

SEC. 129. (a) In the case of the following routes on the Interstate System in the District of Columbia authorized for construction by section 23 of the Federal-Aid Highway Act of 1968, the government of the District of Columbia and the Secretary of Transportation shall restudy such projects and report to Congress not later than 12 months after the date of enactment of this subsection their recommendations with respect to such projects, including any alternative routes or plans:

(1) East Leg of the Inner Loop, beginning at Bladensburg Road, I-295 (secs. C4.1 to C6).

(2) North Central and Northeast Freeways, I-95 (secs. C7 to C13) and I-70S (secs. C1 to C2).

(b) 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.

#### MERCHANTS IN FAVOR OF BALANCED TRANSPORTATION SYSTEM

Mr. NATCHER. The Board of Trade, the Chamber of Commerce, and the majority of the merchants in our Capital City are in favor of a balanced system of transportation and have offered at every opportunity to help solve the impasse with which we are confronted. On December 11, 1970, appeared an article in one of our local newspapers entitled "Merchants Push City Freeways." This article is as follows:

[From the Washington Post, Dec. 11, 1970]  
**MERCHANTS PUSH CITY FREEWAYS—CRITICIZE  
 MAYOR, ASK NIXON'S AID**  
 (By Phillip A. McCombs)

Washington's business leaders joined together yesterday to give strong new public support for the entire system of proposed freeways for Washington, including the embattled North Central Freeway.

The businessmen called on President Nixon to bring city officials who are opposed to some freeway projects together with congressional freeway advocates to resolve their long-standing differences.

They blamed the Mayor and the city government for stalling on freeway building here and thus threatening congressional funding of subway money and other city revenue. The Mayor's office had no comment yesterday on the charge.

The businessmen, representing hundreds of business leaders in the District, were convened by Miles L. Colean of the Federal City Council. The Board of Trade, Board of Realtors, the District of Columbia Chamber of Commerce, and Washington Savings & Loan League were also among those represented.

They acted yesterday after it had been learned that a compromise may be reached on Capitol Hill that would delay a congressional order to build the North Central Freeway at least another year.

The businessmen predicted that Washington would "die" economically within a decade unless all the freeways are built, and said inner-city residents would be the primary victims.

"We would like the President to do what he did a year ago," Colean said. "That is, call together the people downtown and on the Hill and come to an understanding so that roads can be built and subway funds released."

The businessmen said they support the pending House version of the Highway Act of 1970, which would require construction of the freeways, and a rider placed in the District of Columbia revenue bill November 23 that would withhold \$15 million in city revenue until it complies fully with present and pending highway legislation.

Sources on Capitol Hill reported yesterday that a possible compromise on the House bill, now in a joint Senate-House conference committee could stall the construction of North Central for another year while additional studies are made.

President Nixon's support for building the controversial Three Sisters Bridge last year forced the Mayor and City Council to go ahead with the bridge despite widespread community opposition. (Construction has now been suspended by a court order.)

That action also freed money that permitted work to get underway on the city's subway system. Representative William H. Natcher, Democrat, of Kentucky, chairman of the District of Columbia Appropriations Subcommittee had been holding up the funds until the roadwork began.

The House Appropriations Committee, at Natcher's request, is now refusing to grant \$34.2 million to continue building the subway system until the city complies with present highway legislation.

The businessmen were all members of the Joint Committee on Transportation which has been actively supporting both subways and freeways for Washington since the mid-1950's. It had not made a public plea for more freeways for some time, however, and had never criticized the Mayor.

Present at yesterday's press conference were Yates Cook, executive vice president of the Federal City Council; Richard E. Steen, Knox Banner, and Robert Gray, officers of Downtown Progress; John W. Gill of the Washington Board of Realtors; Thomas P. McLachen, and Charles Coon of the Metropolitan Wash-

ington Board of Trade; Theodore R. Hagans, Jr., vice president of the District of Columbia Chamber of Commerce; Thorton W. Owen of the District of Columbia Savings & Loan League; and John D. Thompson of Vilon Realty Co.

Colean said the group could not be considered a highway lobby. Most of the men talked of a "balanced transportation system," a phrase used by President Nixon when he brought pressure on the District of Columbia government to get started on freeways last year.

Thompson, a housing consultant, prepared a recent study saying that 65 families would be displaced by the proposed North Central Freeway.

He said a freeway plan for the city could only go forward in conjunction with preparation of adequate housing for displaced persons. Others present at the conference agreed.

Thompson said interviews with families who would be displaced by the freeway revealed that they don't mind moving if they can live nearby and if adequate housing is ready.

#### PRESIDENT'S LETTER

Mr. NATCHER, The District of Columbia has not been in compliance with the 1968 Highway Act at any time since passage of the act. From August 1968, until August 1969, the District government's position was simply outright refusal to comply with the act. If the District officials had listened to President Nixon and carried out the advice given to them by the President we would have solved this impasse over freeways and rapid transit many months ago. President Nixon has carried out every commitment that he made concerning this matter. On August 12, 1969, President Nixon directed a letter to me concerning the rapid rail transit-freeway impasse. A copy of this letter is inserted in the record at this point.

#### THE WHITE HOUSE,

Washington, D.C., August 12, 1969.

HON. WILLIAM H. NATCHER,  
 U.S. House of Representatives,  
 Washington, D.C.

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 Colum-

bia 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 the 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.

#### NEWSPAPER ARTICLES AND EDITORIALS

Mr. NATCHER, The two leading newspapers in the District of Columbia have for years now maintained that we must have a balanced system of transportation for the District of Columbia and that both freeways and a rapid transit system must be constructed. On June 20, 1968, an editorial entitled "Freeway Mandate" appeared in the Evening Star. This editorial is inserted in the record at this point.

[From the Evening Star, June 20, 1968]

#### FREEWAY MANDATE

(Editorial)

The House Public Works Committee had a choice of two legislative approaches in making good its promise to end the unconscionable stalemate over Washington area freeways.

One possible avenue was to direct the completion of the District's long-delayed freeway program in a bill limited to that single purpose. Instead, the committee has chosen to incorporate this necessary congressional mandate as a part of the national interstate highway legislation, which commands a high priority for passage in this session. That decision was the right one.

For it is amply clear by now that the only hope of reviving the District's deadlocked program rests with Congress. The various Federal and city agencies which should have moved District freeways ahead through normal administrative processes have demonstrated their inability to do so. Indeed, the opponents of urban freeways have thwarted this process by keeping freeway decisions in a state of chaos. By including its mandate in the national highway bill, the House committee has assured that this deplorable situation will finally receive from Congress the attention it deserves. That assurance simply would not have existed in the case of a purely local bill.

Fortunately, the legislation also proposes, on a national basis, liberal expansions of financial assistance to families and businesses displaced by freeways. These provisions are urgently needed. If enacted, they should eliminate one of the major points of freeway contention in the District.

There are reports that the committee's strongly worded directive on the District, requiring that a cohesive freeway system be completed, may encounter difficulty when the bill reaches the Senate. If so, that problem will have to be faced when it arises.

It may not arise at all, however, if the real facts of this controversy are fully clarified in the House. The specific projects which the House bill sanctions are vital to the city. They comprise a modest network of roads, designed simply to complement the region's proposed rail transit system. A certain amount of flexibility as to planning details is required, as the committee no doubt will

explain in its report. But there should be no compromise whatever in a firm demand by Congress that the freeway program proceed without further delay.

Mr. NATCHER. On June 21, 1968, an editorial appeared in the Washington Post entitled "D.C. Freeway Network." This editorial is inserted in the record at this point.

[From the Washington Post, June 21, 1968]  
D.C. FREEWAY NETWORK

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. They must, of course, be carefully integrated with the new rapid transit system. Even if rapid transit fulfills the great expectations associated with it, however, this rapidly growing city will need these minimal highway projects to reduce congestion and keep heavy traffic off residential streets.

Especially hopeful is the committee's decision to include in its bill a provision for higher relocation payments for families and businesses to be displaced by the highways. It is not enough to pay a family whose home is taken merely "fair market value" if that is not enough to buy a comparable home in a similar neighborhood and to reimburse the family for the expense and inconvenience of moving. Highways are for the benefit of the entire community. Their construction should not impose a special burden on those who have the misfortune to be living where the road must go.

The condemnation of homes for expressways has caused special hardships in the past because many of the new projects have cut through the slums. In some instances that is unavoidable because of the necessity of linking the inner city with beltways and express radials. But a new concept of the "just compensation" that the Government must pay for such property taken under duress is in order. It should be enough to save the dispossessed family from any real loss and perhaps a little more to assuage injured feelings. Congress has been slow in coming to the acceptance of this principle, and the mammoth highways bill that has now been set into motion through the legislative pipeline should not be passed without it.

Mr. NATCHER. An editorial appeared in the Sunday Star on June 30, 1968, entitled "Congress Must Act."

[From the Sunday Star, June 30, 1968]  
CONGRESS MUST ACT

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-needed 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.

In its excellent report on the District issue, the Public Works Committee makes certain concessions to freeway opponents, including a relinquishment of District control over Glover-Archbold Park. But it insists that "quite obviously the area within the District of Columbia boundaries cannot be left to eventual isolation from the rest of the Washington Metropolitan Area, the national interest simply will not permit that. Absent action by either the local government or the executive branch, the Congress must act."

That is the sum and substance of the case. The House committee's finding that a reasonable freeway program must proceed, as a necessary complement to a proposed rail transit system, was reached after months of study. We are confident that any other unbiased forum apprised of the facts, would reach an identical conclusion.

Mr. NATCHER. On July 5, 1968, an editorial appeared in the Evening Star entitled "Freeways and Parking."

This editorial is inserted in the record at this point.

[From the Evening Star, July 5, 1968]  
FREEWAYS AND PARKING

Votes taken this week in the Senate and the House encourage a hope that the District at last may stand on the verge of progress in two vital areas—freeways and parking.

The 10-year effort to alleviate the acute shortage of parking in the downtown area moved ahead when the Senate included in its highway bill a provision for a public parking authority. The parking agency would be authorized to build fringe parking lots and downtown parking garages that would be sold or leased to private operators.

In the past, the House District Committee has served as a burial ground for all efforts to create such an agency. But the legislative situation now is such that the Senate plan will wind up in conference with the House, thus bypassing Mr. McMillan's District Committee. Thus, there is reasonable ground for hope that it will become law.

Meanwhile, the House has refused to yield on language in its own highway bill which requires that work go forward on key elements of the freeway program. Included among these are the Three Sisters Bridge, the North Central Freeway, the Potomac Freeway, and the entire Inner Loop. Failure to comply with this directive would mean the loss to the District of Federal interstate funds. Some influential House members have also threatened to withhold funds for subway construction unless the go-ahead signal on freeways is forthcoming.

Since there is no such mandatory language in the Senate bill, the freeway dispute will also have to be settled in conference. What the outcome will be is uncertain. We hope, however, that the Senate conferees will not be influenced by the attitude of such Senators as Case of New Jersey, who has irresponsibly attacked the House provision as "another effort to destroy the park system" of Washington.

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.

Mr. NATCHER. On July 14, 1968, an editorial appeared in the Sunday Star entitled "Freeway Letter." This editorial is inserted in the record at this point.

[From the Sunday Star, Washington, D.C., July 14, 1968]

#### FREWAY LETTER

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.

With 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-Hechinger appeal, embodied last week in letters to the chairmen of the House and Senate Public Works Committees, is ambiguous to say the least. And it is possible, reading between the lines, to construe the letter as indicating that they do not want to move ahead on the freeway program, even if authorized to do so. This is why we believe that the directive, the mandatory language, should stay in the bill.

There is one factor which lends certain urgency to this matter. Representative Natcher, exasperated by the prolonged stalling, has threatened to hold up money for a start on the rapid transit system, and he is in a position to do this. We hope matters will not come to such a pass, but the decision on the transit money must be made by the first of the month.

This means that time is crucial. So why should not the Mayor and Council Chairman give Representative Natcher firm assurance of an intent to proceed with whatever freeway program is authorized? If the mandatory language becomes law, as it probably will, they would have to do this in any event. Why accept a delay which might knock the transit program in the head this year?

Mr. NATCHER. On June 27, 1969, an editorial appeared in the Evening Star entitled "The Transit Impasse." This editorial is inserted in the record at this point.

[From the Evening Star, June 27, 1969]

#### THE TRANSIT IMPASSE

There is a double responsibility for the tragic, imminent loss of a supplemental appropriation that is urgently needed to start building Washington's subway. The fault rests first with District officials who seem determined to isolate this city from the remainder of the metropolitan community. It rests, in a larger sense, with the Nixon ad-

ministration, which thus far has been unable to shift the irresponsible position of these Presidentially appointed local officials.

Transportation Secretary John A. Volpe, in a number of earlier comments, had accurately assessed the problem. Congress' willingness to appropriate the transit money, he had said, required the District's agreement to build certain freeway projects—chiefly the Three Sisters Bridge across the Potomac. It was his own view, Volpe had said, that the bridge should be built.

Yet, on Wednesday, Secretary Volpe was "pleased to announce" the city government's "intention to proceed immediately" with a list of six freeway projects which not only omitted the bridge project, but actually curtailed some aspects of an inadequate freeway plan endorsed previously by the City Council.

The response of House-Senate conferees in shelving the crucially needed rapid transit appropriation was immediate—and entirely predictable. What led Secretary Volpe to imagine that the result might be otherwise? His Wednesday statement contains two clues to his thinking.

One was an apparent hope that a willingness on the part of the Mayor and the City Council Chairman to endorse any freeway construction might be construed as a significant concession toward a freeway solution ultimately acceptable to Congress. To this, Volpe added his own pledge to continue to work for a complete solution—including, by inference, a satisfactory resolution of the Three Sisters Bridge argument at some indeterminate future date.

But the fact is that nothing in the long history of this absurd impasse offered the slightest nourishment to these hopes. City Council Chairman Hahn, in particular, has taken every available opportunity to espouse the view that modern freeways are inimical to the District's interests. It is a bit too much to take on faith, in view of these assertions, his willingness now to work earnestly in behalf of any substantial freeway construction. The conciliatory Volpe statement had no sooner been issued on Wednesday, furthermore, when Hahn took pains to emphasize that he and Mayor Washington still reject the bridge project which Congress specifically ordered built in the 1968 Highway Act. If the city government cannot be persuaded to yield to that mandate at this point, when the future of the vital transit program is at stake, it is hard to think of anything that might make it yield later.

Excluding the bridge, moreover, there is an element of phoniness in the assertion of the District's "intention to proceed immediately" with the six freeway segments cited by Secretary Volpe.

One of the six, and possibly two, have been proposed as basic responsibilities of the Interior Department, not the District. Any implication that the city government is in a position to "proceed" to build them immediately is simply not valid. Indeed, there is a further legal question as to whether anyone has the legislative authority at this point to build three of the six projects.

On the assumption that anything involving Congress is theoretically possible, there remains a remote chance that the House of Representatives might overrule its conferees and turn loose the subway construction funds when the appropriation bill reaches the floor for a vote. But that chance, no matter how desirable, is extremely remote unless Secretary Volpe—or President Nixon, who expressed his strong personal concern on Tuesday—moves immediately to unravel this mess.

Our guess is that little more would be required than a firm White House decision to proceed with the Three Sisters Bridge. At this moment, however, it is a botched job all around, with the prospects for a truly viable,

balanced transportation system for the Capitol left in greater jeopardy than ever.

Mr. NATCHER. On September 24, 1969, our committee recommended that construction funds to be used placing the rapid rail transit system underway be released. Every assurance had been made that both rapid rail transit and the freeway systems would get underway and construction would be completed on both systems.

Shortly after construction funds were released for rapid rail transit another lawsuit was filed and on August 7, 1970, the district court ordered construction which was underway on Three Sisters Bridge be halted. A contract for over a million dollars for bridge piers was underway—the bridge was under construction. An article appeared in the August 8, 1970, issue of the Washington Post entitled "Bridge Project Halted." A copy of this article is inserted in the record at this point.

[The Washington Post, Aug. 8, 1970]

BRIDGE PROJECT HALTED—COURT ORDERS  
THREE SISTERS DESIGN HEARING

(By Jack Eisen, Washington Post Staff  
Writer)

Work on the Three Sisters Bridge must be halted within 20 days, U.S. District Judge John J. Sirica ruled yesterday.

The timetable was contained in an injunction carrying out his decision on Monday that the planning of the controversial Georgetown-to-Arlington span violated some Federal laws and regulations.

The District of Columbia Highway Department may resume work, the injunction said, if and when those legal flaws are cured. There was no official estimate of how long this might take.

#### PUBLIC HEARING

A major requirement of Sirica's finding is that the city must hold a public hearing on the design of the bridge. Foes of the bridge say they plan to use the hearing to press their campaign to kill the controversial project.

At a court hearing yesterday morning on the terms of the injunction, Assistant Corporation Counsel Thomas C. Bell asked Sirica to let the contractor finish the two bridge piers that were begun last fall. As now planned, they would rise about 20 feet above the Potomac River surface.

Roberts B. Owens, attorney for the Federation of Civic Associations and 22 other plaintiffs, objected. He claimed that would violate the U.S. court of appeals mandate last April that work must be halted if Sirica found it to violate any legal provisions.

Sirica replied that he would provide a 20-day delay of the injunction to let the city carry an appeal on finishing the piers to the higher court. The judge said he hoped his decision of Monday also would be appealed.

Bell said city officials were waiting to learn the terms of Sirica's injunction before deciding whether to appeal the stoppage. He said a decision on an appeal is expected next week.

#### COST RISE SEEN

The contract for the bridge piers exceeds \$1 million. Bell estimated that a 6-month delay would add \$384,000 to the bridge cost and a year delay would add \$650,000.

Thomas F. Airls, District of Columbia highway director, told a reporter later that this would reimburse the contractor for his expenses at the bridge site and provide for scouring the underwater excavation of gravel and silt if the work is resumed. Normally under the interstate highway program, the Federal Government would pay 90 percent of the costs.

Airls also said some saving would be realized if the court would permit partial construction of the piers, keeping their tops out of sight beneath the river surface.

In signing yesterday's order, Sirica exempted from the 20-day limit any work by the contractor to eliminate hazards created by underwater excavations.

Mr. NATCHER. In the Evening Star of August 4, 1970, there appeared an article entitled "D.C. Aides Indicate They'll Appeal Halt to Three Sisters Span." Notwithstanding the fact that the Corporation Counsel's office and the attorneys in the Department of Justice recommended an appeal, the District officials and the Department of Transportation refused to appeal the case. A copy of this article is inserted in the record at this point.

[The Evening Star, Aug. 4, 1970]

D.C. AIDES INDICATE THEY'LL APPEAL HALT  
TO THREE SISTERS SPAN

(By Stephen Green and Donald Hirzel,  
Star Staff Writers)

District officials today indicated they would appeal a U.S. District Court ruling that ordered a halt to construction of the Three Sisters Bridge.

Judge John J. Sirica late yesterday ruled the city has failed to hold adequate public hearings on the design of the span which would cross the Potomac River between Key Bridge and Chain Bridge.

Sirica also ruled no Federal highway funds may be used for preliminary construction work until tests determine whether the design is structurally feasible.

Hubert B. Pair, acting corporation counsel, said he probably will meet with Mayor Walter E. Washington later today to determine what course of action to take.

#### MAY REQUIRE CHALLENGE

"The best interests of the District may require it to challenge the ruling," Pair said.

Other city officials, anticipating Sirica's ruling privately had said they would move fast to hold the required hearings and then proceed with construction.

Freeway foes immediately hailed the court decision as a major victory in their long battle against more expressways in Washington.

The further delay on the bridge may give more ammunition to pro-freeway congressmen seeking to hold up construction of the area subway system until the freeways are built. It also pushes further into the future the time when Virginia commuters will be able to drive directly into Washington on Interstate route 66 via the Roosevelt and Three Sisters bridges.

#### DELETED IN 1968

City officials had deleted the bridge and other controversial freeway segments from master plans in late 1968. However, Rep. William H. Natcher, D-Ky., chairman of a House District Appropriations Subcommittee, refused to release subway building funds until the city built the roads that had been ordered by Congress.

Nearly a year ago, the city finally gave in, hoping to obtain the release of subway funds, and put the bridge and other roads back into official plans.

As work began on pier supports for the bridge, freeway foes, after several confrontations with police at the construction site, took to litigation. The U.S. Court of Appeals ordered the lower, District court, to determine whether the federal planning procedures had been followed in the case of the bridge.

Sirica's ruling does not question the legality of the bridge itself, ordered by Congress in the 1968 highway act. But the judge said city and federal officials may have acted too quickly in ordering construction to start in order to obtain the subway money.

#### MONEY AGAIN BLOCKED

Although subway funds subsequently were released, the subway appropriation for the current fiscal year has been blocked by

Natcher on old grounds that freeway work has not proceeded to his satisfaction.

Sirica said a hearing on the bridge was held in 1964 but that it was only in following years that the plan was completed.

"The court finds that the present design on the bridge is so substantially different from that proposed in 1964 that the public should be given an opportunity to present their views on the project as presently planned," he said.

"Last but not least, the cost of the present project is estimated at \$20 million as compared with an estimate of \$6 million in 1964," Sirica said.

Mr. NATCHER. In November of 1970 hearings began on the design of the Three Sisters Bridge. An article entitled "November Hearing Set on Three Sisters Bridge" appeared in the Evening Star, and a copy of this article is inserted in the record at this point.

[The Evening Star, Aug. 29, 1970]

NOVEMBER HEARING SET ON THREE SISTERS BRIDGE

(By Stephen Green, Star Staff Writer)

A public hearing on the design of the Three Sisters Bridge will be conducted by the District Highway Department.

The city and Federal Governments will not appeal the U.S. District Court ruling that has suspended construction of the controversial Potomac River span because required design hearings never were held.

Secretary of Transportation John A. Volpe and Mayor Walter E. Washington announced the bridge decision last night in a joint statement nearly a month after the court decision was handed down.

They said the highway department hearing has been scheduled tentatively for November 17 with location and time to be announced later.

The Mayor and Volpe described their decision as the "most expeditious" course of action.

Officials said that by going ahead with hearings now, the city and DOT believe they will show Rep. William N. Natcher, D-Ky., that they are attempting to follow his wishes in building the bridge that is opposed by many individuals and civic groups.

Natcher, chairman of the House District Appropriations subcommittee, for the second year in a row has refused to release subway construction funds until freeway construction in the city proceeds to his satisfaction.

The mayor and Volpe went against the advice of city attorneys and Justice Department lawyers who had argued that the U.S. District Court decision should be appealed to the U.S. Court of Appeals.

Before Natcher agreed to release subway construction funds last year, President Nixon promised him that any court challenges to the freeway system would be defended vigorously.

While bridge and freeway location hearings have been conducted in the past by the City Council, Federal regulations require hearings on the design of portions of the interstate highway system to be conducted by the State highway department.

However, city administration officials indicated they would consider having an independent hearing officer run the hearing, rather than a highway department official.

Mr. NATCHER. After Congress refused to appropriate the \$34,178,000 to continue construction on the rapid rail transit system in 1970 the Department of Transportation decided to make a \$57 million loan to the Washington Metropolitan Area Transit Authority. An article appeared in the October 19, 1970, Washington Post entitled "Volpe Gambles on Metro Loan." A copy of this article is inserted in the record at this point.

[The Washington Post, Oct. 19, 1970]

VOLPE GAMBLES ON METRO LOAN

(By Jack Elsen, Washington Post staff writer)

Secretary of Transportation John A. Volpe's offer of a \$57 million loan may get Washington's Metro subway system off its financial hook.

Or it could impale both Volpe and the Metro on an even more painful hook.

Depending upon who is asked, these are the divergent scenarios sketched by officials involved in the rescue mission engineering by Volpe's aides for the beleaguered Washington Metropolitan Area Transit Authority.

The offer of the 6-month loan was announced by Volpe last Wednesday and accepted unanimously the following day by the Metro board of directors.

People on both sides acknowledge that the loan, generally interpreted as an end run around the congressional refusal to appropriate funds directly, represents a calculated risk while buying time to try to settle the nagging freeway-subway impasse.

The negotiations that led to the loan offer were almost as unusual as the offer itself.

Metro Board Chairman Joseph P. Yeldell, a Democratic member of the Washington City Council, dealt directly with Volpe and his staff, keeping the talks secret even from Jackson Graham, the Metro general manager.

Yeldell has explained to his fellow board members and others that Graham's long service as an Army Corps of Engineers general and his continuing ties with key lawmakers imbued him too closely with the congressional view of political wisdom.

Graham, in fact, was prepared to recommend to the board on Thursday that it approach the Volpe offer with caution, but his opinion was not even sought.

The political risks in the loan scheme were not even discussed by the board until a reporter asked a question and Metro director Carlton R. Sickles, a former Maryland congressman, acknowledged that they existed.

The main risk is that Congress, ever jealous of its prerogatives, will respond to Volpe's end run by stiffening its refusal to grant the funds that are now being withheld from the Metro. It could also bedevil some programs in Volpe's Department of Transportation.

Should this occur, the Transit Authority might find itself in the predicament of owing \$57 million plus \$1.7 million interest to the Department of Transportation next spring but having no money to repay it. Details of the loan, and the prospects for its renewal, have not yet been disclosed, however.

HOPE FOR CONGRESS AID

Yeldell and others voiced hope that the impasse can be resolved this fall and that Representative William H. Natcher, Democrat, of Kentucky, and his colleagues on the House Appropriations Subcommittee on the District will provide the fiscal transfusion to keep the Metro program healthy.

Meantime, Metro officials said the loan should maintain the Metro schedule for the award of contracts until the end of the year instead of chopping them off at the end of this month. Deputy Mayor Graham W. Watt told his fellow Metro directors that this extension should help assure continued suburban contributions to the system and boost prospects for the sale of \$135 million in Metro bonds on the open market next year.

Metro's administrative officials have their doubts, but they are not talking about it in public.

Until now, the Metro's problem has centered upon Natcher's insistence that the city expand its controversial freeway program as the price for continuing to get subway money.

CITES NIXON DIRECTION

If the loan broadens the issue into one over the congressional right to say "no" to an appropriation and make its decision stick, some insiders say Natcher stands only to gain allies among his House colleagues.

Volpe, in announcing the loan plan, stressed that he has sought to resolve the Washington impasse "at the personal direction of President Nixon" and not entirely on his own.

The loan idea was cleared, moreover, with Caspar W. Weinberger, Deputy Director of the White House Office of Management and Budget.

Volpe's aides have said they also checked the loan scheme with key Members of Congress.

Natcher, however, was reported to be angry over the arrangement. The chairman of the full House Appropriation Agriculture Subcommittee, but his influence within the Committee will almost surely still be felt on local matters.

And his likely successor, Representative Robert N. Giaimo (Democrat, Connecticut), has given no sign that he would steer a course that is much different.

Changes on the House Public Works Committee, Appropriations Committee, Rep. George H. Mahon (Democrat, Texas), professed to know nothing about it. Mahon added that he depends upon Natcher for advice on the subject.

Natcher is likely to move from the District of Columbia appropriations chairmanship next year to head the more prestigious which authorizes freeways—and in the case of Washington has insisted upon their construction—could prove more significant, some Metro officials believe.

Two of its leading members with whom Natcher has worked closely will not be around next year: Chairman George H. Fallon (Democrat, Maryland), who was defeated for renomination, and Representative William C. Cramer (Republican, Florida), the ranking minority member, who is retiring from the House to run for the Senate.

These changes, sources said, played an important part in the Nixon administration's decision to grant the loan.

Mr. NATCHER. On February 17, 1971, the Department of Transportation pledged funds for the Washington Metropolitan Area Transit Authority, with an article appearing in the Evening Star entitled "Volpe Pledges Metro Funds." A copy of this article is inserted in the record at this point.

[The Evening Star, Feb. 17, 1971]

VOLPE PLEDGES METRO FUNDS—BROAD PLAN FOR AREA

(By Jack Kneese, Star Staff Writer)

Transportation Secretary John Volpe has proposed a sweeping program of Federal funding and planning assistance to help create an integrated transportation system for the metropolitan area—ranging from expanded pedestrian malls to a new air cushion vehicle.

Volpe, in a speech last night to area government leaders, also said he will give the subway agency a needed financial hypodermic by immediately releasing \$68 million in Federal matching funds.

Other Volpe proposals include:

Federal study of "alternatives" to the elevated Whitehurst Freeway, possibly by tunneling under Georgetown, to preserve the community's scenic panorama.

Use of the Dulles limited access route for commuter buses—but not automobiles—serving Reston and other nearby communities. The new air-cushion passenger vehicle would occupy the median strip. At present, only Dulles traffic is allowed on the road.

The first Federal proposal for a regional airport authority to ultimately include Friendship Airport as well as Dulles and National.

Free minibus service downtown—subsidized by the Department of Transportation—on condition that the F Street pedestrian mall be expanded.

An all-out Federal effort to help local jurisdictions devise means of meeting their long-term financial burdens in subway construction.

Award of a \$137,000 grant to the Metropolitan Washington Council of Governments to study immediate transportation needs in the area.

Use of abandoned rail lines for mass transit.

Volpe said responsibility ultimately rests with the jurisdictions for meeting their subway obligations. But he said DOT stands ready to provide more short-term assistance in the form of loans similar to the \$57 million advanced to the Washington Metropolitan Area Transit Authority last year.

He said he spent much of yesterday telephoning key Congressmen, Senators and the Governors of Maryland and Virginia to explain his hopes for area mass transit.

Senator Thomas F. Eagleton, Democrat, of Missouri, chairman of the Senate District Committee, said he was "pleased" by Volpe's decision to make available the \$68 million in subway funds.

"This provides temporary relief to the Metro," Eagleton said. "I hope that the administration will continue its worthwhile efforts to devise an effective solution to the long range financing needs of Metro."

The Treasury Department is holding the \$68 million now to be released to match on a 2-to-1 ratio the \$34 million in District subway funds that have not been released by the House District Appropriations Subcommittee.

The pace of city freeway construction has been criticized as too slow by the subcommittee chairman, Representative William H. Natcher, Democrat, of Kentucky. He has refused to release the funds for this reason, but the administration expects that he will relent.

#### WILL PUSH SUBWAY

Volpe said he and President Nixon want the subway system to become a reality. He said DOT is studying every alternative and possible solution to WMATA's current financial dilemma.

He noted that the subway agency has experienced difficulty in marketing \$900 million in revenue bonds. He said DOT planners are looking into what can be done on the Federal level, including a possible guarantee of the bonds.

"This subway must be built," Volpe said. He said the alternative to the subway is "strangulation" of the inner city or severe restrictions on the use of automobiles.

He said the air cushion vehicle will be constructed with funds under existing Federal programs as a demonstration project. The space age mass transit vehicle would run on a 13½-mile track on the Dulles access right-of-way to Dolley Madison Boulevard near McLean, Va.

He said linear induction motors—drawing power from buried power sources—will be pollution free, fast, and solid. He said the administration's goal is to have the 150-mile-per-hour vehicles in operation by May 1972 to coincide with the International Transportation Exposition.

Volpe said two or three firms are interested and capable of constructing the demonstration vehicles, which ride inches above a rail on a cushion of air supplied by rotor blades inside funneling devices.

He said this demonstration project might be extended into the District if it proves to be a sound means of mass transit.

Sen. William B. Spong, Jr., D-Va., long an advocate of extending rapid rail transit to Dulles, said he was pleased Volpe had selected the airport for a demonstration of the air cushion vehicles.

But Spong added that unless the experimental train project is alternately extended into downtown Washington with commuter stops en route, Dulles might be better served by an extension of the presently planned Metro system.

Through a consultant, the Metro agency is already studying the feasibility of such an extension, Spong noted.

To preserve the special quality of Georgetown, Volpe said the Department is investigating the possibility of tunneling rather than extending the elevated Whitehurst Freeway.

Volpe led a successful effort to tunnel under New Orleans' historic French Quarter, rather than construct an elevated expressway there.

Volpe said the Department also is investigating the possible use of abandoned rail right-of-way as an immediate means of mass transit. Noting that this is not a new idea, he said it seems to merit another look.

Volpe said the Shirley Highway express bus lane service now underway has proven to be a marked success and is expected to replace about 5,000 cars on the busy corridor by spring.

He said his Department is committed to help provide 90 additional buses for the project.

Volpe's mention of a regional airport authority was the first high-level Federal mention of the Nixon administration's proposal to sell National and Dulles since a one-line teaser item appeared in President Nixon's fiscal 1972 budget.

This time Volpe went further: He suggested that a regional authority might eventually include Baltimore's Friendship Airport, which is not federally owned.

Volpe said the Federal Government would be willing to subsidize free minibus service if the F Street mall were expanded. The D.C. Transit Co. recently applied to discontinue the minibus service on grounds that it is not a paying operation and that the smaller buses are more difficult to maintain.

Mr. NATCHER. On March 31, 1971, an article appeared in the Evening Star entitled "U.S. Can't Fund Metro Till D.C. Share Is Freed." A copy of this article is inserted in the record at this point.

[The Evening Star, Mar. 31, 1971]

U.S. CAN'T FUND METRO TILL D.C. SHARE IS FREED

(By Stephen Green, Star Staff Writer)

Secretary of Transportation John A. Volpe has found he cannot produce \$68 million in matching funds for Washington's subway system, in spite of his January statement that the money would be released immediately.

Under Secretary of Transportation James M. Beggs said yesterday the \$68 million in Federal matching funds won't be released until Congress gives the District its share of rapid transit money.

In January, Volpe said he would release the \$68 million in matching Federal funds immediately, even though the District's share of subway costs, totaling \$34.2 million, remained frozen in the House Appropriations Committee.

But yesterday Beggs said none of the \$68 million has been released by the Department of Transportation. He added that legally the Washington Metropolitan Area Transit Authority may not have the Federal matching funds until the District's share of subway costs is actually appropriated.

Representative William H. Natcher, Democrat, Kentucky, chairman of the House Dis-

trict Appropriations Subcommittee, has balked at agreeing to the District subway money appropriation because of his dissatisfaction over the state of freeway construction in the city.

Beggs made his comments after meeting for more than an hour with Representative Joel T. Broyhill, Republican, Virginia, who had warned President Nixon that the Appropriations Committee would not release the District subway funds until construction of the Three Sisters Bridge resumes and work begins on other road projects, such as the South Leg Freeway, as required by the 1970 Highway Act.

Mr. NATCHER. Hearings on the design of the Three Sisters Bridge were concluded on December 16, 1970. An article appeared in the Washington Post on December 17, 1970, entitled "Hearings End on Design for Bridge."

A copy of this article is as follows:

[The Washington Post, December 17, 1970]

#### HEARINGS END ON DESIGN FOR BRIDGE

The next chapter in the decade long saga of the Three Sisters Bridge project will now be written by D.C. Highway Director Thomas F. Airis and Virginia highway officials.

When 3 days of around-the-clock hearings ended at 3:40 p.m. yesterday, it became their task to sift the testimony of about 130 witnesses. Then they must make recommendations to Federal officials on the design of the disputed Potomac River crossing.

A lopsided majority of the witnesses urged instead that the whole project be dropped.

Many called the hearings illegal because, among other reasons, Mayor Walter E. Washington and members of the City Council did not conduct them in person.

Federal rules on such hearings provide for a direct recommendation by highway departments to the U.S. Department of Transportation's Bureau of Public Roads without requiring clearance from such bodies as the Council or from the mayor.

Airis told a reporter, however, that he plans to clear his recommendations with those officials before transmitting them to Charles E. Hall, the road bureau's District of Columbia division engineer.

Hall was an observer at most of the hearing sessions. The rules provide that a public announcement be made of Hall's recommendation after it is sent to his superiors.

Work on the bridge piers began late in 1969 in compliance with a law requiring the span's construction. Activity was suspended by court order in August until after the just-concluded hearings on the design.

Mr. NATCHER. In March of this year Representative Joel T. Broyhill directed a letter to the White House concerning the stalling tactics of the District officials pertaining to construction of Three Sisters Bridge. It developed that in order to continue stalling the construction of the bridge an order was issued directing that an 81-foot model of the proposed bridge be constructed. An article appeared in the Evening Star on March 30, 1971, entitled "White House Orders Talk in Three Sisters Rift." This article is inserted in the record at this point.

[The Evening Star, Mar. 30, 1971]

WHITE HOUSE ORDERS TALK IN 3 SISTERS RIFT

(By Jack Kneese, Star Staff Writer)

The White House has ordered Transportation Undersecretary James M. Beggs to meet with Representative Joel T. Broyhill today to discuss congressional threats to cut off District subway funds if construction is not begun on the Three Sisters Bridge.

Broyhill wrote the White House last week, warning members of the House Appropriations Subcommittee would vote against the subway funds unless construction begins on the controversial bridge.

Broyhill, a Virginia Republican, said he was angered by a noncommittal "thank you

for your letter" type reply from the White House. So he wrote a second, sterner letter.

"I warned them I would not put up with a brush-off either," said Broyhill, who was to meet with Beggs at 3 p.m. today.

Broyhill said he convinced the White House that Congress is "dead earnest" about the subway fund threat.

Broyhill said a model of the bridge is being used as the current reason for delaying construction of the bridge—a reason he said is spurious.

"I think the White House has been trying to use this deliberately as a test confrontation with the Congress on the powers of the executive branch versus the Congress," he said.

The 81-foot model of the proposed bridge is being constructed in Skokie, Ill., at the request of the Federal Highway Administration.

An engineer at Howard, Needles, Tammen & Bergendoff, the New York consulting firm which designed the single span bridge, said the model was "not absolutely necessary" but added:

"Perhaps in view of the controversy, it's a good thing we are building one."

Fred H. Sterbenz, project engineer, said the model will be completed in July, when testing designed to determine what stress and load factors the span can bear, will start.

Mr. NATCHER. The Governor of Maryland, along with the State Comptroller, issued statements to the effect that the price for constructing the rapid rail transit system will be closer to \$4 billion than \$2.9 billion. On January 24, 1971, an article appeared in the Evening Star entitled "Subway Funds Hit New Snag." This article is inserted in the record at this point.

[The Evening Star, Jan. 24, 1971]

#### SUBWAY FUNDS HIT NEW SNAG

(By James B. Rowland, Star Staff Writer)

ANNAPOLIS.—Washington subway builders face another delay in obtaining \$10 million from Maryland because of the agency's lack of an acceptable long-range financing plan for the \$2.9 billion mass transit system.

The Washington Metropolitan Area Transit Authority's revenue and spending program sent to Gov. Marvin Mandel last week is based on the agency's initial and now outdated cost estimate of \$2.5 billion for the 98-mile system due for completion in 1980.

The Maryland Board of Public Works, the State's final authority on the disbursement of construction funds, said here January 6 it would release the \$10 million for the subway project only after the board had received the agency's updated plans for meeting building costs. The transit agency last month said inflation and other factors have raised the price to \$2.9 billion.

Mandel noted that the State law authorizing the \$19 million requires that the board know how the total costs are to be met.

#### INTENDED FOR TWO COUNTIES

The \$10 million State authorization was intended to help Montgomery and Prince Georges Counties meet committed payments of \$8.91 million and \$6.78 million, respectively. The money was due to WMATA on January 2.

WMATA will not be able to decide on a long-range financing plan for another 4 to 6 weeks at least, a spokesman for the agency said yesterday.

Mandel, chairman of the public works board, said through a spokesman yesterday that the State is bound to its commitment to support mass transit, but that he insists on seeing definitive figures so that the State will not be investing its money blindly.

State Comptroller Louis L. Goldstein, another member of the three-man public works board, said the board cannot act until

WMATA financing plans are brought up to date.

#### INFORMATION NEEDED

"We've got to have that information because otherwise our contribution will be a shot in the dark," Goldstein said.

"It's not the spending of the \$10 million now we're so concerned about, but the future. What about the Federal contributions? Are the subdivisions going to end up having to pick up the entire burden?" Mandel said.

"Our sources in Washington tell us the price will be closer to \$4 billion than \$2.9 billion, and this will require a tremendous amount of money from within the State somewhere," the Governor warned.

Goldstein said the WMATA data sent public works board members last week also does not include a written commitment to pay back the \$10 million or suggest a repayment plan. The money is to be handled by the Washington Suburban Transit Commission, the Montgomery-Prince Georges County arm of WMATA.

State and WSTC officials agree the law requires repayment of the \$10 million as soon as the State sets up a formal schedule or plan for getting the money back. This is to be done by the Governor and his newly created State Department of Transportation which becomes operative July 1.

Mr. NATCHER. An article quoting Governor Mandel appeared in the Sunday Star of January 31, 1971, entitled "A Way Out of Subway Fund Crisis Proposed." A copy of this article is inserted in the record at this point.

[The Sunday Star, Jan. 31, 1971]

#### A WAY OUT OF SUBWAY FUND CRISIS PROPOSED

(By Jack Kneece, Star Staff Writer)

Subway agency officials said yesterday it is not too late for Washington to bail itself out of financial difficulties caused by tardy payment of subway construction funds.

But they linked success in erasing the \$590,000 in penalties assessed by the area subway agency to fast action by Congress—particularly the House Appropriations Committee.

Funds have been held up in the past by Rep. William H. Natcher, D-Ky., chairman of the Appropriations subcommittee for the District. He has held up subway funds due the District because of dissatisfaction with the progress of certain freeways.

Schuyler Lowe, chief fiscal officer for the Washington Metropolitan Area Transit Authority, explained that by paying in advance, the District could erase all of its late penalties.

He said, specifically, that payment of \$34 million by early spring and then \$38 million—due WMATA from the District for fiscal year 1972—by August would erase the District's penalties.

Although this sounds like a happy way out of the dilemma, chances are that congressional haggling not only will prevent this but will lead to even more penalties.

#### \$2,000 A DAY

The Transit Authority also has assessed Montgomery and Prince Georges counties a total of more than \$72,000 since January 2 for not having produced their latest construction commitment to the \$2.98 million subway system.

The late assessments continue to spiral at a rate of more than \$2,000 a day in the District and to a lesser extent in the counties.

District City Council Chairman Gilbert Hahn Jr., said yesterday he had been concerned from the beginning about the WMATA clause calling for such penalties.

But he said that from a practical standpoint the Transit Authority could not function without such a clause.

Delmar Ison, WMATA Comptroller, Lowe

and Carlton Sickles, Chairman of the Transit Authority explained that the clause is necessary only to insure payment on time like payments on a car by consumers.

They said the subway agency had built into its operating expenses a return of 6 percent on investments of idle funds.

"As you know, sometimes we'll have funds for a year or more before we use them," Sickles said, but, by law, the transit authority cannot award a contract without having the money in hand.

#### RETURN IS EARMARKED

So the return on its investment of idle funds is earmarked for executive and administrative costs. Therefore, those jurisdictions which pay late are in turn assessed the same 6 percent the authority would have realized had it had the funds in hand.

All insisted that the penalty clause is equitable and vital.

Hahn also pointed out that the authority's full faith and credit would be seriously undermined without this clause in contracts.

The assessment was levied against the District for failure to make its \$34.2 million payment due last July 1.

Meanwhile, the Maryland counties said they have held up payment of their subway contribution because the State, in turn, has not made its \$10 million loan to them.

The counties said the State must make such a contribution before they can produce their \$15.7 million contribution.

Transit officials said it would be even easier for Montgomery and Prince Georges to erase their penalties by paying in advance over the next 2 years in an amount of time equal to their tardiness.

#### A \$10 MILLION SQUABBLE

There also is a behind-the-scenes squabble among the counties, the Governor, and the transit authority over whether the \$10 million from the State is a loan or a grant.

"We of course take the position that it is a loan—not a grant," said a spokesman for Maryland Gov. Marvin Mandel. But some highly placed transit officials said the wording in the law clearly terms it a grant.

Mandel also has asked for detailed long-range spending proposals from transit officials before releasing any more State funds. He has said the project's real costs are more like \$4 billion than \$2.98 billion.

WMATA's long-range spending blueprint will be produced within a month, officials there said.

Montgomery owes \$8.9 million and Prince Georges \$6.8 million for the total \$15.7 million due. They have been assessed for tardy payment due January 2. Montgomery's assessment to date is \$40,965 and Prince Georges' is \$31,276.

#### HISTORY OF SUBWAY LEGISLATION

Mr. NATCHER. In 1963 the District of Columbia reported a bill to the House of Representatives which provided for the construction of a rapid rail transit system for the city of Washington. The District of Columbia Committee was unable to answer questions concerning the cost of such a system and this bill was recommitted.

In 1965 the District of Columbia Committee reported out a bill providing for construction of a 25-mile system at a total cost of \$431 million; \$100 million was to be paid by the Federal Government and \$50 million by the District of Columbia. The balance of the cost was to be raised through the sale of bonds.

Before the 25-mile system proceeded under construction, authorizing legislation was enacted by Congress in 1969 which provided for a 98-mile system at a total cost of \$2.5 billion. The National Capital Transportation Act of 1965 provided for the 25-mile rapid rail transit system and the National Capital Transportation Act of 1969 authorized a regional transit system at a total cost of \$2.5

billion, with \$1,447,044,000 to be in Federal grants, \$216,500,000 to be the District of Columbia's share, and with the suburban jurisdictions paying \$357 million. The balance of \$835 million would be raised through revenue bonds issued by the Washington Metropolitan Area Transit Authority.

#### TOTAL COST OF CONSTRUCTING SUBWAY

For several years now our committee has not believed that the 98-mile rapid rail transit system could be constructed for \$2.5 billion and each year since the system was authorized has questioned the officials as to whether or not they were still of the opinion that \$2.5 billion would construct such a system. In addition, our committee has maintained all down through the years that bonds issued could not be retired out of the fare box. The rapid rail transit systems in this country have never been able to retire bonds out of the fare box.

On November 24, 1970, at the time the supplemental appropriation bill for fiscal year 1971 was before our committee, we questioned the officials of the Washington Metropolitan Area Transit Authority concerning the \$2.5 billion cost of the 98-mile system. We pointed out to the officials of the Authority that we had never believed that the 98 miles could be constructed for \$2.5 billion and inquired as to whether or not the officials were still of the opinion that the system could be constructed for this amount. The officials stated for the first time that the 98 miles could not be constructed for the \$2.5 billion and that the cost would be substantially higher than the \$2.5 billion authorized. When the question was raised as to whether or not the figure would be nearer \$4 billion than the \$2.5 billion authorized the officials stated in part as follows:

General GRAHAM. I do not think anyone has that answer, Mr. Chairman. At the time we put these figures together in late 1967, we were assuming a 5-percent rate of construction escalation compounded per year, and allowed several hundred million dollars for that. We were assuming an interest rate at that time of 5 percent for our revenue bonds.

Putting it all together, it came out to \$2.5 billion.

We could not foresee at that time that construction costs would go up in this inflationary spiral, largely due to the wage agreements that were not for just 1 year but extending into the future for 2 or 3 years. We could not foresee the rise in the interest rate.

It appears now that this new capital cost will be some few hundreds of millions of dollars in excess of the \$2.5 billion estimate.

The two big things are the inflation of construction costs and the continued high interest rates.

I think we are a long way from being able to say that someday this may cost \$4 billion. I hope that the administration and the Congress can get the rate of escalation under control so we never go anywhere near that figure.

That portion of the hearings on the supplemental appropriation bill for fiscal year 1971 pertaining to the cost of the rapid rail transit system is made a part of the record at this point.

EXCERPT FROM HEARINGS BEFORE COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, ON SUPPLEMENTAL APPROPRIATIONS, 1971, ON NOVEMBER 24, 1970, PAGES 1169-1173

#### TROUBLE WITH FINANCIAL PLAN

Because of the uncertainties with regard to our funding, the initial sale of revenue bonds next year has been seriously jeopardized. In fact, we may find it impossible to issue bonds without additional Federal support. We are now exploring this matter further with our financial advisers.

So, it is my painful lot to tell you today, Mr. Chairman, that we are in trouble with

our financial plan because of the delays which have beset the transit program.

Our construction and financial schedules are stretched to the breaking point. The off-again, on again appropriation experience has not been going unobserved. Consequently, potential contractors are not sharpening their pencils as they develop their bids. We are not able to access the effects upon the ultimate system cost at this time.

We are hopeful that the situation will improve, but we cannot stand any further strain.

Therefore, we are once more before this committee to seek assistance at this most critical milestone along a very rocky road on the way to the transit objective. On each previous occasion when the chips were down, this committee has been there with the encouragement and support essential to continued progress. We ask your help once again.

We recognize that strongly held and divergent positions have prevented timely decisions on certain highway projects. We are hopeful that these positions are on the way of being reconciled. But while they are being reconciled, Mr. Chairman, collapse of many years of transit planning can serve no useful purpose. While the cost of rapid transit for the Nation's Capital is high, and with delays encountered may become higher, the cost of letting the program go down the drain is incalculable.

In our effort to accomplish a program toward which the Congress and four Presidents have joined hands, I plead for a solution to emerge. We all seek a balanced transportation system for the National Capital area. In that common purpose, there is no profit or reason in the sacrifice of one element for the other.

At this point, we are ready to respond to your questions and, if desired, to show the committee a series of maps and exhibits, previously shown, but which may be of assistance in visualizing the program which you have under consideration.

Thank you.

#### HISTORY OF BALANCED TRANSPORTATION SYSTEM

Mr. NATCHER. General Graham, as you know, since 1955 this committee has been considering matters pertaining to a balanced transportation system for the District of Columbia. I recall as a member of this subcommittee I made the recommendations in the year 1955 to pay the District's share of the survey costs which brought about the mass transportation survey that was presented to the President in the year 1959. That survey, General Graham, as you probably know, recommended a balanced system of transportation consisting of freeways, rapid transit, and a change in the bus operation here in the District of Columbia.

Beginning in 1955 and coming on down to the year 1964 when they first brought to the House a bill providing for rapid transit which, as you know, was recommended due to the fact that the cost and overall program for rapid transit was not explained to the House in such a manner that the House would accept it.

Then we had the bolted system that took place in 1965 which provided for a \$431 million cost for a 25-mile system, with \$100 million to be paid by the Federal Government, \$50 million by the District of Columbia, and the balance in bonds.

#### OVERALL COST OF RAPID TRANSIT SYSTEM

Beginning at that time, General Graham, on this committee a number of us have inquired from time to time as to the overall cost of the rapid transit system. I know as well as you do that the act passed in 1969 provided for a 97-mile system at a cost of \$2.5 billion.

I have inquired of you and others each time that you have appeared before our committee and, General Graham, even before you

took over as the General Manager of the Authority, as to whether or not you people still maintain that a 97-mile subway system for the District of Columbia and the Metropolitan Area can be constructed for \$2.5 billion, not just this year, but last year, the year before, and on back beyond that time. I never have believed that you could build this rapid transit system for \$2.5 billion and have said so each year.

General Graham, do you still say to this committee that \$2.5 billion will construct the 97-mile rapid transit system that you have in mind and the one authorized in 1969 by the Congress?

#### OVERALL COST TO EXCEED \$2.5 BILLION

General GRAHAM. I think for the first time, Mr. Chairman, I can indicate that it is going to cost more, because for several months we have been engaged in new capital cost studies and new net income analysis studies which will pin down the various components of the cost. We are about to culminate the studies and about to give the results to our board of directors and get their help in putting together a new financial program.

I cannot tell you at this time what the new capital costs will be, but it appears that it will be substantially higher than the \$2.5 billion of costs.

Mr. NATCHER. General Graham, I consider you one of the best engineers in this country. I do not say that to make you feel good. And I like you personally. I say that to you frankly. I like the way you operate down there. I mean that.

As you well know, just as one member of this subcommittee and certainly a member who has no engineering experience or background, I have maintained from the very beginning that you would never construct the 97-mile system for \$2.5 billion. I maintained it long before the act of 1969 was enacted by the Congress.

As you will recall, each year, in all fairness to the Appropriations Committee and to the House and to the other body, I thought we should talk to you about the cost. I have never believed you would do it. That is the reason I have inquired about it.

General, as you well know, my opinion has been mostly a guessing opinion, because I have no experience as far as engineering is concerned.

#### ESTIMATED OVERALL COST OF SYSTEM

General, in all fairness to this committee and to the Congress and to the District of Columbia, won't this system come nearer \$4 billion than it will \$2.5 billion?

General GRAHAM. I do not think anyone has that answer, Mr. Chairman. At the time we put these figures together in late 1967, we were assuming a 5-percent rate of construction escalation compounded per year, and allowed several hundred million dollars for that. We were assuming an interest rate at that time of 5 percent for our revenue bonds.

Putting it all together, it came out to \$2.5 billion.

We could not foresee at that time that construction costs would go up in this inflationary spiral, largely due to the wage agreements that were not for just 1 year but extending into the future for 2 or 3 years. We could not foresee the rise in the interest rate.

It appears now that this new capital cost will be some few hundreds of millions of dollars in excess of the \$2.5 billion estimate.

The two big things are the inflation of construction costs and the continued high interest rates.

I think we are a long way from being able to say that some day this may cost \$4 billion. I hope that the administration and the Congress can get the rate of escalation under control so we never go anywhere near that figure.

Mr. NATCHER. Assuming that the costs will exceed \$2.5 billion, it would have to be reauthorized. You would have to come back to the Congress.

General GRAHAM. We would have to have more legislation.

Mr. NATCHER. You, of course, have had a lot of experience with the Corps of Engineers, and you have had engineering experience all down through the years. Would it be a fair statement to say that the rapid transit system in the metropolitan area of Washington would be the largest single public works project in the history of the United States of America?

General GRAHAM. It is going to be one of the largest, Mr. Chairman. I am not sure.

Mr. NATCHER. You have had much more experience than I have. On the record, name one that cost more in the history of this country.

General GRAHAM. If we are thinking in terms of a program that is also a project—I think in terms of the TVA, for example. Perhaps the Columbia River program of the Corps of Engineers.

Mr. NATCHER. A little over \$800 million as a start, General. Is that not about right?

What about the Manhattan project during World War II? Wasn't that a billion dollars?

General GRAHAM. Yes, sir it was a billion dollars.

I suppose that billion dollars today is about \$2.5 billion. I have not refreshed myself on that. I am not sure about some of the public works projects for NASA, for example, Cape Kennedy. It may well be that there is a public works project that is in the same ball park as the Metro system here.

Mr. NATCHER. I am just wondering if a single public works project in the history of this country has cost more. I may be wrong about this. Let me say to you, I cannot name a one.

I am very much concerned about the cost of this rapid transit system. When you come back, after doing a good job of planning a rapid rail transit system, and say to the Congress that it will require \$800 million more or \$1.2 billion more or \$1.4 billion more, and at the time you come back to make that request, the economy in this country will have leveled off, the war in Vietnam will have been brought to a close, it will be a right difficult matter to say to the Congress of the United States, with all of the domestic demands that we will have before the Congress pertaining to housing, education, health, pol-

lution, and other matters, that it will require several billion dollars or hundreds of millions of dollars more to complete this rapid rail transit system.

I believe you will agree with me that from the very start and, as I said a while ago, long before the time that the Washington Metropolitan Area Transit Authority was authorized and put into operation, I have never believed you could do it.

It is not because you are not a fine engineer. If it could be done, you would do it. I believe that. But you cannot do it for \$2.5 billion under the circumstances that you have confronting you, considering where you are building it, the location, number of miles, stations and equipment.

I am very much concerned about it.

I want you to know that I am for rapid rail transit and a balanced system of transportation consisting of the freeway program, the rapid rail transit system, and any changes they want to make in the bus operation here in the Capital City.

#### POSSIBLE REDUCTION IN MILEAGE OF SYSTEM

General, I hope that this matter can be resolved. I know you do, and all of your people and associates do, because when you come back for more money, unless there is a change in the overall situation as I see it today, we may end up with about a 45- or 46-mile rapid transit system, not 97 miles.

If the Congress should simply say with all of the demands that are confronting the American people, we are not going to carry this amount up any more at this time, then we would have to cut it back.

I am hoping that we can resolve this problem and move it on and build this system.

This is a serious matter, and one that it will be right hard to take back to the Congress. I would like to have it all settled. It is a serious mistake for anyone to try to block a balanced transportation system.

I could have blocked it in 1955.

General, is there anything else by way of a general statement concerning the amount requested?

General GRAHAM. No, sir.

Mr. NATCHER. Mr. Glaimo?

Mr. GLAIMO. No questions.

Mr. NATCHER. Mr. Patten?

Mr. PATTEN. No questions.

Mr. NATCHER. Mr. Riegle?

Mr. RIEGEL. No questions.

Mr. NATCHER. General, thank you very much for appearing before our committee.

Let me say to you again, I am going to travel the road with you. We are going to solve this matter.

General GRAHAM. That sounds great.

Mr. NATCHER. I say that to you frankly.

You gentlemen come back to see us. It is a pleasure to see you any time.

#### PROPOSED REAUTHORIZATION AND GUARANTEE OF BONDS

Mr. NATCHER. Several months ago the officials of the Washington Metropolitan Area Transit Authority announced that the bonds could not be sold due to the fact that the bankers and brokers in this country would not buy these bonds unless some guarantee was given that the bonds would be retired when they became due. The bankers and the brokers in this country know that bonds such as the rapid rail transit system bonds cannot be retired out of the fare box; therefore, a proposal is now underway to reauthorize the rapid rail transit system providing for additional costs for the 98-mile system and further providing for a guarantee by the Federal Government of the bonds to be issued. Since the overall cost of the 98-mile system exceeds the original authorization, the rapid rail transit system must now be reauthorized and the question of the additional cost of the system and the guarantee of the bonds by the Federal Government must be approved by the Congress.

#### MAINTENANCE AND REPAIR OF CITY STREETS

The budget for fiscal year 1971 for the District of Columbia requested \$3,495,000 for street improvements and extensions. The overall request for the Department of Highways and Traffic for capital outlay projects totaled \$12,149,000. This budget for the 6th consecutive year was out of balance. Our committee could not appropriate the \$3,495,000 requested for street improvements and extensions, due to the fact that there was no available money for this purpose. A portion of the report accompanying the District of Columbia Appropriation Bill for fiscal year 1971 is inserted in the record at this point.

#### HIGHER EDUCATION

Federal City College:		
Improvements to temporary facilities	\$330,000	\$330,000
Furniture and equipment for all temporary facilities	2,422,000	1,200,000
Renovations to newly leased facilities	2,948,000	
<b>Total, Federal City College</b>	<b>5,700,000</b>	<b>1,530,000</b>
Washington Technical Institute:		
Improvements Van Ness Campus	1,680,000	1,075,000
Newly leased facilities for oceanographic studies, environmental sciences (Navy Yard)	352,000	352,000
<b>Total, Washington Technical Institute</b>	<b>2,032,000</b>	<b>1,427,000</b>
D.C. Teachers College:		
Attic renovations, Wilson and Miner Buildings	665,500	665,000
Two demountable classroom facilities	82,500	82,500
Classroom air-conditioning various District of Columbia Teachers College facilities	308,000	308,000
Lighting of parking lot and related facilities, District of Columbia Teachers	16,500	16,500
Library and related facility carpeting and sound proofing	57,200	57,200
Temporary gymnasium facility	880,000	
<b>Total, District of Columbia Teachers College</b>	<b>2,009,700</b>	<b>1,129,700</b>
<b>Total, higher education</b>	<b>9,741,700</b>	<b>4,086,700</b>
Washington Metropolitan Area Transit Authority (Subway)	34,178,000	

#### DEPARTMENT OF HIGHWAYS AND TRAFFIC

Street improvements and extensions	3,495,000	
Highway planning, programming and research	400,000	
Central Potomac River Bridge crossing (the Three Sisters Bridge)	500,000	500,000
Potomac River freeway	3,000,000	
Benning Road pedestrian overpass	25,000	
Cover on Federal aid streets	586,000	
Heater on Federal aid streets	408,000	
Pavement markings, islands, signs and signals	120,000	
Center leg—Inner Loop freeway	720,000	

Chain Bridge	\$114,000	
Southern Ave., SE., East Capitol St. to South Capitol St.	440,000	
Channelization on Federal aid streets	60,000	
Northbound 14th St. Bridge-deck repair	30,000	
Safety improvements and realignment of intersections	250,000	
Massachusetts Ave., 17th St., NE., to First St., NW	50,000	
Operations control center	95,000	
Highway beautification	50,000	
Traffic operations program to improve capacity and safety	600,000	
Anacostia Freeway—Kenilworth Ave., safety improvements	130,000	
Minnesota Ave., NE, Sheriff Rd to Eastern Ave.	70,000	
11th St., NW., Irving St. to Monroe St. and Vermont Ave. to Florida Ave.	230,000	
Street lighting and communications extensions	776,000	\$776,000
<b>Total, Department of Highways and Traffic</b>	<b>12,149,000</b>	<b>1,276,000</b>

#### DEPARTMENT OF SANITARY ENGINEERING

General fund:		
Advance of paving and drainage complaints	1,200,000	1,200,000
Permanent improvements to existing buildings	100,000	100,000
Georgetown West relief storm sewer	600,000	600,000
Capitol Hill relief, storm sewer	4,000,000	2,000,000
Northeast boundary relief, storm sewer	3,000,000	1,500,000
Separation of combined system area, separation of sanitary and storm flows	1,500,000	1,500,000
Slash Run relief, storm sewer	300,000	300,000
Georgetown refuse transfer station	100,000	100,000
<b>Total, general fund</b>	<b>10,800,000</b>	<b>7,300,000</b>
Sanitary sewage works fund:		
Water pollution control plant at Blue Plains	40,000,000	
Service sewer extensions	510,000	
Replacement and modernization of electrical and mechanical equipment at pumping stations	300,000	
Sanitary sewers in advance of highways paving and miscellaneous relief and replacement sewers	250,000	
Plan and construct new facilities for yards	400,000	
<b>Total, sanitary sewage works fund</b>	<b>41,460,000</b>	

Mr. NATCHER. Since the budget was out of balance and funds could not be appropriated to maintain and repair the streets, it was naturally assumed that when the supplemental appropriation bill for fiscal year 1971 was sent to the President by the District officials and then to Congress this bill would contain adequate funds for maintaining and repairing the streets in our Nation's Capital. Not a dollar was requested for this purpose. Here again we see the District officials not only making every effort to stall the freeway system from going under construction but at the same time refusing to make recommendations for funds for maintaining and repairing the streets in our Nation's Capital. A portion of the report accompanying the supplemental appropriation bill for fiscal year 1971 setting forth the fact that no funds were requested for maintaining and repairing the streets is made a part of the record at this point.

CHAPTER II.—SUBCOMMITTEE ON DISTRICT OF COLUMBIA

- William H. Natcher, Kentucky, Chairman.
- Robert N. Glalmo, Connecticut.
- Edward J. Patten, New Jersey.
- David Pryor, Arkansas.
- David R. Obey, Wisconsin.
- Glenn R. Davis, Wisconsin.
- Donald W. Riegle, Jr., Michigan.
- Wendell Wyatt, Oregon.

DISTRICT OF COLUMBIA

The Committee recommends a total of \$12,119,000 in new budget (obligational) authority in Federal funds and \$54,914,225 in District of Columbia funds. Budget estimates submitted in House Documents Nos. 91-404 and 406 total \$52,074,000 in Federal funds and \$96,127,225 in District of Columbia funds. The recommendations are \$39,955,000 less than requested in Federal funds and \$41,213,000 less in District funds.

Included in the total Federal funds recommended is \$325,000 for the Commission on the Organization of the Government of the District of Columbia which is an independent agency established by Public Law 91-405, approved September 22, 1970.

FEDERAL FUNDS  
FEDERAL PAYMENT

The Committee recommends a Federal payment of \$11,794,000 to the General fund, which is \$5,777,000 less than requested. This allowance includes \$8,000,000 authorized in Public Law 91-297, which increased salaries for D.C. Police, firemen, and teachers, and \$3,794,000 of the \$5,000,000 authorized in Public Law 91-358, the District of Columbia Court Reform and Criminal Procedure Act of 1970. The request proposed the utilization of the balance of the authorized, but unappropriated Federal payment for 1970 in the amount of \$1,834,000. The Committee

does not concur in the establishment of such a precedent. The request included \$3,887,000 which was contingent on the enactment of pending revenue legislation, which the Committee has denied.

FEDERAL LOAN

The Committee has disapproved the additional loan request of \$34,178,000 which was proposed to finance the District's share of the cost of the Washington Metropolitan Area Transit Authority's construction program during fiscal year 1971. A similar reduction has been made in the Capital Outlay request.

DISTRICT OF COLUMBIA FUNDS

A total of \$54,914,225 is recommended in the bill, which is \$41,213,000 less than requested. Financing of this recommendation will be from (1) the additional Federal payment in the bill which covers in part the costs of the salary increases and court reform, (2) current revenues from various taxes, and (3) the use of current loan authority for capital outlay projects.

OPERATING EXPENSES

The budget requests considered total \$49,472,225 for operating expenses. The Committee recommends \$44,302,225 which is a reduction of \$5,170,000. The following tabulation sets forth the various requests, including additional positions, and the committee allowances:

OPERATING EXPENSES

	Budget request		Recommended		Reduction	
	Positions	Amount	Positions	Amount	Positions	Amount
<b>General operating expenses:</b>						
Executive Office:						
Personnel Office	12	\$99,000			-12	-\$99,000
Office of Criminal Justice Plans and Analysis	2	20,000			-2	-20,000
<b>Total, Executive Office</b>	<b>14</b>	<b>119,000</b>			<b>-14</b>	<b>-119,000</b>
Office of the Corporation Counsel	34	225,000	34	\$225,000		
Department of General Services		551,000		551,000		
<b>Total, General operating expenses</b>	<b>48</b>	<b>895,000</b>	<b>34</b>	<b>776,000</b>	<b>-14</b>	<b>-119,000</b>
<b>Public safety:</b>						
Pay increases (policemen and firemen)		19,745,000		19,745,000		
District of Columbia Court of General Sessions	282	2,329,000	282	2,329,000		
District of Columbia Court of Appeals	13	280,000	13	244,000		-36,000
District of Columbia Bail Agency	31	170,000	31	170,000		
<b>Total, public safety</b>	<b>374</b>	<b>22,799,000</b>	<b>374</b>	<b>22,763,000</b>		<b>-\$36,000</b>
<b>Education:</b>						
Public schools (pay increases for teachers)		20,197,000		20,197,000		
Federal City College	138	3,397,000			-138	-3,397,000
Washington Technical Institute	53	1,548,000			-53	-1,548,000
<b>Total, education</b>	<b>191</b>	<b>25,142,000</b>		<b>20,197,000</b>	<b>-191</b>	<b>-4,945,000</b>
Highways and traffic: Motor vehicles	4	89,000		56,000	-4	-33,000
<b>Total, education</b>	<b>195</b>	<b>25,231,000</b>		<b>20,253,000</b>	<b>-195</b>	<b>-4,978,000</b>
<b>Sanitary engineering:</b>						
Department of Sanitary Engineering	24	395,000	24	358,000		-37,000
Washington aqueduct		145,000		145,000		
<b>Total, sanitary engineering</b>	<b>24</b>	<b>540,000</b>	<b>24</b>	<b>503,000</b>		<b>-37,000</b>
Settlements of claims and suits		7,225		7,225		
<b>Total, operating expenses</b>	<b>641</b>	<b>49,472,225</b>	<b>432</b>	<b>44,302,225</b>	<b>-209</b>	<b>-5,170,000</b>

**Pay increase.**—The major portion of the allowances for General operating expenses (\$39,042,000) is to cover the cost of salary increases for policemen, firemen, and teachers. The authorizing legislation provided retroactivity for police and firemen to July 1, 1969 and for teachers to September 1, 1969. From a budgetary standpoint, especially when painful decisions are necessary to make fiscal ends meet, it is not too much to say that the practice of retroactive salary increases is less than sound. In addition to tending to limit employee incentives, the practice has, of course, resulted in the deferral of important programs.

**Executive office.**—The Committee has denied the expansion of the safety management program in the Personnel Office and the additional positions requested for the Office of Criminal Justice Plans and Analysis.

**Public safety.**—With the exception of a

volunteered reduction by the Court of Appeals, the Committee has approved the increases requested by the Courts, the Bail Agency, and the Public Defender Service. A total of \$3,018,000 has been included in the bill and will enable those agencies to carry out the requirements of the 1970 Court Reform and Criminal Procedure Act during the remainder of the fiscal year. The amounts requested elsewhere in the budget for the rental of additional space and renovations for the expanded activities authorized by the Act have also been approved. A total of \$3,794,000 is attributable and chargeable to the Court reorganization legislation.

**Education.**—The Committee has deferred action on the requests of the Federal City College and the Washington Technical Institute. The financing of these requests is dependent on the enactment of additional revenue legislation. If additional revenue be-

comes available every consideration will be given to the inclusion of appropriations to permit these two institutions to proceed with the plans outlined during the hearings.

**Sanitary engineering.**—The Committee has approved the additional funds and positions requested to improve working conditions and employee-employer relations in the Department of Sanitary Engineering. The slight reduction reflects six-months rather than nine-months funding due to the late passage of the bill. The additional amounts required by the Washington Aqueduct to cover increased costs of electricity and chemicals are also approved.

CAPITAL OUTLAY

A total of \$10,612,000 is recommended for 10 capital outlay projects. The supplemental budget proposed \$46,655,000 and 12 projects. The following table lists the projects and amounts in comparative form:

## SUMMARY OF CAPITAL OUTLAY PROJECTS

	Budget request	Recommended	Reduction
Public schools:			
Specialized learning center, 3d and R Sts. NW	\$2,586,000	\$2,586,000	
Vehicle and maintenance facility, 10th and Michigan Ave. NE	1,225,000		-\$1,225,000
Department of Corrections: Restoration of damaged buildings, correctional complex, Lorton	813,000	813,000	
Social Services Administration: Permanent improvements, juvenile facility, Laurel	836,000	396,000	-440,000
Department of General Services:			
Renovations to the Pension Bldg., 5th and G Sts. NW	2,105,000	1,905,000	-200,000
Emergency power supply, various District-owned buildings	550,000	550,000	
Permanent improvements to various District buildings	550,000	550,000	
Department of Sanitary Engineering:			
Sanitation service centers, various locations	492,000	492,000	
Lunchroom facilities, various District-owned properties	80,000	80,000	
Outfall relief, Hains Point to the vicinity of the Anacostia Freeway	2,100,000	2,100,000	
Washington aqueduct: Emergency pumping from the Potomac River estuary	1,140,000	1,140,000	
Washington Metropolitan Area Transit Authority: Regional rapid transit system	34,178,000		-34,178,000
Total, Capital outlay	46,655,000	10,612,000	-36,043,000

The Committee has denied the acquisition of a vehicle and maintenance facility for Public Schools. The request for the District's share of the Washington Metropolitan Area Transportation Authority's 1971 construction program is also denied. District officials volunteered the reduction of \$440,000 for permanent improvements at the Juvenile Facility and \$200,000 for renovations at the Pension Building.

Mr. NATCHER. When it developed that no request would be made for maintaining and repairing the streets, our committee made an inquiry concerning this matter and we were advised by the District officials that it might be possible to secure rebates from the Department of Transportation on the Federal highway system money which could be used to maintain and repair the streets in our Nation's Capital.

#### REQUIREMENT FOR BALANCED SYSTEM OF TRANSPORTATION

I want to say to the members of the committee that from the very beginning our Subcommittee on the District of Columbia Appropriations has indicated at every turn that we are for a balanced system of transportation in our Nation's Capital. We are for rapid rail transit, we are for the freeway system, and we are for the bus system which will tie in with the two systems.

#### COST OF RAPID RAIL TRANSIT SYSTEM

Gentlemen, the rapid rail transit system in the District of Columbia, even at the old cost of \$2.5 billion which was authorized in 1969 makes this the largest single public works project in the history of the United States. If you check, you will find that it is probably the largest single public works project in the history of the world. They have never had one compared to the rapid rail transit system here in the District of Columbia at the cost of \$2.5 billion.

From the very beginning, as I pointed out, we have said to the officials in the District, to the Washington Metropolitan Area Transit Authority officials, we are for your system, but in all fairness to the Congress, to the taxpayers of this country, to the people in the City of Washington that pay the taxes, can this system be built for \$2.5 billion. They have said yes up until last year and finally they said "No", it is going to cost several hundred million dollars more.

I believe the cost is up now to approximately \$3 billion. That means gentlemen, it has to come back to the Congress. It has to be reauthorized. The bonds totaling \$835 million authorized in 1969 to be issued by the Washington Metropolitan Area Transit Authority, as I pointed out, cannot be sold. The bankers and brokers in this country will not buy them. The bonds cannot be retired out of the fare box.

As to whether or not the Congress will authorize the issuance of these bonds to be guaranteed by the Federal Government, I do not know. With all of our problems in this

country, concerning housing, urban renewal, education, health, pollution and the many other problems that we have existing throughout the 50 States, the fact that we are now confronted with this impasse is right serious. It is serious from this standpoint, gentlemen:

We have gone along with you and not a person in this room can say that this subcommittee has not carried out every commitment it has made. Just as soon as we released the money in 1966, within a few weeks they backed up on the National Capital Planning Commission and they changed two votes and a lawsuit was immediately filed. Pre-meditated, Mr. Myers. I say that to you on the record.

Then in 1969 we released the construction money for rapid rail transit. We met with the President. He carried out every commitment he made.

Mr. Scherle, he has carried out every commitment he made. If they had listened to President Nixon, we would not be in this impasse today, we would not be sitting here discussing it.

Notwithstanding all of that, we do not have a dollar in the budget for fiscal year 1971 to repair the streets in the city of Washington.

#### CURRENT FREEWAY—RAPID RAIL TRANSIT IMPASSE

We have the impasse now as far as freeways are concerned and rapid rail transit.

The suit was filed, Mr. Stokes, in Federal court, in 1969. The first suit, when filed in Federal court, was dismissed. The court held that the Federal court had no jurisdiction over the matter.

The Federal court in 1969, on the second suit, said the Congress of the United States passed the Highway Act of 1968 and this was the law and it must be complied with, and it is not up to the court to pass on that point. That is the law, it must be complied with.

A design hearing on the bridge was ordered. They started in November holding a design hearing. This is an injunction suit. You lawyers on the committee know what that means. Not months or years—time is of the essence.

Nothing was done about it, and nothing has been done about it up to this time. They are talking in terms of an 81-foot model that, according to my information, was broken by the company with the contract to construct it. More delay and now downtown they say it will be several more months before they can proceed.

We have inquired as to when the bridge and freeway system would start under construction again so we can appropriate the money for rapid rail transit and for our freeway system? We have \$200 million for our freeway system. When are you going to solve this impasse?

You new members on the committee can

inquire of Mr. Davis, one of the senior members who has been on the committee for years, and he will tell you and the records will show that we have carried out every commitment.

General Graham, you know that is true. Why does this impasse exist and why do they not do something about? The law of 1968 is the law and it must be complied with. The law of 1970 provides for the studies and it must be complied with.

Now, again, I want you to know that we on this committee are for both systems and that is our attitude at this time.

Mr. ANDREWS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the distinguished chairman of the subcommittee if it is not a fact that this is the most expensive public works program ever undertaken in the entire history of this Nation?

Mr. NATCHER. Mr. Chairman, will the distinguished gentleman from Alabama yield to me at this point?

Mr. ANDREWS of Alabama. I shall be happy to yield to the gentleman from Kentucky.

Mr. NATCHER. The rapid rail transit system is the largest single public works project in the history of the United States of America. It is the largest single public works project in the history of the world. The Manhattan project, I will say to my good friend from Alabama, during the war cost \$1 billion. No project in the Tennessee Valley Authority has exceeded \$300 million. Nothing on the west coast has exceeded \$600 million, and the Aswan Dam cost \$1,200,000,000. The gentleman is entirely correct.

Mr. ANDREWS of Alabama. I thank the gentleman.

Mr. MAHON. Mr. Chairman, will the gentleman from Alabama yield?

Mr. ANDREWS of Alabama. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I want to express opposition to the pending amendment and offer the hope that the amendment will be defeated.

Mr. DAVIS of Wisconsin. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, in this drama of the saints and the sinners here this afternoon I rise to fully support the role of the alleged chief sinner of the piece, the chairman of our subcommittee, the gentleman from Kentucky (Mr. NATCHER).

There have been self-cast here this afternoon in the role of the saints, one subcommittee member who attended neither the hearings nor the markup of this supplemental measure; one who offered an amendment to bring the government of the District of Columbia to a halt by an amendment to the District of Columbia revenue bill to deny all Federal payments until the freeway system was under way; one who voted against the SST after the authorization and the commitments had been made, but who now argues that we should provide this money because it has been authorized, and there have been commitments made; and two who obviously do not want a balanced transportation system, for they patently revealed their opposition to the

bridge and to the connecting freeways.

Some of these are a part of some of the same people in and out of the government of the District of Columbia who have even a better plan to keep the pollution of the automobiles off the streets here because in the appropriation for this fiscal year you will not find one single dime for the repair of the streets in order to keep the automobiles running in the District of Columbia. And those people in the Government did not come back in the supplemental which is now before us for one single dime for that purpose, either. That is one way you can avoid the pollution of automobiles.

The alleged sinners are those who are committed to what the President has asked for, and that is a balanced transportation system for the Washington metropolitan area. That balanced transportation system includes the subway, and it also includes the highway program which the government of the District of Columbia developed. This freeway system and the connecting bridges were not rammed down the throats of the people or the government of the District of Columbia, this plan was developed by the government and the people of the District of Columbia. What those of us who have served on this subcommittee the longest are insisting on is that that plan which they developed along with the subway plan should be implemented in a balanced fashion by the funds that are required.

And I can assure you that if I knew of any other way to assure a balanced transportation system for this metropolitan area I would follow the path of that assurance. And to assure you that the subway funds are not necessarily frozen until the next fiscal year, our report opens the door for prompt reconsideration on the day that we receive tangible commitments to a balanced transportation system for the District of Columbia. We have been fooled and we have been disappointed too many times, to give the go-ahead to one segment of a balanced transportation system until we have assurances that the other facets of that balanced transportation system will be implemented also.

And that is the position of the chairman of our subcommittee, and that is the position that I take, and I think that is the position that the President of the United States takes. And that is the position this Congress has taken time and time again. I do not believe we ought to run away from a position that is well grounded, and one that we have consistently taken in the past.

Mr. SCOTT. Mr. Chairman, would the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Chairman, I would like to commend the gentleman from Wisconsin (Mr. DAVIS) for his statement, and I rise in support of the committee.

I would like to especially commend the chairman of the subcommittee, the gentleman from Kentucky (Mr. NATCHER) because although he does not live in the

Washington metropolitan area, yet he is concerned about a balanced transportation system for the people who do live here.

One of the most frustrating things that I face each day is when I drive down Interstate 66, and get to the beltway, and then have to find some side road to come on in to the District of Columbia to work.

It is not only a frustrating problem for me, but it is a frustrating problem to the thousands of other commuters from northern Virginia.

Mr. Chairman, this subway or this rapid rail transit is to go down the median strip of Interstate 66 and until you have the right-of-way for that road, you cannot have the rapid rail transit in Virginia.

I thank the gentleman for yielding. Mr. DAVIS of Wisconsin. Mr. Chairman, I appreciate the gentleman's commitment to a balanced transportation system for the District of Columbia.

Mr. MAHON. Mr. Chairman, I wonder if we could agree on a limitation of time. We have a number of other amendments, but I shall not ask at the moment for an agreement on time, but I shortly hope to do so.

Mr. KOCH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise because a reference was made to the city in which I live, New York, and the suggestion was made that the people of New York wish they did not have a subway system.

Mr. Chairman, the truth is the city of New York could not exist without a subway system. We want an even greater subway system. New York desperately needs an expanded subway system and Washington, D.C., needs its first subway system.

Reference was made to the fact that the District of Columbia subway is going to cost more than any other subway system in the world. I must take exception to that. My understanding is that the most expensive subway system on a linear foot basis—that has ever been built is that which connects the Capitol with the House and Senate Office Buildings.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman.

Mr. LONG of Maryland. I agree that per mile this is the most expensive, but fortunately this is only one-seventh of a mile and the proposal here that we have before us is for almost 100 miles.

I did not intend to say that New York City subway system was not a good system. Of course, it is. I have ridden in it. It is an ideal setup for New York because New York is shaped the way it is. I merely want to point this out that never in the history of the New York City system have the people in New York been willing to pay a fare that would even cover its operating expenses; is that not correct?

Mr. KOCH. Let me say to the gentleman that in this country we subsidize everything to some extent, especially municipal services—and rightly so.

The fact is that we do need operating subsidies for subways. Nobody is going to dispute that. You also need construction money.

To talk about this subway for the Washington, D.C. metropolitan area as though it were something for just Congressmen and their staffs, I respectfully submit to you is absurd. This subway will help all of the people in this metropolitan area. All you have to do is take a car into the District any day of the week and you find that traffic is bumper to bumper and you just cannot move. What this area needs is mass transit and I say this not because this is my home—I work here but my permanent home is in the city of New York. But we have an obligation to the District—as we do to every section of the country. To say that this District does not need assistance to build a subway and that Federal funds for the subway system should be shut off until the citizens of the District withdraw their opposition and accept highways they do not want, is just outrageous.

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

Mr. KOCH. I yield to the gentleman.

Mr. GIAIMO. Is it not wrong to be debating whether or not we need a system here when the fact is that the Congress has authorized the system and there is a system in existence. The question now is whether or not we are going to hold up on an appropriation which is something we have already approved.

Secondly, at the same time we hold it up, we gave them \$180 million this fiscal year as the Federal share of the subway.

Mr. KOCH. The gentleman from Connecticut is absolutely correct. We will find that if we delay the system's construction, we will just be doubling its final cost.

Everybody in this House knows that whenever a construction program is authorized, but not immediately executed, its cost when finally completed is at least twice as much as originally planned.

Those who are fiscally conservative should be supporting the subway's rapid completion.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. It is certainly true that if we authorized the subway, we also authorized the SST and we spent nearly a billion dollars on it, five times as much as we have spent on the subway. If we could scrap the SST with all that it has cost, we can scrap this project, too. I think New York needs a subway, but I do not think that Washington needs one. It is a very different situation.

Mr. KOCH. I say to the gentleman that his is the only voice that I have heard raised in this House in support of terminating the subway—others just suggest that it should be delayed. The gentleman from Maryland maintains that his constituents will not use the subway. I would assure him—and suggest that he need only look at the experience of those in

other parts of the country for further assurance—that if a rapid rail system is provided, the people will use it. Anyone prefers to ride in a rapid subway than to struggle each day with mounting traffic as they do today in traveling between the District and Maryland and Virginia, particularly during rush hour.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. OBEY. Mr. Chairman, it is difficult for me to get a sweat up over a subway system. By nature I would be more concerned with hospitals and schools than I would be with a subway system. But in my judgment the context in which this whole issue has been discussed for the past 2 or 3 years requires that we release this money today. I think there are basically four reasons why we ought to do so.

First, as the gentleman from Connecticut has pointed out twice on this floor, it is absurd and it is contradictory for the Congress to oppose with one hand what it is doing with the other. That is what, in effect, it does when it supports the appropriation of the Federal share of this system and then withholds through another subcommittee of the same committee the money for the District's share of the Metro system.

Second, I do not think we have much business holding the subway system hostage for the alleged actions of the District Government itself, because really the actions which some members of our subcommittee, including the Chairman, are objecting to on the part of the District Government have nothing whatsoever to do with the action of the Metro. The Metro is an entirely different entity, and I think we ought to treat it as such.

The third point I would suggest to you, and I think the most important, is that further withholding of funds for the District's share of this plan will in fact cause the predictions which we have heard on the floor today, about cost increases, about cost escalations, about cost overruns, to become self-fulfilling prophecies.

The gentleman from Alabama, I believe, indicated that this is the most expensive public works project in the history of the world. That is true, and the longer we delay it, the more expensive it will be. If we accept the recommendations of this committee, we will in fact be causing those costs to increase time and time again.

The chairman of the subcommittee, the gentleman from Kentucky, has assured us that if we do not adopt this amendment today that our subcommittee will consider these funds along with the regularly appropriated funds in the regular budget.

I submit to you that we have heard that story for 2 years. We have considered this for 2 years, and in the 2 years I have been on the subcommittee we have considered it and considered it and considered it, and we have not released the money. The time for con-

sidering has passed. I do not think anyone in this House wants to be responsible for adding further to the cost of what has already been described as the most costly public works project in the history of the country, in the history of the world, and yet that is what you will be doing if you do not support this amendment.

If you are opposed to the Metro period; if you do not think it should have been authorized at all, that is one story. If you are opposed to it in that manner, say so. But let us not hold it up as part of a strained argument with the District as hostage for the construction of highways. We should not do it in that way. If you think the system is too expensive, then you ought to say so. But once the program is on the books, we ought to release the money so that the Metro system can get about its business of doing what the Congress told it to do.

I also want to point out one other thing in closing. Much is made over the fact that the District may or may not be in compliance on the highways. I think it is a strange position, indeed, for the Congress to object on the one hand to the District not being in compliance on highways while our own actions on the Metro system force the District into noncompliance on the Metro system construction. That is what we do if we do not adopt this amendment today.

I urge its adoption.

Mr. CONTE. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, at the outset I wish to say I dislike very much to oppose the ideas and the opinions of the gentleman from Kentucky, for whom I have had the greatest respect ever since the day I came to the Congress. I believe he is one of the most able Congressmen in the U.S. Congress.

I sit on the Transportation Subcommittee that handles the Federal funds for this particular project. I feel very strongly and I feel very deeply committed.

Mr. Chairman, I rise in support of the amendment of the gentleman from Connecticut which would provide \$34.2 million to the District of Columbia to pay for its legal share of the construction costs of the Metro subway system. As a member of the Subcommittee on Transportation, I have voted for the 1970 Federal share of \$82.9 million, the 1971 Federal share of \$180 million and the 1972 Federal share of \$150 million. These sums have been approved by the full committee; they have been approved by the House; and they have been approved by the Senate. Thus while Congress has consistently approved the Federal share, it is now being asked to deny the District of Columbia share.

We cannot allow this contradictory set of circumstances to continue. As I understand it, the District of Columbia has a legal obligation to pay its fair share of the local contributions to the construction of Metro. This legal obligation is one which was approved by the Congress—approved in 1966, at which time the compact was approved—and again in 1969

when the Congress approved the financial program of the Washington Metropolitan Area Transit Authority.

We, by those actions, required the District of Columbia to pay its full share. In accordance with proper procedures, it comes to us each year to have its annual share approved.

We are being asked to deny the District of Columbia its right and duty to comply with a congressional directive that it pay its agreed share. I suggest that it is improper to force the District of Columbia to flout the will of Congress.

The argument used to deny this appropriation is that the District of Columbia is not in compliance with a congressional mandate to build certain highway projects. Yet by withholding the money, we are forcing the District into noncompliance with another congressional mandate. I cannot in all logic support this type of contradiction.

The necessity for building the transit system for the Washington Metropolitan Region is all too obvious. We need this transit system. We need it desperately. We are told that what we need is balanced transportation, and I have no quarrel with this point.

We do need balanced transportation. But it is a weak argument which declares that highways and mass transit are out of balance when we demand the building of highways and hold up the building of the subway system.

The Congress has repeatedly mandated the building of the subway system. Through the years we have approved legislation requiring its building, and we have said it must be built as quickly as possible in the interest of the Federal Government, the local community, and the Nation.

Since these funds are required so that there can be Federal matching funds as well as matching funds by the other local metro jurisdictions, we could well be forcing subway construction to break down completely. And since we have directed the Washington Metropolitan Area Transit Authority to build the transit system at the earliest possible date and with all prudent speed, we could also be forcing it into noncompliance with a congressional mandate.

I hold that we cannot in good conscience hold up the District's appropriation. I believe that the necessary highways that have been discussed here should be built, but the subway must be relieved from its impossible position as a hostage for these highways. We must also remember that the Transit Authority has no responsibilities for the building of the highways and cannot be held accountable for their status in any of the three States that are signatory to the compact.

In closing, I wish to quote from the message of President Nixon to Congress, dated April 7, 1971:

Excavations for Metro's subway tunnels and stations already dot the District. When it goes into operation at the beginning of 1974, it will be the nation's most modern mass transit system. It should do much to unify the metropolitan Washington community, to improve the quality of life by reducing congestion and pollution in the area, and to stimulate the metropolitan

economy by the increased labor mobility it will provide. I am confident that disagreements over implementation of the 1968 and 1970 highway acts—now tying up needed metro funds—can be resolved, and I have urged all of the parties involved to give priority to meeting these legislative obligations.

I urge the House to act now to release the District's share of WMATA construction program funds for fiscal year 1971.

I might mention that a lot has been said about the construction of the Three Sisters Bridge. The Three Sisters Bridge has not been stopped by the District of Columbia but by the courts. The court issued an injunction that the Three Sisters Bridge not be constructed, and set down two criteria. One was that a public hearing be held. I understand the design hearing has been completed. The second was in regard to the design of the Three Sisters Bridge. The Bureau of Public Roads must present to the court a certificate by the Secretary of the Department of Transportation that the superstructure is safe.

What happened was that, under the laws or the rules of the District of Columbia, in order to construct a bridge it was necessary to go to the Fine Arts Commission. The Fine Arts Commission did not like the design of the bridge as proposed by the Department of Transportation. It came up with the idea that this would be a single span bridge, spanning across the Potomac River in the vicinity of the Three Sisters area. This, if constructed, would be the longest span in the world.

As I understand it the administrator directs that a scale model of the structure be completed to test the calculated loads and stresses.

The Fine Arts Commission chose this type of bridge because it did not want to obstruct the view of the gorge of the Potomac River or any of the scenic beauty in that area. Therefore, the Highway Administrator has asked the court that they be allowed to contract for a model of the bridge which, mind you, will be the longest span bridge in the world, with no supports.

They want to have a model of this bridge, to bring out all the concrete stresses and strains that the bridge will undergo in the air after it is built.

That is what is holding it up right now. When this goes in then they will be able to begin construction of the Three Sisters Bridge. So we cannot blame this on the District of Columbia.

As I mentioned in debate earlier today, we are not talking about \$34.2 million here; we are talking about \$105 million in fiscal year 1971, because the Federal Government cannot put up its share, which we have already appropriated. We in the Congress have appropriated \$68 million for 1971, and the Federal Government cannot put that up because the District of Columbia has not put up its share, and cannot until we get this amendment through.

Again in 1972 I believe the figure is in the \$30 millions. If the District of Columbia sees fit not to appropriate that

money then we will have another \$100 million tied up.

So all in all, for 1971 and 1972, unless the money is forthcoming for the District of Columbia appropriation, there will be over \$205 million that will be tied up for construction of the metro system.

The States of Maryland and Virginia have cooperated 100 percent; the Department of Transportation has cooperated 100 percent. Unfortunately we are in this bind here. I think it behooves us as the Congress of the United States to untangle this mess. I have full confidence in the witnesses we had before our committee, the Department of Transportation officials and Secretary Volpe, and the Highway Administrator. And I am sure that all of the objections can be resolved.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it seems to me that there have been two arguments made in favor of this amendment which are fallacious. The first argument is that this subway system is going to cure pollution. What are the facts? Well, I learned some place back in high school that matter can neither be created nor destroyed. If you do not use gasoline as energy, you will use electricity, I presume, for the subway. But where will you get it? You will get it out of the use of coal, and you will have the air around here so full of sulfur fumes and smoke that if you think you have a smog problem now, just wait until you try that. I know what I am talking about, because I have seen it happen in my State of Ohio and in the Ohio Valley where you not only get air pollution but thermal pollution of the water as well. So the subway will not cure any kind of pollution. It may take away one kind of pollution, but it will add another in its place.

Mr. Chairman, it seems to me we are debating not whether Congress authorized a subway or not—I voted for it—but Congress authorized a balanced system, and you have a bunch of faceless people downtown who are saying, "We will take the money you authorized and build what we want to build, and the parts we do not want to build we will not build." That is just what it boils down to. You have these people saying to Congress, "We will make the decisions; you will not." You cannot have all of those people in this area transported in on a subway system. If you will look at the map, you will see it does not go to where all of the people are. They will have to get in some other way. Now, I do not advocate building only highways and I do not advocate only building freeways. Freeways are part of it. The subway is the other part.

Mr. Chairman, there has been another argument made about all of the money it is costing by delay. How much does it cost by delaying the highways system? That goes up every year, too. So what you are coming down to really is the Congress going to make this decision or are some people downtown going to make it.

You know, we do not have to have this Capitol here. We could have it out

in Iowa. If you did, this place would wither away overnight. Why do we have the Passport Division in the city of Washington? For one example, every passport application comes in by mail and every passport goes out by mail. You could just as easily have it in Canton, Ohio. It would work just as well or maybe better. But, no, everything has to be concentrated here. Then you have people coming in for jobs and for welfare and the rest of them coming in to make a buck off the people who are already here.

You know, I am up to my knees in crocodile tears now about the citizens of Washington, D.C. What citizens of Washington, D.C.? Why are they here? They are here because the Capital is here and because it is to their profit and interest to be here and for no other reason. You can just bet your bottom dollar they are trying to hold up the freeway, this bunch downtown, because there is more money in it for somebody to build a subway. Do not forget that part of it, either, because I have been around for a long time and I have seen them work. I say that we ought to say to them, "You build the balanced system we told you to build or you do not build anything. Take it or leave it."

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

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

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Chairman, I thought the debate here today was over the question of whether or not we should fund this particular increment of the Rapid Transit System in the District of Columbia, but some of the discussions here indicated that we were attempting to evaluate whether or not a subway system is needed. I felt that was an issue which was settled a long time ago.

But, Mr. Chairman, I want to address myself particularly to a couple of items or points which were made by the previous gentleman in the well regarding the validity of being concerned over the early construction of this system because of its impact upon pollution.

Mr. Chairman, Washington happens to have one of the highest levels of pollution derived from automobile emissions of any spot in this Nation.

The pollution here is characterized by high carbon monoxide content, high oxides of nitrogen, sulphur dioxide, and other more dangerous types of pollutants.

Mr. Chairman, the Director of the Environmental Protection Agency, Mr. Ruckelshaus, just recently served notice on the District of Columbia that there would probably have to be some suspensions of some of the automobile traffic in the District of Columbia. There have been already antipollution alerts in the District of Columbia, and all of us have experienced the days when the air here

is very difficult to breathe and very uncomfortable to the eyes.

Mr. Chairman, it is not going away. It is not going to be very significantly increased by the additional electricity which might be required to operate the subway system. Over 60 percent of the pollution in this country comes from automobiles. You can use low sulphur content product for the generation of the electrical energy or natural gas. I do not see any great concern over the electrical scarcity. The developers in this area can use an unlimited variety of electrical equipment, electric lights, electric heating, air conditioning and other electric devices, they seem to see an abundance of electricity for those purposes.

But, Mr. Chairman, I think there is a further commitment not to hold the Metropolitan Transit Agency for ransom, because of the shortcomings, if there be shortcomings, of the District government I do not believe it is proper. This, in my opinion, represents a moral obligation of this Congress. One can throw in all the highway discussions one wants to, but it still does not remove the fact that we committed ourselves, and as the gentleman from Massachusetts said, we committed ourselves further when we authorized and appropriated funds for the Federal contribution this particular endeavor, this year. Additionally I think the Secretary of the Department of Transportation had to make some temporary funding available. There is a great inconsistency here.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I would like to pay particular tribute to my good friend, the chairman of the subcommittee, who is an outstanding Member of this body and he is certainly an honest, honorable, and dedicated public servant in every particular.

However, Mr. Chairman, I think it is time that the House recognize what we have been doing in the District of Columbia in the last few years is entirely wrong. I think it is absolutely indefensible for this Congress to hold up the construction of a subway over a quarrel as to highway construction when the issues are as clear and the need is as great, and the requirements of the District of Columbia are as clear as they are.

Mr. Chairman, comment was made about the advantage of having a balanced transportation system. The city of Washington is almost entirely paved. There is hardly a day which passes when we do not hear complaints from some citizens' groups or from some organizations in the District of Columbia with reference to construction of more highways. The only way to abate this highway construction problem is by increasing the availability of public transit. And highways and individual auto transport of large numbers of people are from an economic, environmental, and social standpoint the most wasteful and irresponsible way of moving large numbers of people.

And the only way we can have a proper alternative workable, and adequate pub-

lic transit is by constructing a subway system. The mechanics of it are very simple. In 1 hour you can move 25,000 people past one point on a mass transit system, and in the same hour by highway you can move 2,500. You can literally pave the whole District of Columbia and yet you cannot satisfy the suburban commuters, but if we do what is clearly needed here, if we do justice, if we do equity, if we do that which is right, we can construct a mass transit system which will meet the needs of the District of Columbia and its people.

I say it is indefensible for the Congress of the United States to continue to hold the District of Columbia hostage for the construction of highways that the people do not want. I say it is absolutely indefensible for the Congress of the United States to increase the cost of the construction of a Metro system of transportation over something as frivolous and as unimportant as the construction of highways which really are not only unnecessary, but are environmentally destructive. I would point out that the major cause of air pollution, as my good friend from California just did, in this country is the automobile. The warning has already been made on occasion after occasion that it is going to be necessary in the immediate future to curtail automotive use inside the District of Columbia in order to abate the pollution of the air by oxides of nitrogen and carbon monoxide. I would also point out that neither of these will come from the electricity which will be required to transport a whole lot of people—a whole lot more people at a whole lot less cost through a subway, and do so more cheaply in the long run, and in a more desirable and beneficial fashion to the people of the District of Columbia.

Mr. Chairman, I say it is time to adopt this amendment to give the District of Columbia the money, and the opportunity to go forward on something absolutely necessary to a great city and to the great and dignified Capital of a great nation, an appropriate mass transit system.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. KLUCZYNSKI) to conclude the debate.

Mr. KLUCZYNSKI. Mr. Chairman, back in 1967 I held hearings on the freeway system in the District of Columbia. My Roads Subcommittee discovered that over 10 years \$20 million had been spent studying the system with no tangible results.

We decided to move to complete this important part of the Interstate System. We authorized this construction in the 1968 act. Since then this program has been tied up in procedural and legal snarls. There has been no real implementation of the congressional mandate.

We are concerned. We need highways and mass transit.

There is nobody in the House or in the other body who wants to see the District of Columbia be a model city more than myself. I sincerely mean that. I hope that the District will have rapid transit and mass transit. I repeat we need a balanced transportation system for the District.

We think—I know we will work this out shortly. All of us involved with the problem—the Public Works Committee—the Appropriations Committee. The Department of Transportation—led by that great man, Secretary Volpe, and Frank Turner, the Federal Highway Administrator, will do this.

I predict that shortly we will have both systems fully underway to help make this a better Capital for all citizens.

Mr. RONCALIO. Mr. Chairman, I had every intention of voting against the District of Columbia subway funds because of my determination to say "whoa" once and for all to the construction growth of the Greater Washington area resulting from Government building. This is especially apparent because in the State I represent we continue to attempt economic existence with 3.2 human beings per square mile—in an out-migration—while this area continues to receive the full brunt of Government spending, more buildings and more jobs to add to its 12,442 human beings per square mile. I repeat—12,442 to 3.

But I recognize that if we are to ever return Washington, D.C., to some semblance of a community of life that would justify any Government official working here, some form of mass transportation is inevitable. I, therefore, reluctantly support this amendment, but will also hope that my colleagues will recognize that unless a serious effort is made to disperse and deploy the physical plant of the Nation's Government, this area is doomed and that even a subway will not save it.

As for me, this will be the last vote that I shall cast for any appropriation or authorization that will add to the quagmire of the Greater Washington area. I will also have a special order on May 17 at which time I will point out for my colleagues some of the less visible but abhorrent results of what is happening to the Greater Washington area.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. GIAIMO).

TELLER VOTE WITH CLERKS

Mr. GIAIMO. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. GIAIMO. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. GIAIMO, Mr. NATCHER, Mr. CONTE, and Mr. DAVIS of Wisconsin.

The Committee divided, and the tellers reported that there were—ayes 170, noes 220, not voting 42, as follows:

[Recorded Teller Vote No. 87]

AYES—170

Abourezk	Beets	Carey, N.Y.
Abzug	Biaggi	Carney
Adams	Bieber	Celler
Addabbo	Bingham	Chisholm
Anderson,	Boland	Clark
Calif.	Bolling	Clay
Anderson,	Brademas	Cleveland
Tenn.	Brasco	Collins, Ill.
Andrews,	Brown, Mich.	Conte
N. Dak.	Broyhill, Va.	Corman
Aspin	Burke, Mass.	Cotter
Badillo	Burton	Coughlin
Begich	Byrne, Pa.	Culver
Bergland	Byron	Daniels, N.J.

Danielson  
Dellenback  
Dellums  
Dent  
Dingell  
Donohue  
Dow  
Drinan  
Dulski  
du Pont  
Dwyer  
Eckhardt  
Edwards, Calif.  
Elberg  
Erlenborn  
Esch  
Fascell  
Fish  
Foley  
Ford,  
William D.  
Forsythe  
Fraser  
Frelinghuysen  
Frenzel  
Fulton, Pa.  
Fulton, Tenn.  
Gallagher  
Garnatz  
Gaydos  
Glaimo  
Gibbons  
Goldwater  
Gonzalez  
Grasso  
Green, Oreg.  
Gude  
Halpern  
Hamilton  
Hanley  
Hanna  
Hansen, Idaho  
Harrington  
Hathaway  
Hechler, W. Va.

Helstoski  
Hicks, Mass.  
Hogan  
Horton  
Hosmer  
Howard  
Jacobs  
Karth  
Kastenmeier  
Koch  
Kyros  
Link  
McClory  
McCloskey  
McCormack  
McKevitt  
McKinney  
Macdonald,  
Mass.  
Madden  
Mailliard  
Matsunaga  
Meeds  
Melcher  
Metcalfe  
Mikva  
Miller, Calif.  
Minish  
Mink  
Mitchell  
Mollohan  
Monagan  
Moorhead  
Morgan  
Morse  
Mosher  
Moss  
Nedzi  
Obey  
Pelly  
Peysner  
Pike  
Podell  
Price, Ill.  
Quile

Railsback  
Rangel  
Reid, N.Y.  
Reuss  
Rodino  
Roe  
Roncallo  
Rooney, Pa.  
Rosenthal  
Roy  
Roybal  
Ryan  
St Germain  
Sarbanes  
Scheuer  
Schwengel  
Sablering  
Smith, N.Y.  
Stafford  
Steele  
Steiger, Wis.  
Stokes  
Stratton  
Sullivan  
Symington  
Teague, Calif.  
Thompson, N.J.  
Udall  
Van Deerlin  
Vander Jagt  
Vanik  
Veysey  
Vigorito  
Waldie  
Whalen  
White  
Widnall  
Wilson,  
Charles H.  
Wolf  
Wright  
Wyman  
Yates  
Yatron

Abnethy  
Ashley  
Barrett  
Bell  
Bevill  
Blackburn  
Brooks  
Chappell  
Connors  
Denholm  
Diggs  
Edmondson  
Edwards, La.  
Evans, Colo.  
Galifianakis

Green, Pa.  
Griffin  
Hawkins  
Heckler, Mass.  
Hollifield  
Hutchinson  
Johnson, Pa.  
Jones, Tenn.  
Kee  
Long, La.  
McCulloch  
Mayne  
Montgomery  
Murphy, N.Y.  
Nix

Patman  
Poff  
Purcell  
Rees  
Roush  
Runnels  
Skubitz  
Staggers  
Terry  
Tiernan  
Whalley  
Wilson, Bob  
Wylie

Satterfield  
Saylor  
Scherie  
Schmitz  
Schneebell  
Scott  
Sebelius  
Shibley  
Shoup  
Shriver  
Sikes  
Sisk  
Slack  
Smith, Calif.  
Smith, Iowa  
Snyder

Spence  
Springer  
Stanton,  
J. William  
Stanton,  
James V.  
Steed  
Steiger, Ariz.  
Stephens  
Stubblefield  
Stuckey  
Talcott  
Taylor  
Teague, Tex.  
Thompson, Ga.  
Thomson, Wis.  
Thone

Ullman  
Waggoner  
Wampler  
Ware  
Watts  
Whitehurst  
Whitten  
Wiggins  
Williams  
Winn  
Wyatt  
Wydler  
Young, Fla.  
Young, Tex.  
Zablocki  
Zion  
Zwach

NOT VOTING—42

Abernethy  
Ashley  
Barrett  
Bell  
Bevill  
Blackburn  
Brooks  
Chappell  
Connors  
Denholm  
Diggs  
Edmondson  
Edwards, La.  
Evans, Colo.  
Galifianakis

Green, Pa.  
Griffin  
Hawkins  
Heckler, Mass.  
Hollifield  
Hutchinson  
Johnson, Pa.  
Jones, Tenn.  
Kee  
Long, La.  
McCulloch  
Mayne  
Montgomery  
Murphy, N.Y.  
Nix

Patman  
Poff  
Purcell  
Rees  
Roush  
Runnels  
Skubitz  
Staggers  
Terry  
Tiernan  
Whalley  
Wilson, Bob  
Wylie

So the amendment was rejected.  
The CHAIRMAN. The Clerk will read.  
The Clerk read as follows:

CHAPTER III

FOREIGN OPERATIONS

FUNDS APPROPRIATED TO THE PRESIDENT  
INTERNATIONAL FINANCIAL INSTITUTION  
INVESTMENT IN INTER-AMERICAN DEVELOPMENT  
BANK

For payment by the Secretary of the Treasury of (1) a portion of the first annual installment for the United States subscription to the paid-in capital stock of the Bank; (2) a portion of the first installment for the United States subscription to the callable capital stock of the Bank; and (3) a portion of the installment for the United States share of the increase in the resources of the Fund for Special Operations of the Bank, authorized by the Act of December 30, 1970 (Public Law 91-599), \$275,000,000, to remain available until expended.

Mr. PASSMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the trend in foreign aid is to move from bilateral to multilateral with much of it going into so-called international banks. The record is now abundantly clear that the various AID agencies are endeavoring to get foreign aid in a position where the responsible committees lose the right of detailed examination.

On bilateral aid, we examine in great detail many of the projects, whereas, on multilateral the money is turned over to the organization and neither the committee nor the Congress knows when the funds are allocated, to what project, or for what purpose.

Today, you have been asked to consider two supplemental requests, one for the Inter-American Development Bank in the amount of \$486,760,000. Your committee recommends \$275 million, a reduction of \$211,760,000.

Now, may I give you some of the reasons why we made this reduction. First, there was no justification made for any part of the supplemental, and the committee was very reluctant to recommend any funds. Upon examination, we found

that in the regular bill for the next fiscal year there is a request for an additional \$500 million for the Inter-American Development Bank.

The committee finds that the undisbursed funds in the Inter-American Development Bank amount to \$1,852,000,000. We also found that there is to the credit of Latin American nations under all spigots of foreign aid, \$5,279,000,000. This is referred to as the pipeline.

This astronomical, undisbursed account was increased by \$1 billion during the past 6 months, and according to the present announced plan of expenditures for all programs for Latin America, if we never appropriated another dime for any project, there is a 3-year supply of funds on hand at full steam ahead.

Mr. Chairman, the other request is for the International Bank for Reconstruction and Development, usually referred to as the World Bank, where we considered a request for \$246,100,000. This committee denied any funds in the supplemental request, some of the main reasons being that the witnesses testifying before our committee stated that there was approximately \$2 billion cash in the Bank, undisbursed. Also, the committee found that the callable capital outstanding was in excess of \$20 billion. Again, upon examination, we found that the Bank had \$750 million on time deposits.

Mr. Chairman, it is to be regretted that some of the great committees of this House, usually referred to as authorizing committees, seem to take exception to the determination of the Committee on Appropriations to go behind the testimony of the witnesses and point out the hypocrisy, exaggerated claims, and mythical accomplishments of the program. Without intending to reflect upon the authorizing committees, may I point out that in the foreign aid and assistance bill alone during the past 15 years, the committee has reduced the budget requests by an aggregate of \$12 billion. Some years we reduced the approved authorization by as much as \$1 billion, and still left the program overfunded.

Mr. Chairman, where has the foreign aid and assistance debacle led us? Listen to this, if you will:

First. The net cost of foreign aid since its inception, including the interest on what we have borrowed to give away now exceeds \$211 billion.

Second. Our gold reserves have been reduced by \$13 billion.

Third. We have increased our Federal public debt since the program started by \$141 billion.

Fourth. We have reduced the purchasing power of the dollar since the inception of the foreign giveaway program by 54 percent.

Fifth. We now find that there are 50 billion U.S. dollars floating around the world and the holders are trying to dump these dollars because of the mismanagement so obvious in the way we are running our fiscal affairs.

It is well to call to the attention of the committee that the executive, and by calculation to my way of thinking, misrepresents the total cost of foreign aid. For instance, there are 27 spigots of foreign

aid and assistance in the fiscal 1972 budget request. The aggregate is \$13,517,000,000. This is \$1,400,000,000 above last year's request.

Now, one or two quotes, Mr. Chairman, as it would relate to so-called international or multilateral organizations. In testimony before our committee I asked the specific question:

"If the committee should refuse to recommend even \$1 for these international organizations would we violate any legal commitment?"

The answer by the witness, "no."

Another question we asked:

"In entering into these hasty, expensive, unthought-out agreements, do you make it plain to the expected recipient that these commitments are based upon a subsequent appropriation?"

The answer, "yes."

So, it is perfectly obvious that there is nothing sacred about an authorization or some bureaucratic agreement made by the executive branch. Our committee intends to be responsible and we intend to look well and long into the requests for funds for the so-called multilateral organizations, and we would implore the great authorizing committees to support the Committee on Appropriations when they have established facts beyond any doubt whatsoever that the requests for funds in the multilateral organizations are far, far in excess of actual need.

Finally, may I direct to the attention of the committee that according to the testimony given to our committee in the last regular hearings, there were 4,408 projects scattered in 99 nations and five territories of the world, and there is no record that any funds have ever been impounded, curtailed, or suspended for any foreign aid program. On the other hand, similar programs in America are being closed down for lack of funds, and in other instances, the funds are impounded. It is time that we came down out of the clouds, stop being sensitive and give some thought to the welfare of the next generation rather than the outcome of the next election. If those who are so sensitive about these multilateral organizations had read the headlines in the press for the past 3 or 4 days, they, too, would support even larger reductions in the foreign aid appropriations.

Mr. WIDNALL, Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the House has before it today a supplemental appropriation for the Inter-American Development Bank. This appropriation has been cut sharply from the requests made by the administration. In addition, an administration request for an increased contribution to the World Bank was not authorized by the Appropriations Committee and is not in the bill before us.

It has been said that the appropriations contain only those funds that are appropriate to a supplemental request—funds that are needed on an emergency basis. However, I believe that the cuts made by the Appropriations Committee raise a fundamental issue with respect to our participation in multilateral financial institutions.

Multilateral financial institutions

make a major contribution to the effort to aid development of the poor countries of the world. They are highly competent, they make their decisions on economic criteria, they have a high degree of expertise, they provide a forum for critical analysis and evaluation of development programs devoid of the complications inherent in bilateral relationships, and, most important to our present financial position, they provide a framework for sharing the burdens of financial contributions.

With these significant benefits go some limitations on the scope of our unilateral control over these institutions. They derive their uniqueness and their character from their multilateral status and we cannot compromise this status without compromising their usefulness. Thus far, both Houses have recognized the usefulness of multilateral institutions and the limitations on the scope of unilateral action. While we have been clear in hearings, committee reports and in legislation on the policy direction which we wish our representatives in these institutions to take, we have not imposed unilateral conditions on the use of our funds. I would say, and I believe this is the general view, that the multilateral institutions have been fully responsive to the concerns of the Congress. Congress was concerned that not enough of World Bank profits were being channeled into the International Development Association.

Instead of making greater contributions from the World Bank to IDA a condition on the use of our funds, we made known our policy views to the U.S. Governor and these policy views have been implemented. We wanted a better audit structure for multinational institutions. Through appropriate legislation directing our Executive Director to negotiate such an arrangement, as well as through action without legislation, we now have such a structure. There are hosts of examples where the concerns of Congress have been heard. We have not been shouting down the well only to hear our own echo; we have been heard and our words have resulted in action. We cannot now shirk our responsibilities and simply cut out the \$246,100,000 investment to which we have committed ourselves.

We now have before us a basic invasion of the concept of multilateralism. In the case of the Inter-American Development Bank, the executive branch negotiated a replenishment of the Inter-American Development Bank involving commitments by the United States and by 22 Latin American countries. These were hard-fought negotiations in which the United States sought and obtained major financial commitments from the Latin Americans and major self-help obligations. I know because I was there when these arrangements were negotiated, and I was closely consulted by the administration as were other of my colleagues from the Banking and Currency Committee. The agreed arrangements were subject to congressional approval, and the approval for the funds requested by the executive for payment on June 30

next were approved by the Congress on December 30 of last year. The Congress had both the power and the duty to speak up then on the scope of our commitments to the Inter-American Bank. It did so and approved the sums requested by the administration in this supplemental appropriation now before us in the amount of \$486,760,000.

To cut the funds to nearly half that provided for in an agreement with the other members of the Bank and authorized by Congress would constitute a unilateral act of control of multilateral financial institutions which would destroy the foundations of international cooperation on which they rest. Countries will be unwilling to participate in a burden-sharing arrangement if one party insists on a unilateral right to control the programs of that institution. To cut the funds is to decide that we and we alone have the right, after arrangements have been made and approved by Congress, to decide on the scope of the program of the Inter-American Development Bank. I do not believe we should take this step.

The Appropriations Committees are, of course, concerned about their proper role in the provision of funds to these institutions. In this regard, I would make two points. First, there are numerous programs where the government must authorize contractual commitments and the Appropriations Committees must appropriate the funds necessary to fulfill those commitments. For example, this is done in the Federal Highways Act, in the Housing and Urban Development Acts, in the Public Works and Economic Development Act of 1965, and recently in the Airport and Airway Development Act of 1970. In these programs, obligations must be made with contractors and appropriations must be made to cover these contractual obligations. A similar situation arises in the case of multilateral institutions. In order to make burden-sharing arrangements, there must be agreement on each country's contribution and unilateral cuts by one country would destroy the basis on which all countries contribute.

Second, I would point out that the Appropriations Committee can make a contribution to the policy framework in which our funds are used. If they are dissatisfied with the speed of commitment of funds contributed to the Bank, they could request or instruct, either in their committee report or in legislation, our Executive Director to take the necessary action to convince his colleagues to adopt the U.S. view. Working through the policy framework of the Boards of Governors and Boards of Executive Directors is the proper method of influencing the conduct of multilateral financial institutions. Unilateral action will destroy the institutions which we have so carefully nurtured for many years.

I hope and urge that the Congress votes the full amount of the funds requested, either now or when the regular fiscal year 1972 appropriation comes before the House.

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

Mr. WIDNALL. I yield to the gentleman.

Mr. HARVEY. I thank the gentleman.

Mr. Chairman, I would like to correct an erroneous impression left by the committee report concerning the Inter-American Development Bank and the World Bank. The report gives the impression that there is \$5.2 billion of funds available for Latin American development. This figure undoubtedly includes money available for promoting U.S. exports through the Export-Import Bank and funds for military programs, and undoubtedly includes funds previously committed for projects over many years past by our own aid program, the World Bank and the Inter-American Bank.

Development is an on-going process. We cannot cite funds committed in previous years as evidence that there is no need to build homes, sewers, factories, and roads to improve a lot of desperately needy people in Latin American. It should also be clear that the funds requested will not leave the Treasury until they are actually needed for expenditure. The major part—\$337 million of that requested—is never expected to leave the Treasury. Another portion—\$150 million—is committed in the form of letters of credit and will not leave the Treasury until it is actually needed for expenditures for projects. The \$5.2 billion figure is erroneous and highly misleading. The House should not be misled by this number.

I would also like to make a technical point that the budget does not contain a request for \$500 million for the Inter-American Development Bank for fiscal year 1972. The request is for \$50 million of paid-in capital which is presently authorized. There is pending before Congress a request for \$450 million of funds for the fund for special operations. Only if this request is enacted will there be an appropriation request for this amount.

The funds for the Inter-American Development Bank are needed now, and I strongly urge that they be restored now or in the regular fiscal year 1972 appropriation.

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

Mr. WIDNALL. I yield to the gentleman from Wisconsin.

Mr. REUSS. I, too, want to commend the gentleman from New Jersey for his statement. I think he is entirely right. I think these international institutions are a sound and sensible way of concentrating our development aid. I, too, regret the action which has been taken and hope it will be corrected.

Mr. PASSMAN. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, inasmuch as this chapter of the bill falls under the jurisdiction of the Foreign Operations Subcommittee on Appropriations, I think I should make a few very brief observations.

Mr. Chairman, I want to commend the subcommittee, of which it is my privilege to chair, and the full committee, in approving these reductions because we found that some of these organizations

have more money than they could reasonably utilize.

Now, Mr. Chairman, what is so sacred about these international organizations? The trend is to take all foreign aid out from under the Appropriations Committee and the House of Representatives and place it in these multilateral institutions where we would not have the right of detailed examination on projects.

Every witness that appeared before our committee stated categorically that we would violate no legal commitment if we did not provide even one dollar for any of these international organizations.

They think that by switching all aid over to multilateral organizations and the international banks that they will be able to bypass Congress and its committees and place it where no Member of this House or, for that matter, the other body can examine on individual projects.

The only mistake that we made in reporting out this bill, in my candid opinion, was not in denying the other \$275 million for the Inter-American Development Bank.

You want us to furnish you with the facts, so do not be sensitive because you happen to be on some committee who made these authorizations whether the departments needed the money or not. All I ask you to do is to read the statement that I shall insert in the RECORD, and I shall quote the testimony of these people who appeared before the committee. I think if you will read the hearings objectively the only fault that you will find will be that this committee should not even have allowed the \$275 million for the Inter-American Development Bank.

I certainly hope that the Members will read my prior insertions in the RECORD tomorrow morning.

If there are any questions about the accuracy of the statements I have just made I would have them brought out at this time.

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

Mr. PASSMAN. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman from Louisiana for yielding, because although I shall ask later to revise and extend my remarks I think that a few words at this moment would be appropriate.

Since the gentleman has been gracious enough to yield to me, I would like to ask this question, and that is that I notice that the main emphasis of the remarks of the gentleman were with respect to the IADB, and the others, but I am interested in his opinion about the Inter-American Development Bank.

Does this institution fall in the same category that the gentleman feels about these other multilateral institutions that apparently have had a very good record of achievement? What is the opinion of the gentleman on the Inter-American Development Bank at this rather crucial time?

Mr. PASSMAN. I think the Inter-American Development Bank has been

loosely operated in the past. In all probability it has been one of the loosest operated multilateral organizations we have had. But I can say to the gentleman from Texas that we do have a new U.S. Director and a new President of this Bank, and we hope that some improvements will be made. Otherwise, the Bank's operations should be suspended and a complete examination made of the total program.

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

(By unanimous consent, Mr. PASSMAN was allowed to proceed for 3 additional minutes.)

Mr. PASSMAN. Mr. Chairman, I would say to the gentleman from Texas that my sole purpose is not to criticize this Bank as such, but to also point out for the benefit of the Members that this Bank has now built up undisbursed funds of \$1,852,000,000. With respect to the World Bank, they have built up a cash balance, or liquid assets, of \$2 billion, and they have callable capital available of over \$20 billion.

So they are not in need of this money. Therefore, I do not know why we should recommend additional funds for these international organizations, especially since we do not have the right of detailed examination on their projects. We have no knowledge about the projects, their fundings, and we do not know the benefit-cost ratio of any of the projects.

Mr. GONZALEZ. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this is a fateful and, I am afraid, a tragic mistake on the part of the members of the Committee on Appropriations, particularly with reference to the Inter-American Development Bank, but not necessarily exclusively related to that.

My judgment is that I think it is an equal mistake with respect to other organizations that are here being cut by this supplemental.

To begin with, I would like to address myself briefly to the charge of the surplusage, or the unexpended funds. I think we have gone through this before. The picture is totally different. I am going to ask unanimous consent to revise and extend my remarks so that I can bring this more fully out in the course of these proceedings.

At the end of fiscal year 1970, liquid assets of the World Bank were \$2.092 billion. This amount is measured against undisbursed commitments of \$3.905 billion, yielding a ratio of cash assets to obligations of 0.54. This ratio has been declining steadily over the past 5 years, reflecting increasingly efficient use of resources. At the end of the current fiscal year, July 1, cash assets are expected to be about \$2.5 billion, as against undisbursed loans of approximately \$4.7 billion, again yielding a slightly lower ratio.

In view of the rising rate of loan commitments—from about \$850 million per year in the period fiscal years 1966–68, and projected figure of \$1.8 billion in fiscal year 1971—the disbursements are expected to increase substantially in the

next few years, with the normal lag resulting from time required for project implementation. The higher disbursements will require additional resources through borrowing and equity increases.

Holdings of cash and securities are not expected to increase greatly, consequently the cash-to-commitments ratio will continue to decline.

We who are somewhat familiar with the activities from a practical standpoint of the successful history and role of the Inter-American Development Bank are completely satisfied that this is a tragic mistake. This is false economy. I think history will write what the final tab will be because we are not being realistic at all at this critical time. In fact, it is a coincidence that as we are gathered here taking this action, the Board of Governors of the Inter-American Development Bank and some American observers and Members of Congress are this week congregating in Lima, Peru, discussing very important business of the Inter-American Development Bank.

Also, I want to add one particular statement in view of the allegations that have been made here. It is not true that the history and the role of the Bank as it is written throughout the years is not known. It is known. It is a matter of established record.

Some of us have witnessed the complete success in the business management that has characterized the workings of the Inter-American Development Bank. At this critical time in our relations with the world, it is tragic that we should be so indifferent to the importance of America's leadership at our own front and backdoors. If anything is of critical importance today, it is our relationships with our sister republics in the Western Hemisphere.

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

Mr. GONZALEZ. I yield now to the distinguished gentleman and colleague on the International Finance Subcommittee of the Committee on Banking and Currency, the gentleman from California (Mr. HANNA).

Mr. HANNA. Mr. Chairman, I commend the gentleman for making clear to this body that this is not an organization which does not have the surveillance of the Congress because he and others who have served on the committee are very well acquainted with and are constantly getting reports on the bank.

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

Mr. GONZALEZ. I yield to the gentleman.

Mr. MOORHEAD. Mr. Chairman, I have the honor to serve on the Subcommittee on International Finance chaired by the gentleman in the well, the gentleman from Texas (Mr. GONZALEZ). I want to associate myself with his remarks.

I wonder if the gentleman shares my understanding that this is a supplemental appropriation? It is pointed out on page 16 of the report that this may not have been an emergency situation. But I hope the gentleman will join me in expressing the hope that when the regular

foreign appropriation comes before the committee that these cuts will be restored so these very effective international banking institutions in which the American dollar is only one of the dollars expended and where we get a better rate of return on each dollar we spend and which have been very efficiently managed will receive a full appropriation.

Mr. GONZALEZ. Mr. Chairman, I am very happy that the gentleman from Pennsylvania has emphasized the fact that this is a supplemental appropriation because we do not intend to approach the House this way when the time comes for the regular appropriation. This is a matter of vital importance and we trust that the upper body, the Senate, will look even at this supplemental and do something. But, in the meanwhile, we realize that in this stage in the supplemental process that we are not coming in here offering amendments or anything at this time, but by no means do we accept the very strong statements that have been and uttered by responsible Members on the floor of the House this afternoon, because it is my personal opinion that if half of those remarks are right and proven accurate, then there remains nothing for us to do but to liquidate every kind of involvement on the part of our country with these multilateral organizations.

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

Mr. GONZALEZ. I yield to the gentleman.

Mr. PASSMAN. Mr. Chairman, a request for foreign aid in a supplemental appropriation bill is indeed unusual. We do not understand yet why these funds were requested, because actually they did not justify any part of it. There is a \$500 million request for the Inter-American Development Bank contained in the budget for fiscal year 1972. We are going to consider that request seriously at the proper time, but I am not making any promises that we will recommend the \$500 million. It is time to think about America rather than foreign countries, where in many instances, they have dollars in excess of their needs.

Mr. BADILLO. Mr. Chairman, I would not want my colleagues in the Congress or the people of Latin America to interpret the remarks of the gentleman from Louisiana (Mr. PASSMAN) as being typical of congressional attitudes toward the Inter-American Development Bank and the International Bank for Reconstruction and Development. I am confident that this is not the case and I believe my contention will be demonstrated when this body considers appropriations for those two Banks for the new fiscal year.

It is unfortunate in many ways that our preoccupation with the war in Indochina and with the continuing crisis in the Middle East has diverted our attention from the very real and very serious problems of Latin America. This may be one explanation for the sharp, and in my view, unwarranted reductions in the administration's supplemental budget requests for the Inter-American Develop-

ment Bank and for the International Bank for Reconstruction and Development—the former being subjected to a cut of more than \$200 million and the latter being denied a supplemental appropriation, although the administration had requested \$246.1 million.

While I feel strongly that the administration has been lax in enunciating and implementing a meaningful foreign policy in Latin America, it should receive credit for these appropriation requests and the Appropriation Committee would have done well to move as aggressively on those requests as it did on requests for the supersonic transport.

It is vital that Congress and the American people realize just how urgent is the situation in Latin America and how serious are the implications of events in those nations for our own future. In many Latin American nations today, one out of five infants dies before the age of 5, and yet the population spirals upward, far outstripping the productive capacity of the people. For those who survive, there is malnutrition—sometimes starvation. More than half the school age children of Latin America are not in school, either because there just are no schools or because they are not free.

There are frightening similarities between conditions in Latin America today and conditions in Indochina prior to the current conflict. If we are to avoid a repetition of that tragic entrapment, we must ally ourselves with the legitimate aspirations of the peoples of Latin America and help them achieve a better life. One means of achieving this is through the economic and social development mechanisms of the Inter-American Development Bank and the International Bank for Reconstruction and Development. I urge my colleagues to pay far greater attention to this area when we consider regular appropriations for fiscal 1972. Much of the future of our hemisphere lies in the decisions we will be making.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:  
CHAPTER IV  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
MORTGAGE CREDIT  
HOMEOWNERSHIP AND RENTAL HOUSING ASSISTANCE

For an additional amount for "Homeownership and rental housing assistance", \$32,900,000.

AMENDMENT OFFERED BY MR. KOCH

Mr. KOCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KOCH: On page 5, line 9, insert immediately before the period "": *Provided*, That the limitation on total payments that may be required in any fiscal year by all contracts entered into under section 235 of the National Housing Act, as amended, is increased by \$25,000,000, and the limitation on total payments under those entered into under section 236 of such Act, is increased by \$25,000,000".

POINT OF ORDER

Mr. JONAS. Mr. Chairman, I make a point of order against the amendment on the ground it is legislation on an appropriation bill.

The CHAIRMAN. The gentleman will state his point of order.

Mr. JONAS. Mr. Chairman, as I understand the amendment, it seeks to increase contract authority, and the bill under consideration does not contain any contract authority but merely payments that have accrued and have to be paid in order to liquidate contract authority. Therefore, I think the amendment is subject to a point of order and I so make it.

Mr. KOCH. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman from New York is recognized on the point of order.

Mr. KOCH. This chapter relates to sections 235 and 236, but provides no new moneys and does not provide the moneys that heretofore have been authorized. I submit to you, Mr. Chairman, that all my amendment will do is to appropriate moneys which heretofore have been authorized for the purpose provided in the amendment.

The CHAIRMAN (Mr. ASPINALL). The Chair is ready to rule. The amendment does constitute legislation in an appropriation bill and violates clause 2 of rule XXI. Therefore, the Chair sustains the point of order.

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOLAND: Page 5, after line 9, insert:

"VETERANS ADMINISTRATION  
"MEDICAL CARE

"For an additional amount for 'Medical care', \$8,000,000."

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. BOLAND. Mr. Chairman, the amount of \$8 million will, in fiscal year 1971, provide the opportunity for the Veterans' Administration to hire 2,000 new nurses and 565 doctors. It will provide the Veterans' Administration the opportunity to employ in fiscal 1971, before July 1st of this year, 1,300 licensed practical nurses, and 1,135 other hospital employees, and this all in May and June of 1971. It is my understanding that the Subcommittee on Appropriations for the Veterans' Administration has a waiting list of qualified candidates to fill these needed positions.

Mr. Chairman, I would call to the attention of the Members of the Committee that in the original 1971 appropriations bill Congress provided \$105 million in excess of the budget request for the medical care appropriation of the Veterans' Administration. The Office of Management and Budget has not permitted this \$105 million to be used for the additional positions for the VA hospitals as the Congress had intended. Rather, the OMB directed that about \$43 million of these funds be used primarily for items of expense of a non-recurring nature.

The Veterans' Administration was not permitted to request this \$43 million in 1971 needed to fund several public laws and new administration policies. The amounts VA has been forced to absorb are as follows:

1. P.L. 91-231—Federal employee pay raise.....	\$32,324,000
2. P.L. 91-418—Increased Government share of health benefits.....	4,242,000
3. P.L. 91-500—Additional Veterans hospital benefits.....	1,000,000
4. Increased rates OMB authorized for Federal hospitals in which Veterans are patients.....	597,000
5. Increased pay for nursing assistants authorized by the Civil Service Commission.....	4,850,000

Total amount VA was required to absorb..... 43,013,000

As I have said, this \$43,013,000 was taken from the \$105 million provided by the Congress in 1971 for additional personnel, rather than submitting a request for additional funds to provide for these requirements.

Instead of maintaining or increasing the 1970 average daily patient census of 85,547, the estimate for 1971 now proposes an average daily patient census of 83,000, a reduction of 2,547. The 1972 budget proposes a further reduction to 79,000.

My amendment would provide \$8 million in fiscal year 1971 specifically for the Veterans' Administration to hire 2,000 new nurses, 565 doctors, 1,300 licensed practical nurses, and 1,135 other hospital employees in June 1971. I understand that the Veterans' Administration has a waiting list of qualified candidates to fill these needed positions.

In addition, there are procedures whereby veterans may be employed by the Federal Government up to grade GS-5 with practically no delay. Since many of our returning Vietnam veterans are in dire need of employment, this is one vehicle which can be directed toward meeting a double objective—that of providing employment for some of these returning veterans and to provide better medical care in VA hospitals for those that require it.

The \$8 million will provide adequate ward level personnel to ensure the high level of medical care to which I feel our veterans are entitled, and the average daily patient census can be maintained at a level of 86,000 to meet demonstrated requirements.

Mr. TEAGUE of Texas. Mr. Chairman, for many years, as the result of inflation, and more recently, the Revenue and Expenditure Control Act of 1968, the VA medical staff has not moved up to the levels anticipated by the budgets. For example, fiscal year 1969 actual employment was approximately 4,300 below the original budget submission. Fiscal year 1970 was 5,300 below the budget with a corresponding decrease in fiscal year 1971. For fiscal year 1972, further, the budget presented to us anticipates an apparent increase in hospital staff relative to the size of the patient loads, by proposing a shocking decrease in the capacity of the VA hospital system to treat veteran patients. A second problem has been the inadequate budget requests.

The stringent economies dictated by the less than adequate budget for the past several years have given me great concern over the ability of our VA hospitals to keep pace with standards of health care being provided by other leading institutions of our country. The VA hospital staffs are dedicated and well qualified individuals who are loyal to the VA and to the missions for which they are held accountable; namely, quality health care for the veteran patient. But, the simple facts are that there are insufficient numbers of staff available to do the job that must be done. Some of the hospitals are under-utilized because of the limited staff and the all too frequent necessity to redistribute staff in order to meet new and emergency needs which, not infrequently, leave other crisis areas unprotected.

Advancements in public and professional concepts of patient care and treatment techniques have created the need for additional services of people and equipment. Because of the limitations imposed on budgets and personnel ceilings, VA has not been able to keep pace with these rapidly changing concepts resulting in either curtailment in the range of patient care or in compromising the extent of services offered in comparison with those which are available in the community. While the desired completeness of care has not been met, VA has managed to maintain essential life support functions of medical care.

The range of services, however, is not as complete as it was 3 years ago. This has been reflected in the critical testimony provided to a number of congressional committees concerned with the quality of medical care in the VA. These criticisms have dealt with such critical areas as a decrease in the bedside nursing hours per individual patient day and other supporting services. These have resulted in: increase in medication errors; development of decubiti; patient injuries; delays in reports of laboratory and X-ray; lack of Physical Medicine and Rehabilitation treatments which particularly handicap total rehabilitation efforts of long-term patients; inadequate social work and psychology coverage which hinder the outplacement of patients and subsequent follow-up of the welfare of those discharged patients; backlog of transcription of patients' records; decline of sanitation; maintenance and repair deferral; and lack of funds to purchase needed medical equipment. Equipment and maintenance deficiencies have been the result of directing non-recurring funds to cover recurring needs. These deficiencies have been rapidly increasing in the past 3 years.

In the meantime, the Veterans' Administration is experiencing an increasing demand for hospitalization. The average daily patient load has been running over the budgeted census of 83,000 during all of 1971; it was 84,647 at the end of April. Applications are running unusually high, recent experience up 8 percent over comparable period last year; admissions to VA hospitals are also up, by 6 percent, even though VA's acceptance rate has declined from 62 percent to 61 percent.

Several reasons for increased demand are apparent. Traditionally, up in periods of high unemployment, new law—Public Law 91-500—relaxes admission policy for certain veterans over age 65, and increasing requirements of Vietnam era veterans which now represent 15 percent of all applications for treatment, up from 11.2 percent in 1969.

The \$8 million, annualized for fiscal year 1972, in this supplemental appropriations bill will resolve this chronic understaffing of the VA hospitals.

The VA has thousands of applications for employment on file from nurses, physicians, and other scarce health personnel. Employment of these personnel can be accomplished in the period remaining this fiscal year if funds are made available. If these steps are not taken now, VA will continue its retrenchment and even if funds are added later, it will take 6 months to a year to reverse the process.

Mr. Chairman, many of the veterans' organizations national commanders and their organizations support this amendment and I include in the RECORD the text of communications received by me from them concerning this important matter at this point:

VETERANS OF FOREIGN WARS,  
Washington, D.C., May 6, 1971.

HON. OLIN E. TEAGUE,  
Chairman, Committee on Veterans' Affairs,  
U.S. House of Representatives, Wash-  
ington, D.C.

MY DEAR MR. CHAIRMAN: This is in reference to the Supplemental Appropriation Bill now before the Subcommittee on Housing and Urban Development, Space, Science of the Appropriations Committee which contains additional funds for the VA hospital and medical program.

First, it is our understanding that the VA was prohibited from requesting additional funds needed to meet urgent staffing requirements in VA hospitals. There is no question that the money would have been approved had the VA been permitted to request the money it needs for hospital and medical care in this Supplemental Appropriation.

You will recall that the Veterans of Foreign Wars of the United States helped bring to the attention of the nation the emergent need for additional funds and personnel for VA hospitals during fiscal year 1971. Under your effective leadership and through hearings by your Committee and the Subcommittee on Hospitals, evidence was developed demonstrating beyond any doubt that the VA needs additional personnel to continue to provide quality medical care.

The 91st Congress approved \$105 million above and beyond the amount of money requested for medical care by the VA for 1971. The Veterans of Foreign Wars is deeply disturbed that the strong hand of the Office of Management and Budget is the controlling factor regarding the spending of this \$105 million which the Congress so wisely added to the 1971 VA hospital and medical care budget. Testimony by VA officials before Congressional Committees during this 92nd Congress indicates that most of the \$105 million has been spent on nonrecurring expenditures. The Office of Management and Budget would not permit the VA to use any significant amount of this money for increased staffing, despite the fact it was abundantly clear that the extra \$105 million was to be used for personnel and staffing requirements throughout the VA hospital system.

As the VA approaches the final month of fiscal year 1971, evidence reaching the V.F.W. from throughout the nation indicates that

there is a desperate need for additional personnel at what we call the ward level. This is where medical care and treatment is provided. We are talking about nurses, paramedical personnel, ward attendants, and the like. This is the area where the quality of medical care is lacking because of the acute need for additional personnel and staff.

This is the reason that the Veterans of Foreign Wars is calling upon the Congress to have additional funds for VA hospitals added to the Supplemental Appropriation Bill which is scheduled to be reported to and considered by the full House next week. While the 1972 VA budget is also before this same Subcommittee, it now appears that it could be some time next summer or the early fall of this year before the VA budget for 1972 is finally approved.

Further, it is the strong conviction of the V.F.W. that Congress must indicate beyond any doubt that any additional funds for hospital care added to the Supplemental 1971 VA budget must be spent for additional personnel at the ward level in VA hospitals. Otherwise, the money will be spent on non-recurring, one-shot budget items. We know that the Office of Management and Budget disregarded the intent of Congress with respect to the extra \$105 million added to the 1971 VA budget. There is every reason to believe it will do the same thing again should extra money be added to the supplemental VA budget for 1971.

The 1972 budget is predicated on a reduction in VA hospital care on a daily basis from 85,823 to 79,000. The VA is already tooling up to accomplish this decrease of 6,823 patients on a daily basis. This is another reason that it is imperative that money be added to the supplemental budget for 1971. Otherwise, by the time the 1972 budget is approved late this year, the cut in VA hospital daily patient care will have been accomplished. The time to stop this cut is now. The vehicle is the Supplemental Appropriation Bill, which contains money for VA hospitals and medical care.

Lastly, there is an unemployment crisis among Vietnam veterans. At last count there were some 372,000 listed as unemployed. Additional money for VA hospitals should help reduce the list of unemployed Vietnam veterans, since many of them could be immediately hired by the VA to staff VA hospitals at the ward level.

Any favorable action by the House of Representatives in carrying out these recommendations will be deeply appreciated by the more than 1,600,000 members of the Veterans of Foreign Wars of the United States.

With kind personal regards, I am

Sincerely,

H. R. RAINWATER,  
Commander-in-Chief.

DISABLED AMERICAN VETERANS,  
Washington, D.C., May 6, 1971.

HON. OLIN E. TEAGUE,  
Chairman, House Committee on Veterans' Affairs, Washington, D.C.

DEAR MR. TEAGUE: I am writing with reference to the supplemental appropriations bill presently under consideration by the House Appropriations Committee which contains funding requests for operation of the VA hospital and medical care program.

As you know, the Office of Management and Budget denied the VA's request for a \$43.6 million supplemental appropriation for FY 1971, which was required to implement several public laws enacted in the 91st Congress. Moreover, because of fiscal restraints imposed by the Office of Management and Budget, the Veterans Administration is also being forced to reduce the average daily patient census in its hospital system from 84,500 to 79,000 in FY 1972. The hospital Directors have already been ordered to adjust the level of medical services in order to reach the lower patient census by July 1, 1971.

Since FY 1971 will come to a close within a short time following passage of the supplemental appropriations bill, we would not expect that the \$43 million could be put to full use in the current fiscal year. However, it is the feeling of the DAV that there is an immediate and urgent need of an \$8 to \$10 million increase in the supplemental appropriations. These funds could be used in the month of June to recruit the several thousand personnel who are needed to fill existing vacancies and improve the staffing ratios in VA hospitals.

This additional funding would not only help to improve the quality of VA medical care but would also create job opportunities for a large number of the 372,000 unemployed Vietnam veterans.

For the reasons set forth above, I urge that you, as Chairman of the House Committee on Veterans Affairs, use your influence to obtain an increase of at least \$8 in the VA supplemental appropriations and to insure that the additional funds will be used exclusively to improve the staffing ratio within the VA hospital system.

Respectfully yours,

CECIL W. STEVENSON,  
National Commander.

THE AMERICAN LEGION,  
May 11, 1971.

HON. OLIN E. TEAGUE,  
Chairman, House Committee on Veterans Affairs, Washington, D.C.:

The American Legion supports the amendment you propose to offer to H.R. 8190, the Second Supplemental Appropriation bill for Fiscal 1971, to include urgently needed funds for the VA medical program. As you know the Office of Management and Budget prevented VA from requesting \$43 million in additional funds for its medical program and the cost of new public laws enacted last year. The OMB also blocked use of funds approved last year for significant staff improvements. We are aware that orders have already gone out to hospital managers to reduce their medical activities to accommodate the lower patient census, effective July 1.

Unless substantial funds for VA are included in H.R. 8190, earmarked specifically for additional hiring this fiscal year of medical personnel at the hospital ward level, VA cannot continue to provide quality medical service for our disabled war veterans. We are grateful to you for your continued efforts in this matter.

ALFRED P. CHAMIE,  
National Commander.

AMVETS,  
Washington, D.C., May 7, 1971.

HON. OLIN E. TEAGUE,  
Chairman, Committee on Veterans' Affairs,  
U.S. House of Representatives, Wash-  
ington, D.C.

DEAR CONGRESSMAN TEAGUE: I have studied your recommendation that 8 million dollars be added to the Supplemental Appropriations Bill, which is presently before the Subcommittee chaired by the Honorable Edward P. Boland of the Appropriations Committee. Your recommendation includes stipulations that the additional monies be earmarked for the recruitment of personnel, preferably at the ward level, to staff the 165 Veterans' Administration Hospitals. It is my understanding that this request is funding for the balance of FY 1971, ending June 30, 1971.

In my presentation before your Veterans' Affairs Committee, I reported the concern of AMVETS with regard to the problem of recruiting and retaining medical personnel. We asked that funding be provided to maintain a medical program second to none. Your recommendation to Congressman Boland indicates your deep interest in providing care for those who have borne the battle, and we support you in your effort.

I have further noted that the emphasis in this proposed recruitment program is on the hiring of Vietnam veterans. The unemployment problem of the Vietnam Veteran is also of prime concern to AMVETS. Be assured that Congressman Boland and the members of his Subcommittee will be contacted by this office and urged to support your recommendation.

Sincerely yours,

ROBERT W. SHOWALTER,  
National Commander.

Mr. ROBERTS. Mr. Chairman, I fully support the amendment which has been offered to increase funding for veterans medical care during the balance of fiscal 1971.

Mr. Chairman, I was highly disturbed to learn that out of the \$105 million of additional funding voted by Congress over and above the administration's budget request, practically none of these additional funds were used to significantly increase staffing ratios in VA hospitals.

Mr. Chairman, it was abundantly clear that Congress expected the Veterans' Administration to use a major portion of last year's additional funding for staffing increases. However, from what information I have been able to gather, the Office of Management and Budget prohibited the Veterans' Administration from using these funds for increased staffing needs.

Mr. Chairman, I want the record to be abundantly clear that the amendment adding \$8 million to the 1971 supplemental VA medical care budget is to be used to increase ward level staffing in our VA hospitals. The Veterans' Administration can hire these individuals immediately if they concentrate on hiring unemployed Vietnam veterans, particularly those in grades 1 through 5. The Civil Service Commission has provided an expedited procedure to accomplish this purpose without formal Civil Service tests having to be taken, and the veteran does not have to be reached on a particular Civil Service roster if he is a Vietnam veteran willing to accept employment in grade 1 to 5 level.

Mr. Chairman, it seems to me that by voting for this amendment we will be accomplishing two objectives. We will be increasing the quality of care for America's sick and disabled veterans and decreasing the number of unemployed Vietnam veterans.

Mr. DANIELSON. Mr. Chairman, the supplemental appropriations bill before us today contains funds for the Veterans' Administration hospitals and medical program and I fully support the amendment to add an additional \$8 million for the balance of fiscal 1971.

Mr. Chairman, I served with my distinguished colleague from California (Don Edwards) on the special subcommittee to investigate the San Fernando VA hospital disaster which resulted from the February 9 earthquake. I am very much concerned about the loss of this hospital from the VA system and although the administration has given our subcommittee every assurance that the hospital will be replaced, it takes over 5 years from the time the go ahead is given to build a hospital until you open the doors and start treating patients.

Mr. Chairman, I am very concerned also about the 1972 VA budget for medical care which the administration has sent to the Congress and especially about their plans to close down almost 500 beds in VA hospitals in California. By reducing funding needed to operate the system at present levels, they are trying to take away from California another hospital at a time when the veteran population in our State is increasing in record numbers.

Mr. Chairman, I support the pending amendment because the existing VA hospitals desperately need this money to hire personnel now, and I hope the Veterans' Administration will hire as many Vietnam veterans as possible to help reduce the unemployment problem prevalent among our returning ex-servicemen.

Mr. TEAGUE of California. Mr. Chairman, I rise in support of the gentleman's amendment. The Committee on Appropriations is to be commended for having the foresight to authorize these additional funds which will alleviate the shortage in staffing in Veterans' Administration hospitals. It is my understanding that the additional \$8 million authorized by this amendment will permit the Veterans' Administration to hire an additional 6,000 employees. These 6,000 positions will be distributed among the 166 Veterans' Administration hospitals and will consist of personnel at the ward level who are directly engaged in patient care.

This additional funding, Mr. Chairman, is necessary if the Veterans' Administration is to continue providing the high quality medical care that is synonymous with the Veterans' Administration hospital system.

It is my further understanding that should this amendment become law, preference in hiring the additional personnel will be given to the returning Vietnam veteran. As Members are aware, the President has inaugurated a nationwide Jobs for Veterans campaign in an effort to alleviate the unemployment rate among this portion of our labor forces. Thus, the adoption of this amendment will serve a twofold purpose. It will improve the staffing ratio in Veterans' Administration hospitals and it will create additional jobs for the returning Vietnam veteran.

Mr. Chairman, I support the amendment and urge that it be passed.

Mr. CARNEY. Mr. Chairman, the House Veterans' Affairs Committee conducted a comprehensive investigation which pointed up serious funding and staffing deficiencies in the VA hospital system. Congress voted \$105 million in additional funding for the VA medical care program to help correct these deficiencies. Mr. Chairman, as usual the Office of Management and Budget thwarted the will of Congress and forced the already starved VA medical care program to absorb many items of increased costs of hospital operation out of the \$105 million which we mainly intended for improvement in hospital care for our wounded, sick and disabled veterans.

Mr. Chairman, one large item which the Office of Management and Budget forced the VA medical care program to absorb was approximately \$32 million in

Federal pay hikes for classified workers. These two items alone have precluded the addition of any significant new medical personnel for our VA hospitals. Needed personnel are available and could be hired immediately if additional funding is made available. This amendment will help the Veterans' Administration to get started now and hire much needed personnel. Mr. Chairman, in voting for this amendment, I hope that the Office of Management and Budget will not once again try to thwart the will of the Congress. These funds are being voted for additional personnel and I believe that every penny can be spent for this purpose during the remaining weeks left in the fiscal year.

Mr. Chairman, I also have been told that the 1972 budget envisions the reduction of almost 400 beds in the Ohio veterans Administration hospitals. I am very much opposed to this reduction and I intend to do everything possible to prevent the closure of these much needed hospital beds.

Mrs. HICKS of Massachusetts. Mr. Chairman, I support the amendment to add \$8 million to "Veterans medical care" in the 1971 supplemental appropriations bill. I wonder if it is enough? Quite frankly, I am appalled at what the administration is trying to do to the VA medical program. I have learned that the 1972 budget which the President submitted to Congress calls for a nationwide reduction in VA hospital beds of almost 7,000. In Massachusetts alone they are trying to close almost 400 beds and the hospital directors have all been informally told to slow down the admission rates so this reduction can be put into effect by July 1, 1971, when the 1972 budget year begins.

Mr. Chairman, there is no basis for closing down these beds. The demand is running at record levels and we are adding hundreds of thousands of Vietnam veterans to the list of eligibles each year.

Mr. Chairman, the Office of Management and Budget is making the VA hospital program "absorb" about \$42 million of costs which should have been a part of a supplemental budget request. About \$32 million is for pay increases and voted by the Congress and the rest is increased cost of legislation voted by the Congress.

Mr. Chairman, I do not believe that Congress subscribes to this philosophy. Therefore, I support the pending amendment to add \$8 million to medical care in the 1971 supplemental for the remaining months of fiscal 1971 so that the VA medical program will not have to "suffer" from the funding indignities which the Office of Management and Budget has attempted to impose. This and other restrictive budgetary controls imposed by OMB has prevented the 166 VA hospital directors from recruiting much needed personnel this year.

Mr. Chairman, all of these funds should be used to hire hospital ward personnel which are recruitable right now. And I hope, Mr. Chairman, that the Veterans Administration will endeavor to employ as many unemployed Vietnam veterans as possible in these positions as we will be achieving two goals—better hospital care for our veterans and jobs for veterans who desperately need them.

Mr. FRASER. Mr. Chairman, I support the amendment for VA hospital funds.

Minneapolis area veterans in need of medical care will be faced with higher rejection rates at the admitting office and longer waiting lists if the Nixon ceilings continue. Medical treatment for the 500,000 veterans in the Minneapolis region and the hundreds returning from Vietnam each month will no longer be determined by medical opinion case by case, but by bookkeeping clerks in the Budget Bureau in Washington, D.C., with artificial guidelines intended to make everything look rosy.

The facts are that a million and a half veterans of World War I are in their 70's and 80's and need more hospital care, not less. Hundreds of thousands of the 14 million veterans of World War II, 5 million veterans of the Korean war and 4 million who served during the Vietnam war are eligible for outpatient and hospital care. Their medical problems cannot be swept under the rug.

Yet the President has given his blessing to the Budget Bureau decision to close down 116 beds at the Minneapolis Veterans Administration hospital during the coming months and a total of 6,823 beds nationwide. As Chairman OLIN TEAGUE pointed out this is equivalent to closing down 11 500-bed hospitals.

Thus in our area 1,500 fewer veterans will be able to use the Minneapolis Veterans Administration Hospital if these artificial ceilings planned by the Nixon administration for 1972 are put into effect.

I strongly support the amendment for an increase of \$8 million for this fiscal year for additional personnel at the ward level in VA hospitals across the country. These are vacant positions on hospital staffs that can be filled immediately by available workers.

And I for one shall do all I can to prevent the administration's apparent plans to weaken the VA hospital system and neglect our responsibility for the pressing medical needs of these veterans.

Mr. DORN. Mr. Chairman, veterans who have served this country deserve the best possible medical care when they become sick or disabled or need treatment for their war wounds. The \$8 million called for in this amendment should be earmarked for increased staffing of our VA hospitals. The investigation conducted by the Veterans' Affairs Committee revealed that hospital directors were almost \$85 million short in fiscal 1971 to fund recruitable medical personnel.

Mr. Chairman, the Congress voted \$105 million in additional 1971 appropriations for the VA medical program, but the Office of Management and Budget refused to let the Veterans' Administration use any significant amount of the additional funding voted by Congress to improve hospital staffing.

Mr. Chairman, this was a heartless act on the part of the Office of Management and Budget. The Veterans' Affairs Committee found during last year's investigation that the staffing ratios of VA hospitals were about half the same ratios in private and community hospitals. This has resulted in lessening of care in VA hospitals, overworked staff, and use of highly trained medical per-

sonnel to do menial jobs which could be performed by other personnel, thus freeing the professionals for direct patient care for our veterans.

Mr. Chairman, I support this amendment to add \$8 million to veterans medical care in the 1971 supplemental appropriations bill, and I want the Office of Management and Budget and the Veterans' Administration put on notice that the funds we are adding in this amendment are to be used for increased staffing. In addition, I also hope the Veterans' Administration will endeavor to hire as many Vietnam veterans as possible. This group is running a much higher unemployment rate than other segments of those who are unemployed.

Mr. SATTERFIELD. Mr. Chairman, the pending amendment to increase the 1971 supplemental budget for Veterans' Administration medical care by \$8 million is clearly intended to make an immediate start on increasing the staffing levels in our Veterans' Administration hospitals. As many of my colleagues will recall, the 91st Congress appropriated \$105 million more than the administration's 1970 budget request, because the Committee on Veterans' Affairs, after a comprehensive investigation, verified that our VA hospitals did not have enough funds for proper staffing, general operating funds, and maintenance expenses.

Mr. Chairman, the Office of Management and Budget did not follow the intent of Congress in the utilization of these funds.

I was chagrined to find that VA medical program was forced to absorb \$32.3 million which Congress had intended the VA to use to improve their staffing ratio. At best, Mr. Chairman, by making the VA absorb about half the cost of this pay raise, the staffing ratio in the VA hospital system at the end of the year will be status quo with last year. This means already overworked nurses and doctors in the hospital system must many times perform other administrative and sundry duties when they should be performing medical or nursing responsibilities.

Mr. Chairman, there will be those who will argue that it is too late to do anything about this problem during the few remaining weeks of the 1971 fiscal year. This is simply untrue. With these additional funds, the VA could start now and hire badly needed personnel. These funds should be annualized so that hospital directors will not have to wait for fiscal year 1972 to begin recruiting badly needed nursing assistant trainees in grades GS 1 to 5.

Mr. Chairman, in October 1970, the directors of the Veterans' Administration 167 hospitals advised the House Veterans' Affairs Committee of a shortage of 25,859 staff personnel. Of this total, over 7,000 fall in the nursing assistant category.

Mr. Chairman, in view of increased unemployment prevalent throughout the Nation among our returning Vietnam veterans, which is running at a level of 14 percent—it is about 8-percent higher than the nonveteran population. Congress should not hesitate to appropriate this money now. We can accomplish two goals—we can give our wounded, sick, and disabled veterans a far superior level

of care which they certainly deserve—and we can decrease unemployment among returning veterans who want jobs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. BOLAND).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

BUREAU OF MINES

HELIUM FUND

The Secretary is authorized to borrow from the Treasury for payment to the helium production fund pursuant to section 12(a) of the Helium Act, to carry out the provisions of the Act and contractual obligations thereunder, including helium purchases, to remain available without fiscal year limitation, \$15,077,000, in addition to amounts heretofore authorized to be borrowed.

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VANIK: Page 6, line 9, after the word "borrowed" strike out the period, insert a comma "provided, however, that none of the funds appropriated by this act will be disbursed to any individual contractor until the claims of that contractor have been determined either by agreement or by litigation."

POINT OF ORDER

Mrs. HANSEN of Washington. Mr. Chairman, on this amendment I make a point of order.

The CHAIRMAN. The gentlewoman will state her point of order.

Mrs. HANSEN of Washington. The wording is "until the claims of that contractor have been determined either by agreement or by litigation."

That is legislation on an appropriation bill and extends the act beyond the intention.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard on the point of order?

Mr. VANIK. Mr. Chairman, I believe it has been well established in this Chamber that a limitation on expenditures is a perfectly valid amendment to an appropriation bill.

I might say, Mr. Chairman, the amendment should read, "full claims of the contractors have been determined."

I believe it has been well established that this type of amendment is in order on this kind of bill.

The CHAIRMAN (Mr. ASPINALL). The Chair is ready to rule.

The language of the amendment does constitute legislation on an appropriation bill, and in this particular situation provides for a condition subsequent.

Therefore, the Chair will have to sustain the point of order.

Mr. VANIK. Mr. Chairman, I move to strike the last word.

Last year I offered an amendment which would have terminated the helium purchase program. I was defeated in my attempt, but on January 26, 1971, the Bureau of Mines of the Department of the Interior notified several companies from whom helium was being purchased that the Government was terminating its contract. The companies have protested and the matter is currently in the courts, but it is my hope that this matter will be

resolved favorably for the taxpayer. From the hearings on this bill, it is clear that the program is no longer needed. As the Government witnesses reported:

We are producing about 630 million cubic feet a year combined from the two plants, and we are selling about 200 million cubic feet. Last year we sold about 230 million cubic feet so at present rates we would be storing 400 million cubic feet. In considering termination, it was concluded that the 28.5 billion feet of helium that is in storage as of the end of March, plus the anticipated production from the gas supplies at those two plants, that that helium would meet the estimated needs of the Federal agencies beyond 1995.

This bill provides for funds for the termination of this program—a program which should have been terminated some time ago.

Today I endeavored to offer an amendment which would prohibit the disbursement of any of the funds appropriated under the provisions of title V of this act for the payment of helium deliveries. The supplemental appropriations provide for \$15,077,000 for helium deliveries under contracts through March 28, 1971, when action was taken by the Department of the Interior to terminate the provisions of the four contracts and cease the actual purchase of helium.

In view of the action that is pending in the U.S. District Court for the District of Kansas which issued a preliminary injunction against cancellation of these contracts, and in view of the uncertain amount of the ultimate claim, it occurred to me that it might be far more expedient for the Federal Government to withhold the disbursement of any sums to any individual contractor until the full claims of that contractor have been determined either by agreement or by litigation.

The withheld funds would provide leverage for a full and complete settlement of the issue. A payment on the claim could have a very dangerous effect on the litigation which is currently pending and could result in a constructive assumption of Federal liability.

The contractors are protected, since they would be entitled to interest on any part of their claim that may be unpaid on the due date.

It is my hope that the Federal Government will handle the termination of the helium contract in a manner which will precipitate a full and complete termination of the claims at the earliest practicable date—utilizing any appropriations provided under this act as leverage for total settlement. This is precisely the way in which a corporation would handle the matter. This is a business contract. The Government should use the same principles in negotiation and settlement as would be followed by a private contractor who would find it necessary to terminate a contract.

Fiscal prudence and the best interests of the taxpayer would seem to require this kind of approach.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF HEALTH, EDUCATION,  
AND WELFARE  
NATIONAL INSTITUTES OF HEALTH  
NATIONAL CANCER INSTITUTE

For an additional amount for the "National Cancer Institute", \$100,000,000, to be

available from July 1, 1971, through June 30, 1973, to include authority for construction under grants and contracts, as well as direct construction authority.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 8, after line 8 insert the following:

"HEALTH SERVICES AND MENTAL  
HEALTH ADMINISTRATION

"MENTAL HEALTH

"For an additional amount for 'Mental Health', \$10,000,000, to be used only for formula grants to the States, as authorized by P.L. 91-616."

(By unanimous consent, Mr. CONTE was allowed to proceed for 5 additional minutes.)

Mr. CONTE. Mr. Chairman, I rise to offer an amendment to provide \$10 million as a modest start in funding the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, Public Law 91-616.

Public Law 91-616 was passed unanimously in both bodies of the Congress late in 1970 and was signed into law by President Nixon on December 31. After more than a decade of legislative effort, it has been rightly described throughout the country as the first major piece of legislation in the field of alcoholism. The legislation authorizes \$300 million over a 3-year period for formula, revenue-sharing grants to the States, in addition to specific project grants for the support of research, training, and public education in the area of alcoholism.

For fiscal 1971, Public Law 91-616 authorizes \$70 million, of which \$40 million is allocated in formula grants to the States so that they can develop comprehensive plans and support direct services to people suffering from alcoholism.

The formula grant, therefore, is the most important provision in the legislation; it is the key to giving the States the financial capability to provide comprehensive services to alcoholics.

The appropriations history of the legislation strongly supports the position I am taking today. Last December the Senate unanimously included \$30 million to fund Public Law 91-616 during fiscal 1971. At that time the authorizing legislation had not cleared the House, but the report of the House Appropriations Committee on the first supplemental indicated clear congressional intent in these words:

The conferees agreed that if this bill becomes law, the most serious consideration will be given to the proper level of funding in the next session of Congress.

There is no doubt as to the enthusiastic, widespread support for this landmark legislation. On January 11 of this year Secretary of Health, Education, and Welfare Elliot L. Richardson held a press conference on the national problem of alcoholism, and this is what he said about the authorizing legislation:

The \$300,000,000 Alcohol Abuse, Prevention, Treatment, and Rehabilitation Act signed by President Nixon . . . along with the inter-agency collaboration provided in this new agreement gives us for the first time the tools we need to fight alcohol abuse and alcoholism on a nationwide scale.

Our recent estimates disclose that some ten million Americans are dependent on alcohol—a shocking figure that yet does not begin to reveal the damage to the nation in the terms of alcohol related disease, broken families, economic ruin and death.

On March 18 of this year Dr. Vernon Wilson, the Administrator of the Health Services and Mental Health Administration, appeared before the Senate Subcommittee on Alcoholism and Narcotics to spell out the administration's plans for the implementation of this legislation. Here is what Dr. Wilson said about the critical nature of the problem of alcoholism:

There is no question that this is one of the most widespread, destructive, and costly health problems facing our country.

It is now estimated that alcohol problems adversely affect the lives of some 36,000,000 Americans—that is, fully one in every six of our men, women, and children are directly or indirectly harmed by alcoholism or alcohol abuse. Nine million of our citizens are alcoholics or problem drinkers, and each of these persons can and does bring untold suffering to the members of their families. Furthermore, approximately 200,000 new cases of alcoholism are being added to the total in the nation every year.

Alcohol-related problems are the cause of more than 85,000 deaths in the United States annually.

There are nearly two million arrests each year for public drunkenness in this country, accounting for about 40 percent of all non-traffic arrests.

A conservative estimate of the annual economic drain from the Nation is \$15 billion per year, including \$10 billion in lost work time of employed alcoholics, \$2 billion in health and welfare costs incurred by alcoholics and their families, and \$3 billion in property damage, wage losses, and other costs associated with traffic accidents.

In response to a request from the Senate subcommittee, Dr. Wilson submitted a document officially approved by the Department of Health, Education, and Welfare, in which the administration projected an expenditure of \$1 billion over the next 5 years as the minimum amount necessary to develop a strong nationwide offensive against alcoholism.

Mr. Chairman, it can readily be seen that my amendment for \$10 million is exceedingly modest, both in relation to these projections of the administration itself and to the authorizations in the bill. I am proposing that the \$10 million be allocated entirely in formula grants to the States, with each State receiving the \$200,000 provided as the minimum allocation in the authorizing legislation.

I have reviewed the testimony of officials of the Department of Health, Education, and Welfare both last year and this year, and there is no doubt in my mind that these formula grants can be successfully and responsibly awarded by the end of the present fiscal year. However, if some unforeseen delay develops, it is important to note that the authorizing legislation provides for a 1-year carryover of appropriations for formula grants.

Mr. Chairman, in formal testimony before both House and Senate committees, the \$300 million in authorizations for the fight against alcoholism was vigorously supported by the American Medical Association, the American Public Health Association, the North American Association of Alcoholism Programs, the

National Council on Alcoholism, the National Association of State Mental Health Program Directors, the Licensed Beverage Industries of America, and many other organizations too numerous to list here. At these hearings witnesses appeared from California, New York, Massachusetts, Pennsylvania, Florida, Colorado, Oklahoma, Illinois, and other States to assure the Congress that the funds authorized in the legislation could not only be put to immediate use but were really insufficient to counteract the raging epidemic of alcoholism in this country.

Mr. Chairman, each day we delay almost 1,000 new cases of alcoholism engulf our pitifully inadequate existing facilities for treatment. The American Psychiatric Association has warned us that if we do not begin a program of prevention and treatment of alcoholism now, we will have 12 million alcoholics to contend with by the end of the present decade. The time for action is now.

I urge the adoption of my amendment.

Let me direct one other thought to this body, and that is that time and time again authorizing committees have worked and labored hard in the vineyard working weeks at a time, and have proposed constructive legislation to the floor of this House, and that legislation passes. But when it comes to putting up the money, we are not there.

I say, it is high time to put up or shut up. It is a hypocritical thing that we are doing in this Congress. Whether it has to do with education or labor or mental health—we pass legislation, it goes to the other body and it is signed by the President, and then not one plugged nickel is put in to carry out the program.

We have a duty and a responsibility to these people who are affected and afflicted with this dangerous disease. We have a duty to put in some money and to get this program off the ground and working immediately.

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

Mr. CONTE. I yield to the gentleman.

Mr. GIAIMO. Mr. Chairman, I should like to commend the gentleman on the statement he is making. I know of his deep interest in this problem. I think his point is well taken. I just want to say I rise in support of the amendment.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am very fond of the gentleman from Massachusetts. This is not just one of those formal things that people say in the well of the House—I really am, and I am sure the gentleman knows it. The last closing 2 minutes were pretty good—he did very well. I could not have done better myself—and that is praise from Caesar.

About 2 months ago my beloved friend from New England came on the Labor-HEW Subcommittee on Appropriations. He had been trying to get on for many years and I have been trying to help him. So this year he made it. There is nothing wrong with the purpose of this amendment—of course not. The subcommittee and the full committee are the first to say so—not as eloquently as he, but this is what the full Committee on Appropriations feels and our subcommittee agrees 100 percent. Except that

this is the middle of May, and there are less than 2 months left in the fiscal year in which to use this money.

The trouble with the amendment is this—it reminds me of a pregnant elephant in a rowboat. It is the wrong vehicle. The 1971 supplemental appropriation bill is the wrong vehicle. Alcoholism is a serious problem. Probably, there is no more serious problem in our Nation. We all know this. It affects millions. We know that.

Now the Labor-HEW Appropriation Subcommittee, Mr. Chairman, has labored for years unanimously to urge HEW to fight this thing. We said this was a disease—this committee and this House have long recognized the seriousness of alcoholism. We have said it for years—and we treat it that way. It is a disease—God help those who are afflicted with it, and their families.

Let me tell you what we have done. For fiscal year 1970 this House appropriated \$29,700,000 to fight this thing. In the 1971 Appropriation Act there is \$41,700,000 that you voted for—that this House voted for. Do you know what is in the budget request for 1972—and you will vote for it unanimously? Seventy million dollars—\$70 million for programs to combat alcoholism. That is what your committee thinks and that is what you did. This amendment is the wrong thing in the wrong place at the wrong time.

Mr. Chairman, there are many, many programs administered by HEW for which we could easily appropriate additional funds. All of them are meritorious. Their advocates are all dedicated, honest, sincere people that you meet and I meet in our offices by the thousands. You can see it in their faces. They urge us to appropriate more money for heart disease, cancer, stroke, mental retardation, poverty, child health, old age, education, drug addiction, and so on—all of these things are in the Labor-HEW bill appropriation. Everybody wants something more for their thing. I do not blame them. So would you; so would I. These people are not fakers. These are not lobbyists. These are dedicated, honest people who want more, more, full funding for their thing. We are doing our best to do justice to all of them, including programs to combat alcoholism.

I suggest, Mr. Chairman, the amendment be defeated.

Mr. SMITH of Iowa. Mr. Chairman, I supported an appropriation for the program in the committee, but the majority felt that this program, which was authorized recently, should be appropriated for in the regular 1972 bill which will probably be passed next month and be effective in July.

I realize that there are usually good reasons for developing appropriations requests and programs in the usual deliberative manner. However, I think that in this case some money should be appropriated now to get the program started, so they will be able to go forward dovetailing the program with programs which have been underway for several years, and so the commitment can be sealed and the planning for effective use started prior to the availability of funds from the 1972 fiscal year appropriation.

Mr. MICHEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Conte amendment, but before proceeding to the argument, may I say that it is quite natural for the gentleman from Massachusetts to be offering this amendment at this time. He is a very valuable member of our subcommittee, having just come aboard this year. Before he came to the Congress, a good long time ago, he gained a reputation in the Massachusetts State Senate for fighting alcoholism. And, so it follows that he should be in the fray here today.

I must agree with our subcommittee chairman, Mr. Flood, however, that Mr. CONTE's amendment comes at the wrong time and at the wrong place.

Heretofore the problem of alcoholism has been handled mainly through our mental health and vocational rehabilitation programs. We have been doing a substantial amount of work in this field through those programs in most recent years. Yes, we did appropriate \$29.7 million in fiscal year 1970, and \$41.6 million in the current fiscal year, and the budget request for 1972 comes to us with a figure of \$69.1 million. We are still in the process of hearing witnesses before our Health and Welfare Subcommittee and hope to have a bill for you to act upon before we break for the July 4 recess.

Now, the Hughes bill, which Mr. CONTE seeks to fund in part with his amendment, authorizes four basic things:

First. It establishes a National Institute of Alcoholism and Alcohol Abuse. The Department of Health, Education, and Welfare is completing its plans for the organization of the institute.

Second. It establishes an Advisory Council and on this, candidates for appointment are being received by the Department.

Third. The legislation authorizes \$40 million for project grants and contracts. On this subject no specific funds are identified with the authority in the act, but project grants and contracts are currently being awarded under previous legislation and these funds are being identified with that legislation.

Fourth. The Hughes bill authorizes \$60 million for formula grants, and this is the item which the gentleman from Massachusetts would propose to the extent of \$10 million in the remainder of this fiscal year. It is true no funds for formula grants are in the works currently, because the administration has taken the position that another categorical formula grant program would undercut the principle of "partnership for health," and they would tend to overlap the bill's program of project grants and contracts.

Finally, Mr. Chairman, I think it should be pointed out that formula grants totaling \$33 million can be found in the Social and Rehabilitation Service, and may I say again, as the chairman has indicated to you, in our regular bill for fiscal year 1972, we are going to have funds in the appropriations bill for both project and formula grants.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I demand tellers.

Tellers were refused.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The question was taken; and on a division (demanded by Mr. CONTE) there were—ayes 26, noes 56.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ROONEY OF PENNSYLVANIA

Mr. ROONEY of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROONEY of Pennsylvania: On page 8, after line 15 insert:

"NATIONAL INSTITUTES OF HEALTH

"HEALTH MANPOWER

"For an additional amount for 'Health Manpower', \$25,000,000 to carry out programs in the family practice of medicine, as authorized by the Family Practice of Medicine Act of 1970 (S. 3418, 91st Congress), of which sums of not less than \$25,000 each shall be made immediately available for the planning and/or development of Departments of Family Practice at the Milton S. Hershey Medical Center of the Pennsylvania State University, and at the University of North Carolina at Chapel Hill, and at Harvard University and/or the Children's Hospital Medical Center, and at such other eligible institutions as may apply; funds appropriated by this provision are directed to be expended and shall remain available for obligation and expenditure until expended."

POINT OF ORDER

Mr. MICHEL, Mr. Chairman, I make a point of order against the language of the gentleman's amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MICHEL, Mr. Chairman, the language is out of order on the grounds that we have no legislative authority whatsoever. There is nothing in the code, nothing in the statutes, no legislative authority whatsoever; and this is an appropriation bill. We cannot be appropriating for anything that is not authorized, and therefore it is clearly outside our realm of consideration here today.

Mr. Chairman, I simply make a point of order against the language.

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

Mr. MICHEL, I am happy to yield to my chairman.

Mr. MAHON, Mr. Chairman, the amendment also makes certain legislative requirements directing the funds be expended and so forth.

I would suggest that the gentleman might be willing to reserve a point of order, and let the gentleman speak for 5 minutes.

Mr. MICHEL, Mr. Chairman, I would just as soon insist on my point of order. It is completely outside the realm of possibility here.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to speak on the point of order?

Mr. ROONEY of Pennsylvania. Yes, Mr. Chairman.

I am sure all of us realize what is involved in the amendment I have offered here today.

The point of order has been made that it is out of order and that it is not germane. My contention is that it is germane. On December 1, in the 91st Congress, we passed this bill in the House.

Mr. ROONEY of New York. Mr. Chair-

man, will my distinguished colleagues yield at this point for a correction?

Mr. ROONEY of Pennsylvania. I am glad to yield to the gentleman from New York.

Mr. ROONEY of New York. I thank my distinguished friend from Pennsylvania for yielding.

I believe the basis of objection is not that it is not germane, but that it is not authorized by law.

Mr. ROONEY of Pennsylvania. I will get to that point of order, if the gentleman from New York will yield back.

The CHAIRMAN. The Chair is willing to listen to the gentleman from Pennsylvania. The gentleman from Illinois has made the point of order that the amendment constitutes legislation on an appropriation bill.

Mr. ROONEY of Pennsylvania. The bill was passed by the House on December 1 by a vote of 346 to 2. Two Members of Congress voted against the bill in the House. The bill passed the Senate 64 to 1.

On December 14, the bill was sent to the White House for the signature of the President. Subsequently, in accordance with a concurrent resolution, the Senate adjourned to a date certain from the close of business on Tuesday, December 22, 1970, until Monday, December 28, 1970.

Mr. GROSS, Mr. Chairman, I must insist that the gentleman is not addressing himself to the point of order.

Mr. ROONEY of Pennsylvania. I am addressing myself to the point of order.

The CHAIRMAN. The Chair would suggest that the gentleman is trying to address himself to the point of order. The Chair is ready to rule, and wants the gentleman from Pennsylvania to be as brief as possible.

Mr. ROONEY of Pennsylvania. Both bodies, the House and the Senate, had given unanimous consent for designated officers to receive messages from the President during the Christmas recess.

The President took advantage of our Christmas recess to veto this legislation by a pocket veto.

Despite the fact that we were still in session, that we had officers from the House and the Senate standing by ready to receive any veto message, he failed and refused to send it over, and instead he pocket vetoed this bill.

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

Mr. ROONEY of Pennsylvania. I am glad to yield to the gentleman from Ohio.

Mr. BOW. Has the gentleman read the resolution of adjournment of the House? There is nothing in there on the receiving of messages or any papers from the President. It is a straight adjournment.

Mr. ROONEY of Pennsylvania. I believe if the gentleman will look at the record he will find out that both Houses had officers standing by to receive any message from the President, and this is my contention.

Mr. BOW. The adjournment resolution does not contain any such thing.

Mr. ROONEY of Pennsylvania. It is my contention the President's declaration of a pocket veto in this instance represented an inappropriate use of such veto power.

In this session of Congress we are

going to have 10 recesses, and the President can take advantage of the same pocket veto abuse of this legislation.

I maintain, Mr. Chairman, that this bill was enacted into law on the 24th day of December, 1970.

The CHAIRMAN. The Chair is ready to rule.

The gentleman from Pennsylvania (Mr. ROONEY) has offered an amendment providing \$25 million to implement the provisions of the Family Practice of Medicine Act of 1970.

The gentleman from Illinois has raised a point of order against the amendment on the ground that it provides for an expenditure that is not authorized by law.

When the question of authorization is raised against an item in or an amendment to an appropriation bill, it is incumbent upon the committee reporting the bill or the proponent of the amendment to cite the law permitting the appropriation. The proponent of the amendment in this case has referred the Chair to the bill passed by the other body on September 14, 1970, and passed by the House on December 1, 1970. He has also outlined other legislative history concerning the bill, including the fact that the bill was sent to the President who saw fit to "pocket veto" the measure during the Christmas adjournment of the Congress last year.

The Chair is not oblivious to the fact that certain questions have been raised about the legal propriety of this veto. However, the Chair cannot rule on this constitutional question. The Chair may only refer to the statutes at large or the United States Code to find the authorization required to support this appropriation. Since no such statute can be cited, the Chair must sustain the point of order.

The Clerk will read.

The Clerk read as follows:

LEADERSHIP AUTOMOBILES

For an additional amount for the maintenance, repair, and operation of an automobile for the Speaker, \$500.

For an additional amount for the maintenance, repair, and operation of an automobile for the majority leader of the House, \$500.

For an additional amount for the maintenance, repair, and operation of an automobile for the minority leader of the House, \$500.

Mr. DULSKI, Mr. Chairman, I commend the gentleman from Pennsylvania (Mr. ROONEY) for offering the amendment to H.R. 8190 to appropriate \$25 million for carrying out the program of grants to hospitals and medical schools authorized by the Family Practice of Medicine Act of 1970.

As the gentleman has explained, this act, which passed overwhelmingly both the House and the Senate last year, was "pocket vetoed" by the President on Christmas Eve during a holiday weekend recess of Congress.

I am in complete agreement with the gentleman from Pennsylvania and many of our colleagues that there is grave question whether the President acted properly in the handling of this bill. The Congress was simply in holiday weekend recess—it had not adjourned sine die, which is the circumstance that needs to

exist in order to utilize the pocket veto right.

Since the President did not send a veto message to the Congress, it is my conviction that the Family Practice of Medicine Act of 1970 is law today. Therefore, the authorization exists, and the current amendment to provide an appropriation is completely in order.

#### NEED AND DEMAND CLEAR CUT

Notwithstanding the legal tangle created by the President's action—or is it inaction?—the need and certainly the desire of Congress for funding of grants under this program is clear cut.

Anyone who is in communication with our people today—whether they live in the cities, the suburbs, or in the rural areas—is well aware of the appalling shortage of physicians who are capable and willing to serve in general practice.

There are many thousands of specialists and no one questions the fact that we need these specialists to deal with the many ills that require special knowledge and treatment. But these specialists are neither prepared nor willing to tend to the run-of-the-mill ills of the average family.

It was not many years ago that the family physician was in predominance in the medical profession, serving succeeding generations of families from the cradle to the grave.

The need for family physicians is no less today because only a family physician can and will take the time to study and consider the medical and social history of all the individuals in one family. Such background is needed to establish a pattern of weaknesses, family traits, and guides to the treatment of the various members of the family.

Mr. Chairman, I support fully the amendment offered by the gentleman from Pennsylvania, and I hope that my colleagues will support this effort to move forward toward providing the incentive needed to recruit and train family physicians.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, in view of the fact that we had so much discussion earlier this afternoon about the use of polluting automobiles versus allegedly nonpolluting subways, I rise to address a brief inquiry concerning these items for the repair, operation, and maintenance of automobiles for three of the leaders of the House in the amount of \$500 each.

I wonder how you maintain, operate, repair, and insure a Cadillac on \$500. Is this for a year?

Mr. MAHON. Will the gentleman yield?

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

Mr. MAHON. As the gentleman knows, in dealing with the supplemental appropriation bill, the hearings are held by various subcommittees of the Committee on Appropriations. The chairman of the Subcommittee on Legislative Appropriations of the Committee on Appropriations is the gentleman from Alabama (Mr. ANDREWS). I am sure he would be glad to respond to the question of the gentleman.

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

Mr. GROSS. Of course I yield to my friend.

Are these Cadillacs or Lincoln-Continental or both?

Mr. ANDREWS of Alabama. One of the two, the best.

Mr. GROSS. And, the biggest cubic engines you can get so that the pollution emissions are at the top of the scale?

Mr. ANDREWS of Alabama. Well, we are just doing the same thing we have been doing for years and years.

Mr. GROSS. I know, but pollution is getting worse or at least that was the argument made here today.

Mr. ANDREWS of Alabama. Our subcommittee does not have jurisdiction over pollution. We are opposed to it.

Mr. GROSS. So am I. That is the reason for my inquiry. Has the gentleman given attention to providing the leadership with electric buggies or electric gigs?

Mr. ANDREWS of Alabama. I doubt if the leadership creates any more pollution than the average Member.

Mr. GROSS. What is the extra \$500 for?

Mr. ANDREWS of Alabama. It is for the increase in the cost of gasoline, tires, and oil. I am sure the gentleman from Iowa knows that those prices have gone up.

Mr. GROSS. And they all use high-octane gasoline, the most expensive, do they not?

Mr. ANDREWS of Alabama. I assume so. But they are good cars.

Mr. GROSS. The highest lead content?

Mr. ANDREWS of Alabama. Well, they do not want to pollute the air any more than necessary.

Mr. GROSS. Of course not. Well, far be it from me to deprive the leadership of any of the nice things of life, and, so, I shall not pursue the inquiry further.

Mr. ANDREWS of Alabama. I am sure the gentleman would not want to do that.

Mr. GROSS. I thank my friend.

Mr. ANDREWS of Alabama. And, I thank my friend, the gentleman from Iowa.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

#### JOINT ITEMS

##### CONTINGENT EXPENSES OF THE SENATE JOINT ECONOMIC COMMITTEE

For an amount (to be disbursed by the Secretary of the Senate on vouchers signed by the chairman or vice chairman and the chairman of the subcommittee) necessary to enable the Subcommittee on Fiscal Policy, under authority of the Employment Act of 1946 (60 Stat. 23, sec. 5), to undertake a study to develop reliable, comprehensive, and factual information concerning welfare programs and needs in the United States, \$500,000, to remain available until June 30, 1973.

#### POINT OF ORDER

Mr. HALL. Mr. Chairman, I make a point of order against this bill, on page 11, the section beginning with line 15 through page 12, line 3.

My point of order is directed, Mr. Chairman, particularly to the last clause which says, "to remain available until June 30, 1973."

The point of order should lie in the fact that this is an appropriation on unauthorized legislation.

The CHAIRMAN. Does the gentleman from Alabama desire to be heard on the point of order?

Mr. ANDREWS of Alabama. Mr. Chairman, we concede the point of order.

The CHAIRMAN (Mr. ASPINALL). The point of order is sustained.

##### AMENDMENT OFFERED BY MR. ANDREWS OF ALABAMA

Mr. ANDREWS of Alabama. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS of Alabama: On page 11, line 13, insert the following:

#### "JOINT ITEMS

##### "CONTINGENT EXPENSES OF THE SENATE

##### "JOINT ECONOMIC COMMITTEE

"For an amount (to be disbursed by the Secretary of the Senate on vouchers signed by the Chairman or vice Chairman and the Chairman of the subcommittee) necessary to enable the Subcommittee on Fiscal Policy, under authority of the Employment Act of 1946 (60 Stat. 23, sec. 5), to undertake a study to develop reliable, comprehensive, and factual information concerning welfare programs and needs in the United States, \$500,000."

Mr. ANDREWS of Alabama. Mr. Chairman, the distinguished gentleman from Michigan (Mrs. GRIFFITHS) appeared before our committee and made this request. For some time she has been interested in an in-depth study of the welfare programs in America. She is very knowledgeable on this subject. She made a good case. The committee thought that the study was in order especially in view of the fact that welfare reform legislation is now pending before the Congress. The subcommittee unanimously recommended the sum of \$500,000 with which to make a study of welfare conditions in America. The full committee concurred.

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

Mr. ANDREWS of Alabama. I yield to the gentleman from Iowa.

Mr. GROSS. It seems to me that it is a rather sad commentary upon the Congress of the United States that it does not have the in-house capability—and I believe that it has—to do this job with the present staffing and the present expenditures, without the addition of another \$500,000.

It seems to me, if the gentleman will yield further, that this is a problem and a proposition that the House Ways and Means Committee, or its counterpart in the Senate, ought to have tackled long ago and done the job with the money already allocated to it.

Mr. Chairman, I am opposed to the amendment. I am opposed to this appropriation on the basis that it is not necessary and should not be necessary to put out another one-half million dollars for this purpose.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of Alabama. I am glad to yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. I would like to point out to the gentleman from Iowa that the House Ways and Means Committee does not have control of welfare. We provide for the cash payments, but there are

many other committees in this Congress that are handling legislation making welfare payments such as the Committee on Banking and Currency with reference to the construction of housing and the subsidizing of rents.

Agriculture has feeding programs, food programs and commodity programs; Interstate and Foreign Commerce has other programs, Education and Labor have other programs. And in all the history of this Congress there has never been made a study of every piece of legislation relating to welfare. For years we have studied the amounts of money expended by the Defense Department, and we point with horror to the vast amounts of that spending, but the truth of the matter is that the Joint Economic Committee staff believes that more than \$100 billion is expended annually on welfare. This body should know exactly what the payments and programs are, where they go, and what the laws are that provide them. The hearings which we will be running will be really a staff study; it will not be a demagogic effort, it will be an effort to bring knowledge.

I appreciate tremendously the confidence of the Committee on Appropriations. I hope that the Members will vote for this amendment because I think we need to know exactly what we are spending.

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

Mr. ANDREWS of Alabama. I yield to the gentleman from New Jersey.

Mr. WIDNALL. Mr. Chairman, I would just like to assure the gentleman and the Congress that the members of the Joint Economic Committee on both sides of the aisle are heartily in favor of creating this new study, because it has never been done before, and it seemed that our committee could best correlate the information in that connection.

One of the greatest problems we have to face in this country, and the one with the greatest priority, is the welfare problem. I believe this can well be a very constructive move toward improving the entire problem.

I would also like to compliment the gentlewoman from Michigan (Mrs. GRIFITHS) for her part in this effort.

Mr. ANDREWS of Alabama. Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. ANDREWS).

The amendment was agreed to.

Mr. BOW. Mr. Chairman, if a method of providing private financing cannot be found, those who voted against the continuance of the U.S. supersonic transport will have cost the Nation's economy more than was required to complete the two prototype aircraft. With sunk costs of \$864 million as of March 30, 1971, \$478 million additional U.S. Government investment was required to complete this on time, on cost program. The total Government investment would have been \$1.342 billion by mid-1973. Besides losing any opportunity to recover the sunk costs, the cancellation will result in additional losses to the economy of \$507.5 million. The documentation of the costs are included in the appendices to this report. The total loss, including funds spent to

date will be \$1.372 billion by mid-1972. A summary is as follows:

<i>Total cost of cancellation</i>	
[In millions]	
Sunk costs as of Mar. 30, 1971.....	\$864.0
Total additional direct loss.....	344.6
Total additional indirect loss.....	162.9
<hr/>	
Total loss to economy.....	1,371.5
<i>Total cost at completion</i>	
[In millions]	
Sunk costs as of Mar. 30, 1971.....	\$864.0
Required to complete.....	478.0
<hr/>	
Total direct Government investment in program.....	1,342.0

The direct loss to the Government would consist of \$97.3 million costs of terminating the contracts, the \$22.4 million in advance royalties already returned to the airlines and the moral obligation to return \$58.5 million to the airlines which the U.S. Government urged them to advance to Boeing. Further direct losses are being incurred as the 12,629 workers—by actual count—who have been or are scheduled for layoffs by midsummer by the major contractors and first tier subcontractors. In 1969 these people each earned an average of \$10,451 annually according to BLS data. Although exact statistics are not available, checks with State, county, and city unemployment and welfare offices reveal that these people can expect to be out of work for an average of 1 year. During the course of this year, \$132 million in income and Federal, State, and local taxes will be lost to the Nation's economy. In addition the State and Federal Government will be required to supply \$34.4 million in unemployment benefits to these workers.

With a conservative multiplier effect of two, an additional 25,258 workers will also be temporarily laid off due to the cancellation of the SST program. The additional loss to the Nation's economy will be \$162.9 million in income reduced Federal, State, and local taxes and the required payout unemployment benefits.

Other undesirable "ripple" effects will be felt from the lowering of this high technology manufacturing base. The loss of the SST program will result in higher overhead rates and higher costs which will be passed on to their customers wherever possible or result in further layoffs to reduce costs at the nearly 3,000 companies involved in the program. Already, contractors such as General Electric have been forced to raise the price of all J-79 engines delivered to the U.S. Government. Major contractors have already, and will continue to pull back work awarded to smaller subcontractors in order to maintain their own manufacturing base.

Not included in this analysis are the costs associated with the sharp increase in the USDA food stamp program and the wasted resources—education and experience—when highly skilled aerospace workers are forced to take low paying, unskilled jobs to keep their families intact, clothed, housed, and fed. A byproduct in the high impact areas is the reduction in education levels and facilities made available not only to the children of the unemployed aerospace workers but to all children in the community.

The congressional recognition of these

costs is reflected in the several bills that have been introduced to alleviate the severe unemployment problems caused by aerospace industry cutbacks and cancellations. The following bills were introduced specifically to compensate for the SST cancellation:

**BRIEF SUMMARY OF PROPOSED LEGISLATION TO EASE UNEMPLOYMENT—PARTICULARLY SST OR AEROSPACE**

S. 1382: Would authorize the Secretary of Transportation to carry out a special transportation R&D and demonstration program utilizing the unique experience and manpower of the airframe and defense industries. Purpose of the program is "... for the purposes of advancing transportation technology". The projects to be carried out shall give priority to transportation modes which carry goods or people in or between areas of concentrated population and shall include VSTOL and high-speed ground transportation.

Secondary priority to improving technology related to ATC, all-weather and improved navigation systems for aircraft, and air safety. Applicants for contracts under this Act shall have priority if they have had a Federal Government contract cancelled within 12 months of their application, or have reduced their labor force by 10 percent since 1 January 1969, or which are located in areas where unemployment has exceeded the national rate by 150 percent for at least 3 consecutive months of the last 12 months.

Secretary of Commerce is directed to study and report to Congress within 12 months as to future growth potential of the airframe industry, its projected utilization of resources and manpower, and the potential for conversion to alternative uses.

As of now (5-5-71), nothing done or scheduled per Committee on Commerce staff on this bill.

H.R. 6921, 6967, 7243: House Bills providing same as S. 1382 above.

As of now (5-5-71), no action taken by the Committee on Interstate and Foreign Commerce.

H.R. 7017: Same provisions as S. 1382 except that priority is to be given to aircraft or airport noise abatement, including retrofit devices, rather than to VSTOL. Also, this Bill provides more money.

As of now (5-5-71), no action taken by the Committee on Interstate and Foreign Commerce.

H.R. 6835: Same provisions as S. 1382 except that this Bill provides more money and also requires the Secretary of Commerce to include in his report to Congress a recommended level of funding "... to assure adequate support in the form of certain grants and loans to firms qualifying for assistance in converting their productive capacity to the alternative uses recommended by the report."

As of now (5-5-71), no action taken by the Committee on Interstate and Foreign Commerce.

H.R. 6445: Would authorize the Secretary of Transportation to make grants to persons in the aerospace industry to enable the transfer of aerospace technology to the problems of ground transportation.

Grants will be made basically upon criteria which will be established by the Secretary.

As of now (5-5-71), no action taken by the Committee on Interstate and Foreign Commerce.

H.R. 7534: Would authorize the Secretary of Transportation to carry out a special R&D transportation program utilizing the unique experience and manpower of the aerospace industries.

Other criteria for applicants are the same as S. 1382 except that the unemployment rate is 130 percent of the national rate as opposed to 150 percent in S. 1382.

Money is higher in this Bill.

As of now (5-5-71), no action taken by the Committee on Interstate and Foreign Commerce.

S. Res. 94: This Sense of the Senate Resolution declares that the Federal Government has a responsibility to those workers affected by the SST cancellation. It says that the legislative and executive branches of Government should immediately consider how future Government contracts and programs such as urban mass transit, housing, waste treatment plants, and other needed public works projects can be allocated to utilize the talents of the SST work force.

It provides, without naming any dollar amounts, that adequate transitional assistance be provided to workers.

As of now (5-5-71), no action taken by the Committee on Government Operations.

Other bills were not as SST oriented but are intended to help the aerospace unemployed in a more general way. These are as follows:

**BRIEF SUMMARY OF PROPOSED LEGISLATION TO EASE UNEMPLOYMENT—NOT PARTICULARLY SST OR AEROSPACE**

S. 32: Would authorize the National Science Foundation (NSF) to conduct research, education, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented R&D activities, and for other purposes.

This Act to be cited as "Conversion Research, Education and Assistance Act of 1971."

NSF would make grants to various academic institutions and non-profit organizations, public agencies, and private business

firms for the conduct of basic and applied research to appraise the several needs of the country and recommend means of solution. Also, NSF would make grants to State and local governments in furtherance of the purposes of this Act.

As of now (5-5-71), no action taken by the Committee on Labor and Public Welfare.

S. 31: Would provide programs of public employment to assist States and local communities in providing needed public services during times of high employment.

This Act may be cited as the "Emergency Employment Act of 1971."

Basic thrust appears to be to create jobs by providing transitional employment in the areas of public services during high unemployment periods. Also to provide related training in order to qualify persons for jobs.

Passed the Senate on April 1, 1971. No action taken or scheduled on House side as of 5-5-71.

S. 732: Would amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to provide additional funds and for other purposes.

The bill is not directly related to the SST problem.

Pending with hearings in Senate scheduled for about May 12, 1971.

H.R. 6124: Would authorize the National Science Foundation (NSF) to undertake a loan guarantee and interest assistance program to aid unemployed scientists and engineers in their conversion from defense to civilian-related R&D and engineering activities.

This Act may be cited as the "Economic

Conversion Loan Authorization Act of 1971".

Bill would provide for NSF to guarantee loan of up to \$12,000 per year to unemployed scientists and engineers to assist in the career conversions. Also, the interest above 3% per annum would be borne by NSF. Loans would be repayable over 10 years starting with the date when the person resumes a status of full-time employment at an annual salary of not less than two-thirds of the salary level at which he had been employed in the defense related industry.

The NSF loan fund would have appropriated to it—

\$100 million for the remainder of FY-71 & FY-72.

\$65 million for FY-73.

\$35 million for FY-74.

Nothing scheduled as of now (5-5-71), by the Committee on Science and Astronautics.

H.R. 6747: Would provide private sector financing of the prototype phase of the SST program and provide a basis for follow-on production. The prototype phase would be carried on under a U.S. Supersonic Transport Development Authority which would be followed by an SST Corporation for the production phase.

The purpose of the Act is to assure that the SST program goes forward by allowing the Authority to have not more than \$800 million of Government guaranteed bonds outstanding at any one time. The Corporation which is to follow the Authority apparently will not have any Government guarantees or investment.

As of now (5-5-71), no action taken by the Committee on Interstate and Foreign Commerce.

**PROPOSED LEGISLATION**

Bill No.	Date	Sponsors	Responsible agency	Dollars involved	Referred to
S. 32	Jan. 25, 1971	Kennedy, Anderson, Cranston, Gravel, Hollings, Humphrey, Inouye, McGovern, Mondale, Montoya, Moss, Pastore, Randolph, Stevens, Tunney.	NSF	Various	Committee on Labor and Public Welfare.
S. 31	Apr. 5, 1971	Congress	Labor	Fiscal year 1972, \$750,000,000; fiscal year 1973, \$1,000,000,000.	Committee on Education and Labor.
S. 732	Feb. 10, 1971	Randolph, Montoya, Anderson, Bayh, Burdick, Byrd of West Virginia, Cranston, Eagleton, Eastland, Gravel, Harris, Hart, Hollings, Humphrey, Inouye, Jackson, McGovern, McIntyre, Magnuson, Mondale, Muskie, Nelson, Pastore, Ribicoff, Spong, Tunney.	Labor and Commerce.	\$950,000,000	Committee on Public Works.
H.R. 6124	Mar. 16, 1971	Davis of Georgia, Giolimo	NSF	Through fiscal year 1972, \$100,000,000; fiscal year 1973, \$65,000,000; fiscal year 1974, \$35,000,000.	Committee on Science and Astronautics.
S. 1382	Mar. 25, 1971	Muskie, Hart, Humphrey	DOT	\$101,000,000	Committee on Commerce.
H.R. 6921	Mar. 30, 1971	Eilberg	DOT	\$101,000,000	Do.
H.R. 6967	do	Howard	DOT	\$101,000,000	Do.
H.R. 7243	Apr. 6, 1971	Fish	DOT	\$101,000,000	Committee on Interstate and Foreign Commerce.
H.R. 7017	Mar. 31, 1971	Bell	DOT	\$151,000,000	Do.
H.R. 6835	Mar. 29, 1971	Davis of Georgia	DOT	\$290,000,000	Do.
H.R. 6445	Mar. 18, 1971	Symington and Mikva	DOT	Fiscal year 1972, \$290,000,000; fiscal year 1973, \$310,000,000.	Do.
H.R. 7534	Apr. 20, 1971	Anderson of California	DOT	\$135,000,000	Do.
S. Res. 94	Apr. 1, 1971	Bayh, Cranston, Gravel, Harris, Hartke, Humphrey, Metcalf, Mondale, Nelson, Proxmire, Stevenson, Tunney, Williams.	Legislative and executive branches.	Unspecified	Committee on Government Operations.
H.R. 6747	Mar. 25, 1971	Bow	SST Authority	\$800,000,000	Do.

Mr. Chairman, there are many uncertainties, at this point in time, involved in resuming the SST development program. The contracts with Boeing and General Electric have been terminated. These companies, in turn, have taken similar action with nearly 3,000 second-tier subcontractors and/or vendors, and so forth. There are well over 10,000 individual termination actions in process with each individual organization currently preparing inventories of material, data, and hardware preparatory to filing final claims for payment. This flow would have to be reversed and disposition of Government property halted.

In addition, the willingness of the prime contractors and major subcontractors to reenter into contracts similar to those that were terminated, in view of the recent attitude of the Government,

is an area of uncertainty. The increased risks may now require new Government commitments.

Taking all of this into account, the cost of resuming the program immediately is much less than it will be after the 1st of July, subsequent to which major disposition of program assets is scheduled to begin. The major portion of the laid-off work force are undoubtedly still available since there exists a saturation of the labor market with aerospace personnel and many have yet to find employment.

Some of the hardware would have to be scrapped—mainly work that was in process; that is, partially completed. For example, machined parts that were pulled directly from machines would have to be scrapped due to loss of tolerance control; however, the vast amount of com-

pleted hardware is salvageable and can be utilized as planned. Similarly, the bulk of the detailed drawings were completed and are still available—only a small number which were on the boards and partially completed would have to be redone.

There would be some schedule problems in external facilities such as AEDC, where the SST has lost its schedule position; however, this could also be recovered should the Congress decide now to support the program and the SST priority be reestablished.

It is estimated that it would cost an additional \$50 to \$60 million for the program to regain its March 25, 1971, posture; that is, recover hardware, start up the plants, and rehire personnel. In addition, the schedule time already lost under the continuing resolution and ter-

mination will be reflected in an estimated 6 to 9 months slip in first flight date and the anticipated difficulty in renegotiation of prime and major sub-contracts will add an estimated \$80 to \$90 million to the total program costs.

Maximum use should also be made of the startup period to optimize the design in order to improve prototype performance through design changes for which the previous schedule did not provide enough time.

The engine program should be altered to provide physical demonstration of meeting the lower noise requirements of the new Senate bill—previously this would have to have been mainly analytical. Additional tests and test engines will have to be procured and the advanced technical improvements developed and built into the hardware. This will also provide a means to upgrade the engine performance at a low cost when compared to developing a new engine. It is estimated that this approach will cost about \$150 million more in engine development, but will provide irrefutable answers to many of the environmental questions concerning the Congress and the country.

It is estimated that a minimum of 60 to 90 days will be required for the Government to accomplish the cost and schedule planning necessary to provide a realistic estimate of the total impact of the termination actions and what new cost, schedule, and airplane performance expectations can be achieved in the prototype program.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CHAPTER X

DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT  
TERMINATION

For expenses, not otherwise provided for, necessary for the termination of development of the civil supersonic aircraft and to refund the contractors' cost shares, \$85,330,000, to remain available until expended.

AMENDMENT OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOLAND: On page 17, strike out lines 6 through 10 and insert in lieu thereof:

"CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT

"For an additional amount for expenses, not otherwise provided for, necessary for the development of a civil supersonic aircraft, including the construction of two prototype aircraft of the same design, \$85,330,000."

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. ASPINALL, 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. 8190) making supplemental appropriations for the fiscal year ending June 30, 1971, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill and on the Giaino and Boland amendments which have been offered to the bill, and that I may include certain tables and excerpts in my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

RESULT OF IMPOUNDMENT OF FUNDS BY THE ADMINISTRATION

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

Mr. ROUSH. Mr. Speaker, I rise today to bring to the attention of this body some very specific and heart-rending details about the present impoundment of funds by this administration.

So far we have talked mostly about dollars and programs and what the cutback in funds means to housing and highways and farms. And these have been real statistics, but they did not reveal what this cutback can mean to the average individual in life-and-death matters.

Today, I am here to talk to you about just this, the denial of lifesaving medical care to the citizens of America by those who are perpetrating this impoundment of funds. I have both details and individuals to speak about.

A letter from one of my constituents actually tells the story. The woman who writes this letter is a friend of longtime friends of mine. I will change or exclude the names of the persons concerned. She writes:

DEAR SIR: My name is ——. I live in Huntington, Ind. I am 43 years of age. I'm the mother of three children, — a seventh grader, — a freshman at Purdue (recipient of several scholarships and grants or she wouldn't be there) and another boy (who graduated with your son, Joel) who had to drop out of pre-law school at the end of his sophomore year because of lack of money.

My doctor here in town tells me there is a bill pending to help people in my situation. I would certainly appreciate anything you can do to get this bill on the floor and passed.

Now my problem—it is so great, I don't know where to begin. I have had ideopathic granular nephritis since February of 1966. I'm in need of a kidney transplant, my doctor at the Mayo Clinic says it will be some time in 1971. After that, if it is successful, I need two retina transplants as I'm going blind from the nephritis.

My husband has a good job and does what he can but we have used up all our money reserves. I cannot do my own work and my RX comes to between \$15 and \$20 a week. I see the local doctor every 2 or 3 weeks and have to go to Mayo Clinic three times a year. Many times I get so sick I have to have the doctor make a house call. I have insurance, through my husband's company, but it will not near cover everything. As things stand now, when I have my operation we will lose our home (we have owned it for 20 years) and everything else. The price quoted

to me for the operations is \$35,000 to \$40,000.

So, now you know why I'm making this desperate appeal to you concerning this Bill for people who have such catastrophic diseases.

Any suggestions would be appreciated, as I do not want to leave my family with medical expenses that will last their lifetime and ruin my children's chance for education.

And that was the note on which this letter ended. I was struck by this woman's letter. I have received others from individuals suffering from serious kidney disease. There are approximately 8 million people who suffer from kidney related diseases in this country and approximately 50,000 die annually due to kidney illness and its complications. Approximately 8,000 of these 50,000 might be alive today if they had received dialysis treatment or kidney transplants. But the costs of this type of care are prohibitive to the majority of these victims. The approximate cost of a kidney transplant ranges between \$15,000 and \$20,000 while the cost of maintaining a dialysis machine at home costs approximately \$100 per week with hospital treatment of this type running as high as \$220 to \$300 per dialysis.

Everyone on my staff got involved in this woman's problem and began researching into what funds might be available to her. Catastrophic health insurance legislation was introduced in the last Congress and several of us have introduced the same in this session of Congress, as yet it has not passed. I was again impressed with the need for such legislation.

What we need, however, for such individuals, is not only direct financial assistance, but research into the whole area of kidney transplants and dialysis and ways to make both of these less expensive. There is legislation that would help accomplish this presently on the books and back in January when she first wrote me, an appropriations bill had become law, Public Law 91-667. In conference it was agreed that \$2 million would be earmarked for "research, training, and demonstration projects in the field of kidney disease."

That appropriations bill dealt with the regional medical programs—among other items. Public Law 91-667 provided \$106,502,000 for funding regional medical programs which are directed at a comprehensive attack on kidney disease, but also on heart attack, cancer, and stroke. In 1969 the latter three killers accounted for over one and a half million deaths in this country.

These programs are set up to improve personal health care for persons threatened with these diseases and are directed "at improving the quality of health care and strengthening the health care system generally throughout the Nation."

You would think that such an important and badly needed program would receive strong support. It has, from the Congress. The Congress appropriated that \$106,502,000 for fiscal 1971. But, \$34.5 million of that money has not and cannot be spent. It is being held "in

reserve," which is a euphemism for frozen funds. That special \$2 million for kidney programs has suffered the same fate.

And why? Do not we need this money to fight the major destroyers of our citizens—heart attack, cancer, stroke, kidney disease? Are we so far ahead in the war on these killers that we do not need to spend the moneys the Congress appropriates?

The administration tells us that they are going to "redirect" some of these programs. It turns out that these funds will be "carried over" till the next fiscal year. Accordingly the request for fiscal 1972 for regional medical programs is a trifling \$52,771,000. The administration does not think that compares unfavorably with the \$106,502,000 figure because they have the 34.5 million to "carry over."

Well, I think it does. What it means is that the American people in fiscal 1971 and fiscal 1972 are not receiving adequate funding, and they are not getting what their representatives in Congress consider to be necessary. This is not the first year a "reserve" has occurred on the regional medical program. It seems to me that this program is being deliberately underfunded and the unused funds are used for other purposes while each year the proposed budget for these programs is made to look substantial and adequate. It is neither.

Just last week I received a letter from the Indiana Hospital Association. Commenting on the reduced appropriations request for regional medical programs, they concluded:

It is anticipated that at the end of this fiscal year there will be a back log of \$30 million worth of approved and unfunded RMP projects. Unless the Congress provides a higher level of funding than that proposed by the Administration, a serious curtailment of RMP's across the country will inevitably occur.

I agree with the Indiana Hospital Association as to the need for more funds, but unless the present funds are released and this practice of blatantly refusing to spend the moneys Congress appropriates, ceases, it will serve no purpose to pass appropriations legislation at all. I think it is time the American people receive the health care the Congress has mandated for them. Those who die from heart attack, cancer, stroke, and kidney disease today and tomorrow and thereafter, will find little use or rationale for "reserved" and "redirected" funds.

#### CALIFORNIA OEO DIRECTOR UHLER CAMPAIGNS AGAINST CALIFORNIA POOR

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

Mr. WALDIE. Mr. Speaker, recently Governor Reagan vetoed the CRLA appropriation for rural legal service to the poor, based on a critical report of that agency's activities compiled by the State OEO director, Mr. Lewis Uhler. CRLA representatives immediately challenged that reports as being a compilation of

prejudices of Director Uhler, hearsay, and ideological disagreements with the objective of permitting poor people to have equal access to the courts along with the wealthy and the politically strong.

Mr. Frank Carlucci, Washington OEO Director, was troubled with the accuracy of Mr. Uhler's strange report and appointed a distinguished body of jurists from States other than California to examine the situation involving CRLA and Mr. Uhler's report, and to recommend to him, Mr. Carlucci, whether Mr. Uhler's report was sustained by their independent investigation.

When Mr. Uhler and Governor Reagan learned that this commission of jurists intended to call witnesses and to permit cross-examination of Mr. Uhler by CRLA attorneys in a formal proceeding, the fear of being subjected to such scrutiny caused them—Uhler and Governor Reagan—to announce their refusal to participate in further proceedings. They expressed their outrage that the Uhler report was to be examined under conditions which would require proof of its allegations and simply, and incredibly, walked out of these proceedings.

At the same time, a report on activities of Mr. Uhler's stewardship of OEO activities in California was made by the Federal Office of Economic Opportunity. I have read that report. It is scathing in its denunciation of Mr. Uhler and the Reagan administration. It suggests they have diverted Federal funds allocated to assist and support OEO local programs to a countereffort of investigating and destroying these programs. It is an incredible indictment of a proud State that programs to assist the poor should be turned into programs to "put the poor in their place."

Mr. Uhler's background as an organizer for the John Birch Society would normally not be in issue. But when you compare his vindictiveness as indicated in these two instances, that background takes on more meaning. That he would be defended and supported—even encouraged—by Governor Reagan—is consistent with the Governor's attitude toward the poor.

It would be hopeless to believe that Governor Reagan would do that which he should in light of these disclosures—send Mr. Uhler back to the John Birch Society from whence he came. No—the Governor is too indebted to the right wing of his party to do that which is correct in this instance.

Therefore, I hope Mr. Carlucci will do two things and do them forcefully and promptly:

First. Restore the CRLA grant forthwith.

Second. Withhold Federal funds from the California State Office of Economic Opportunity pending an investigation utilizing judicial procedures of the Federal OEO evaluation report of the California State Office of Economic Opportunity dated March 26, 1971.

During such an investigation Mr. Uhler should be afforded the opportunity to deny under oath the charges of mismanagement and improper diversion of Federal OEO funds and be subject to

cross-examination on these issues—or, and preferably, if he does not desire such exposure, to proffer his resignation.

I offer as part of this presentation, a letter I have written this date to the Honorable Frank Carlucci, Director, Office of Economic Opportunity, Washington, D.C.:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., May 11, 1971.

HON. FRANK CARLUCCI,  
Director, Office of Economic Opportunity,  
Washington, D.C.

DEAR MR. CARLUCCI: I have received and studied the evaluation report of the California Office of Economic Opportunity conducted by the Federal Office of Economic Opportunity.

It was with deep concern, but approval, that I learned of your agency's recommendation that Federal funds be withheld from the State office after June 30th because of serious legal and technical violations of the State's grants.

The State Economic Opportunity Office (SEOO) failure to use funds appropriated it to assist the Community Action Agencies of California by providing meaningful technical assistance and mobilizing Federal, State and local resources to help poor people to overcome poverty is a serious blow against these people. It is also a serious subversion of the State's obligation as mandated by the Federal Economic Opportunity Act. Harrassment of the Community Action Agencies through the State office's almost sole use of funds to investigate—in effect to hinder and intimidate the CAA's—clearly places in question the SEOO's authority to continue to oversee the anti-poverty effort in California.

Your office recommends that a condition of refunding of the SEOO be the reversal of this negative procedure—the discontinuation of the investigative function and the concentration of SEOO resources "on assisting the CAA's in California by providing meaningful technical assistance, mobilizing Federal, State and local resources, and insuring SEOO personnel are properly trained and have knowledge of grantee needs." I wholeheartedly endorse that recommendation.

The Federal evaluation team found that early operation of the Special Technical Assistance Program as funded by a \$114,000 grant was helpful to rural and small urban CAA's, but that dismissal of STAP staff and replacement with personnel either unqualified or serving in other capacities in SEOO had resulted in violation of the grant conditions. The Federal agency recommended that the grant not be renewed.

Since SEOO Director Lewis K. Uhler in disbanding the State Economic Opportunity Advisory Committee proposed an alternative Advisory Commission—and the Federal evaluation team made the establishment of that Commission another condition for refunding—I further propose that the STAP grant be given to the immediately created Commission. Technical assistance staff responsible to a body independent of SEOO would insure that the essential supportive functions necessary to the CAA's will be provided.

Particularly distressing in light of the Governor's veto of the Oakland anti-poverty program is the evaluation team's evidence that SEOO used a \$27,000 grant designed to provide technical assistance for improvement of the Oakland program. Instead to investigate and find reasons to close the agency. Further evidence that financial irregularities were involved in the use of the funds underlies the obviously political nature of the expenditure of the grant. I join your office in urging an audit of the SEOO use of these funds.

Finally, I commend the Federal Office of Economic Opportunity on the thoroughness

of the investigation of the SEOO, and concur in further recommendations that State OEO staff employed be qualified and trained, and representative of the poor, and that the State office seriously perform its duties as advocate of the poor. Only then will the poor of California be adequately served by the agency which is to uproot poverty in the State.

Sincerely yours,

JEROME R. WALDIE,  
Member of Congress.

#### INVESTMENT TAX CREDIT

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

Mr. McMILLAN. Mr. Speaker, I submit a bill to reinstate the investment tax credit at a rate of 10 percent. Reinstatement of the investment tax credit is necessary at this time in view of first, the continuing depressed and sluggish state of the economy; second, the high rate of unemployment; and third, the continuing inflationary spiral, despite a reduced level of production of goods and services.

Reinstatement of the credit at a 10-percent rate would promote rapid economic growth and improve productivity. It would aid not only basic manufacturing and producing industries, but also business activities, large and small, that provide materials, equipment, supplies, and services required by these manufacturing and producing industries. A natural consequence is an increased level of employment immediately and for the future.

The availability of the investment credit would increase the flow of cash available for replacement of obsolete capital investment, as well as introduction of new investment. This is most important in a period of rising inflation when depreciation accounts fall far short of the amount required for asset replacement. The speed with which industry introduces the newest technological advances depends to a great extent upon the amount of internally generated funds, particularly in view of the high cost of obtaining outside funds to finance expansions and replacements.

The U.S. producers operating inefficient or obsolete plants find themselves at an increasingly competitive disadvantage with producers in other leading industrial nations of the world. Reinstatement of the credit will be a very important step in helping to reverse this situation. Furthermore, it would be an important stimulus in encouraging U.S. companies to locate new capital investment in the United States required to supply export markets. This would improve the weak position of this Nation's international balance of payments.

Furthermore, it is urged that the credit not only be reinstated but be made a permanent part of our tax structure as originally intended when the concept was first adopted in 1962. Turning the credit on and off vitiates its value since it cannot be relied upon in long-range planning. Such action also seriously distorts the tax costs for American business.

I respectfully call this bill to the attention of my distinguished colleague, Mr. MILLS, chairman of the House Ways and Means Committee, knowing his interest in the economy and the necessity to encourage and stimulate business expansion and employment, thus aiding not only established manufacturing industries and related industries, large and small, which supply and service the former, but also encouraging new companies to go into business. All of this will stimulate the economy and increase employment now and in the future. In the event that restoration of the credit at a rate of 10 percent is not acceptable to the chairman and membership of the House Ways and Means Committee, I strongly urge that the credit be restored at a rate of 7 percent.

#### NATIONAL AGRICULTURAL MARKETING AND BARGAINING ACT OF 1971

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

Mr. SCHWENGEL. Mr. Speaker, there is a need to improve the legal foundation upon which farmers can build their own effective marketing and bargaining programs. The Agricultural Fair Practices Act of 1967 (S. 109) established standards of fair practices required of handlers in their dealing in agricultural products. However, it did not deal with the problem of the refusal by handlers to do business with an agricultural bargaining association. It did not include an affirmative duty to bargain. I am today introducing the National Agricultural Marketing and Bargaining Act of 1971 which establishes a mutual duty to bargain in good faith on the part of processors and associations of producers. It also sets up national administrative machinery to clearly get limits—through Board standards and qualification proceedings—those cooperatives to which the statutory duty to bargain extends.

Under the act there would be a three-member National Agricultural Bargaining Board established in the U.S. Department of Agriculture to administer the program. The Board members would be appointed by the President with the advice and consent of the Senate.

An association of producers desiring qualification would file with the Board a petition for qualification and the Board could hold a public hearing on the petition.

The Board shall qualify such association if based upon evidence at the hearing it finds:

First, that under the charter documents or the bylaws of the association, the association, is directly or indirectly producer-owned and controlled;

Second, the association has contracts with its members that are binding under State law;

Third, the association is financially sound and has sufficient resources and management to carry out the purposes for which it was organized;

Fourth, the association represents a sufficient number of producers and/or a sufficient quantity of agricultural products to make it an effective agent for producers in bargaining with handlers; and

Fifth, the association has as one of its functions acting as principal or agent for its producer-members in negotiations with handlers for prices and other terms of contracts with respect to the production, sale and marketing of their product.

After the Board qualifies an association of producers it would notify all known handlers that purchase the agricultural commodities the association represents. These handlers would then be obligated to "bargain" with the qualified association.

"Bargaining" is the mutual obligation of a handler and a qualified association to meet at reasonable times and negotiate in good faith with respect to the price, terms of sale, compensation for commodities produced under contract and other contract provisions relative to the commodities that such qualified association represents and the execution of a written contract incorporating any agreement reached if requested by either party.

The obligation to bargain shall extend only to a qualified association that represents producers with whom the handler has had a prior course of dealing. Such obligation does not require either party to agree to a proposal or to make a concession.

A handler is not allowed to negotiate with other producers while negotiating with a qualified bargaining association able to supply all or a substantial portion of the requirements of such handler for such product.

A handler may not purchase a product from other producers under terms more favorable than those terms negotiated with a qualified bargaining association.

The legislation would permit a qualified bargaining association to enter into contracts with handlers to supply their full agricultural production requirements.

A procedure is established whereby the Board may investigate charges that either a handler or a qualified association refuses to bargain.

The act contains a section that would provide for enforcement and judicial review by the appropriate courts.

The legislation also creates an obligation on the part of handlers to pay service fees or dues of producers in qualified association directly to the associations where the producers have voluntarily requested the assignment of such fees or dues.

The bill would amend the Agricultural Marketing Agreement Act so that any agricultural commodity with the exception of canned or frozen products would be eligible for a Federal marketing order.

#### THE UNITED NATIONS DEVELOPMENT PROGRAM

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute, and to revise and

extend his remarks and include extraneous matter.)

Mr. FRELINGHUYSEN. Mr. Speaker, at a time when the Congress is examining proposals to make the U.S. foreign aid effort more efficient, I am pleased to note that the United Nations development program—UNDP—is taking steps to restructure its operations. We can hope that, under the able leadership of Paul G. Hoffman, the reorganization that went into effect May 3, 1971, will enable the UNDP to deliver a substantially increased volume of development assistance.

The new UNDP system will emphasize the concept of "country programming." In the past different international agencies have sponsored competing or overlapping projects within a country. A bureau of program coordination responsible directly to Mr. Hoffman has been set up to insure coordination of the different programs. Our own Government agencies on occasion have been responsible for the duplication or conflict of effort by their international counterpart agencies. Of late there has been a growing awareness in the Departments of State, Labor, Agriculture, and Health, Education, and Welfare that our Government must not speak with conflicting voices. I am hopeful that these agencies will not only coordinate their development projects and views among themselves, but that they will cooperate fully with the new Bureau of Program Coordination under its head, Mr. Myer Cohen. To improve program analysis through continuous research, analysis and planning, a Bureau for Program Analysis and Policy Planning has also been established, headed by Mr. Stephane Hessel.

In an effort to decentralize some of the review functions that are not handled at U.N. Headquarters, four regional bureaus have been set up.

Mr. Speaker, the following is an excerpt from a United Nations press release announcing the implementation of the UNDP reorganization, together with a list of the men who have been named to the new posts:

#### RESPONSIBILITIES OF NEW BUREAU

The shift of emphasis toward greater responsibility at the field level has led to a restructuring of UNDP headquarters. The new organization essentially is made up of two main parts: the Administrator's office and the regional bureau.

In the Administrator's office, two bureaus are responsible for the entire co-ordination of the programme to ensure that it maintains consistent and coherent policies, proper financial control, and follow-up on implementation of the programme, and to provide continuous research, analysis and planning.

The Bureau for Programme Co-ordination, headed by Mr. Cohen, is to provide co-ordinated guidance on current policy matters, including guidelines and procedures for the operation of the programme. This Bureau also will be responsible for centralized technical advisory services, investment and followup, financial management services necessary for the effective management of the programme as a whole, and co-ordination of programme and operational relationships with the agencies of the United Nations system.

The Bureau for Programme Analysis and Policy Planning, headed by Mr. Hessel, is part of a new format to provide programme

analysis and policy planning. The arrangements for the restructuring of UNDP were approved by the Governing Council in January, after the United Nations General Assembly last December endorsed the basic principles laid down in the Governing Council consensus for a restructured programme capable of delivering effectively a substantially increased volume of development assistance.

The UNDP staff is headed by Mr. Hoffman, and by his Deputy Administrator, C. V. Narasimhan, who is serving concurrently as the Chef de Cabinet of the United Nations Secretary-General.

The appointments announced fill top positions in the Bureau of Programme Co-ordination and the Bureau of Programme Analysis and Policy Planning, both part of the Administrator's office, and the four Regional Bureaus.

The appointments are as follows:  
Myer Cohen: Assistant Administrator in charge of the Bureau for Programme Co-ordination;

Stephane Hessel: Assistant Administrator in charge of the Bureau for Programme Analysis and Policy Planning;

Michel Doo Kingue: Assistant Administrator and Director, Regional Bureau for Africa;

Rajendra Coomaraswamy: Assistant Administrator and Director, Regional Bureau for Asia and the Far East;

Gabriel S. Valdes: Assistant Administrator and Director, Regional Bureau for Latin America;

Sergije Makiedo: Assistant Administrator and Director Regional Bureau for Europe, Mediterranean and the Middle East.

A. Vaidyanathan will continue as Director, Bureau of Administrative Management and Budget.

The Bureau for Program Coordination will gather data and conduct research on the progress of the programme, assess its effectiveness, and provide advice on new directions that it might take.

Regional Bureaux has been established for Africa; Asia and the Far East; Latin America; and Europe, the Mediterranean and the Middle East. They will "provide a direct link between the Administrator and the UNDP Resident Representative in all matters concerning field activities", the consensus stated. The Regional Bureaux will carry out the appraisal of country programmes. They will also be responsible for the formulation, appraisal, implementation, evaluation and follow-up of projects, dealing directly, where appropriate, with Governments and Executing Agencies, with non-governmental organizations and public and private enterprises connected either with projects or their follow-up.

The Bureau of Administrative Management and Budget, headed by Mr. Vaidyanathan, will continue to be responsible for all phases of organization, budget, personnel, general service and administrative management of UNDP personnel at headquarters and in the field.

One further aspect of this new machinery is the Advisory Panel on Programme Policy, an independent group of advisers to the Administrator, composed of internationally known economic and development experts under the leadership of David Morse, former Director-General of the International Labour Organization (ILO).

In announcing appointments, Mr. Hoffman said: "With this restructuring and by carrying out other important steps now planned, hopefully UNDP will help deliver a development assistance programme reaching \$1 billion by 1976. This will be financed in large part by the developing countries, with the UNDP contribution drawn not only from voluntary pledges of net donor nations but also from pledges of developing countries to UNDP central resources. By way of

contrast, the level of programme approvals in 1959 was just over \$100 million. In 1970 the approved programme—again including resources contributed by developing countries—reached almost \$500 million."

#### PROPOSE CHANGE IN TAILLIGHT REGULATIONS

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

Mr. MYERS. Mr. Speaker, I am today introducing legislation requiring new automobile lighting regulations designed to prevent rear-end collisions which last year resulted in 2,300 deaths on the Nation's highways.

This legislation, which I am introducing on behalf of myself, Mr. BURKE of Massachusetts, Mr. GIBBONS, Mr. HALPERN, Mr. MORSE, and Mr. CHARLES WILSON, would amend the National Traffic and Motor Vehicles Safety Act.

It would require separate taillights to signal when the automobile is accelerating; when the driver's foot is off the accelerator; when the brakes are applied; and when the driver intends to turn. Under this amendment, automobile manufacturers would be required to install the new lighting system on units built after January 1, 1973. These lights would be in addition to the flashing emergency lights for use when the auto is stopped.

As we approach the completion of the interstate highway system and as more and more Americans make more frequent use of these high-speed highways, it is imperative that we provide drivers with as much warning as possible about the intentions of the automobile they are following.

When you consider at 60 miles per hour that it takes a modern automobile approximately 205 feet to come to a stop and couple this with the increasingly crowded conditions of our high-speed highways, the urgent need for this additional safety device becomes more apparent.

Under this plan a green light on each side of the auto would signal that the driver is accelerating; amber lights would show that the car is moving, but the driver has his foot off the accelerator; separate red lights would warn that the brakes are being applied, and flashing amber lights on either side would signal a turn.

National Safety Council statistics show that there were an estimated 16,300,000 motor vehicle accidents in 1970 and 4 million of these were rear-end collisions. In addition to the 2,300 deaths resulting from these accidents, 275,000 were injured and damages to property totaled \$2,250 million. Rear-end collisions have accounted for roughly one-fourth of all automobile accidents since 1960.

The National Highway Traffic Safety Administration estimates that of the total 16.3 million motor vehicle accidents in 1970, more than 8 million or about 49 percent might have been prevented had the drivers had some warning about each others intentions.

It is this statistic we are attempting to

improve upon with this legislation. Certainly there are many factors which cause accidents. But with an improved lighting system which gives a clear signal to those following, I believe we can prevent many of the rear-end collisions.

The International Association of Chiefs of Police have endorsed the idea of separation of the taillight system. The National Highway Traffic Safety Administration also has conducted an extensive study into this problem and has indicated its interest in this proposal.

The National Safety Council projects that 100,000 persons will die on America's highways by the year 1985 if the present rate of increase goes unchecked. I urge my colleagues to support this new legislation designed to reverse the trend of accidents which thus far have claimed nearly 2 million Americans since the early 1900's.

The complete text of the bill follows:

A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of standards related to rear mounted lighting systems

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) section 103 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392) is amended by adding at the end thereof the following:

"(1) The Secretary shall, as soon as practicable after the date of enactment of this section, prescribe such standards under this section as may be necessary to insure that motor vehicles will be equipped with rear mounted lighting systems on each side of the vehicle as follows: (1) with a green light when the motor vehicle is moving forward under power from its engine, (2) with an amber light when the motor vehicle is moving forward but not under power from its engine, (3) with a flashing amber light when the motor vehicle is turning, and (4) with a red light when the motor vehicle is being braked through the use of its braking system, and (5) such other information with respect to such motor vehicle as the Secretary deems necessary." (b) The amendment made by this subsection shall take effect no later than January 1, 1973.

#### OUR POW'S ARE HOSTAGES FOR MORE THAN U.S. WITHDRAWAL FROM SOUTH VIETNAM

Mr. TALCOTT. Mr. Speaker, many Members of the Congress are permitting themselves to be deceived by the Communists of North Vietnam, and their sympathizers and assisters here and abroad, in many ways, but particularly in the matter of our POW's and a unilateral preannounced withdrawal date for U.S. forces from South Vietnam.

Some Members of the Congress are so misguided or naive regarding the tactics and strategy of the Communists, in international politics, that they have been beguiled into believing that if we would only agree to withdraw our forces on a certain date that the North Vietnamese would promptly release all of our POW's.

The North Vietnamese Communists have kept no agreement, convention, treaty or protocol involving POW's. They have violated every such agreement—and continue to do so, universal world opinion notwithstanding. We have no basis whatsoever to believe, or hope, that our prisoners of war will be released upon

our withdrawal or our agreement to withdraw from South Vietnam on a certain date.

The Nazis—who held me prisoner in World War II, and who complied with the Geneva Convention in most respects—did not release prisoners voluntarily. They had to be liberated. The Nazi record of behavior regarding POW's is far superior to the Communists' record.

Some of our citizens are still held in Communist China and North Korea.

The events in Vietnam after the French left, and at Hue, do not encourage reasonable persons to expect prompt or safe repatriation of South Vietnamese, United States or allied prisoners of war.

Even less could be expected if we have no bargaining position.

The North Vietnamese sympathizers or Communist assisters, here and abroad, still advocate withdrawal by the United States, with only "hope" as the means of returning our POW's.

The North Vietnamese, and their foreign and domestic collaborators, have a simple way to prove their sincerity about a certain withdrawal date of U.S. forces from South Vietnam.

The North Vietnamese Communists who presumably control and direct that country's war policy could, with certainty, insure total U.S. withdrawal within 6 months if they so desired—simply as follows:

The North Vietnamese could remove all POW's to a third country—Sweden, Japan, even China—for security and safekeeping; permit full Red Cross inspection and assistance; allow family or next-of-kin full visitation; permit complete medical, physical and psychiatric rehabilitation.

The North Vietnamese could simultaneously announce publicly that if all U.S. troops are not withdrawn from South Vietnam, Laos, and Cambodia within 180 days, the POW's will be remanded to their Hanoi bamboo prison cages indefinitely.

But, they would agree and promise that if our troops are withdrawn within the time prescribed, the POW's would be immediately released for repatriation to their homes.

Study this proposal and its consequences.

There is no way any U.S. President could refuse withdrawal of our troops in compliance with this ultimatum.

If he did not, imagine the specter of worldwide television of our healthy, rehabilitated prisoners being returned to the horrendous Communist prison cages and the barbaric conditions. No President could risk that spectacle. No President could resist the nationwide pressure to withdraw regardless of the other circumstances within South Vietnam.

All of the previous conditions or prerequisites to our withdrawal could be quickly and decisively reduced to one; namely, the safe return of our prisoners of war.

Incidentally, for the "skeptics and cynics," any effort by the United States to use its military might, genius, or technology to thwart the required return of our POW's to North Vietnam—in the event we did not withdraw within the deadline—would be totally unacceptable

to the powerful "force of world public opinion" and would certainly cause irreparable damage to our international integrity.

This dramatic tactic could forceably speed the total withdrawal of U.S. troops from Vietnam—simply, certainly. The Communists know this. There are several possible "third countries;" the Red Cross would be willing to cooperate; the POW families would eagerly agree to the implementation of such a plan; appropriate and competent rehabilitation teams could be recruited overnight; the American public would overwhelmingly accept such a development.

The Communists appreciate the power of this proposal. Why then is the proposal not used? The answer is clear. The U.S. prisoners of war are hostages for more than—repeat, more than—U.S. troop withdrawal from South Vietnam.

We can do more than speculate concerning the other reasons for which our prisoners of war are being used as hostages:

First. For reparations after the war is ended. For rebuilding and repairing war damages and for restoring deterioration which has developed during war years. We have hinted that we would consider assisting in the rehabilitation of the North. Our record after World Wars I and II in Germany and Japan indicates that we might repeat our generosity after Vietnam. POW hostages could easily be used to insure such assistance or to "raise the ante" considerably.

Second. To prolong the war. Right now the North Vietnamese are receiving aid from China, Russia, and other Communist nations far in excess of what they are wasting on the war. So long as we are not bombing North Vietnam the war is not hurting them much. Only anti-aircraft missile facilities are being attacked. There is no damage to production or civilian facilities, cities, or government officials; there is no danger of invasion or guerrilla infiltration; there is no threat to its lines of communication, roads, or ports. North Vietnam is not "hurting" or being devastated by foreign troops as in Cambodia, Laos, and South Vietnam. Only North Vietnam is permitted to be a sanctuary. Under these comparatively favorable conditions, we cannot expect the North Vietnamese to use a tactic which is certain to end the war.

Third. The prisoner-of-war situation causes us more anguish, by far, than the plight of their prisoners cause them. Their attitudes toward life, freedom, and family are almost antithetical to ours. They know this, too. They relish in our agony—and see no reason for using a tactic which would diminish or obviate this diabolical psychological advantage for them.

There are other reasons, which need no further reiteration by me, for which the North Vietnamese are using our prisoners of war as hostages.

We all ought to understand this. The Communist assisters and sympathizers do not like to have these miserable and barbaric tactics called to public attention.

Those in the Congress and elsewhere should know and understand that a preannounced withdrawal date will not

assure the release of our prisoners of war. Unilateral withdrawal, or the promise of unilateral withdrawal, on a preannounced date by us could only lead to another opportunity for Communist blackmail, while depriving us of the only bargaining position still available to us at the negotiation table.

Any preannounced withdrawal date will not assist in the release of any prisoners. It will only extend and aggravate the agony.

Because of the unique circumstances and present conditions of this war, there is no way by which we can guarantee the safe return of our prisoners of war by the initiation of unilateral action. The North Vietnamese, however, can by the initiation of unilateral action guarantee the total withdrawal of our troops within 6 months, if they want to. They can do it by the plan, long known and believed by many to be practically and politically foolproof, which I have just specified.

Of course, I would encourage the Government of North Vietnam to proceed with the proposal forthwith and in good faith.

The earlier they initiate the plan, the more advantage it would be to the North Vietnamese. The South Vietnamese are becoming stronger and more self-sufficient daily.

But the North Vietnamese will not initiate such a plan because the prisoners of war are not hostages for U.S. troop withdrawal from South Vietnam. They are hostages for other purposes. Neither the unilateral withdrawal of all U.S. troops from South Vietnam nor the promise to do so on a date certain will guarantee the release and safe return of all U.S. prisoners of war to their homes and families.

The SPEAKER. Under previous order of the House, the gentleman from New York (Mr. RANGEL) is recognized for 1 hour.

Mr. RANGEL. Mr. Speaker, on Wednesday, May 6, 1971, on the steps of the Capitol I witnessed with three other Congressmen a tragic event. I refer of course to the unnecessary and wholesale arrests of American citizens. These citizens had gathered to petition their Government and to be addressed by Members of this House. While many people repeatedly cite the instance of one youth waiving a Vietcong flag and another instance of a bearded protester disrobing, I think many of my colleagues have overlooked the shocking interference by police of the rights of our citizens to peaceably assemble and to petition their Government.

I witnessed the arrest of over 1,100 citizens, many of whom were bystanders, for no other reason than the fact that they were generally young and had long hair. These people were shuttled to several precinct stations and a makeshift detention center not because of any specific criminal acts they had committed, but because of a supposition of intent to commit a crime. These people were not only not advised of the charges against them but were detained for hours under atrocious conditions. Unlike the previous plan of disruption attempted

on Monday, May 3, none of the alleged widespread vandalism and danger of mass violence was present on the Capitol steps.

It all started when about 1,000 citizens, exuberant and peaceful in mood, decided to present to the Congress a copy of the People's Peace Treaty, a document calling for a definite date for total withdrawal of American troops from Vietnam, the release of American prisoners of war, an immediate cease fire and a coalition government to organize free elections in Vietnam.

By 2 p.m. well before the marchers arrived some 10 bus loads of the Metropolitan Police Department's civil disturbance unit had gathered on the Capitol Grounds. The Capitol Police began sealing off the 13 Capitol entrances to all but Congressmen and Capitol Hill employees.

At about 2:30 the main body of marchers proceeded in an orderly fashion, three or four abreast, from the Mall to Independence Avenue and then to the Capitol. The marchers shortly thereafter reached the east front steps of the House of Representatives. Soon the steps filled with marchers and onlookers almost down to the street level. Many of those present were tourists or Capitol Hill employees.

Congressmen MITCHELL, DELLUMS, ABZUG, and myself, having been contacted earlier, came to receive the people's peace treaty. My staff had been advised by the march coordinators that the gathering on the steps was to be orderly and peaceful in nature. The coordinators were worried, however, that despite their peaceful intentions, law enforcement officials might summarily initiate mass preventive arrests. When the group arrived, the House was about to adjourn. Barely 20 minutes after the Capitol steps were filled the police began making mass arrests.

We promptly complained that the gathering had not been given a chance to leave peacefully before the arrests began. It was later reported that Capitol Police Chief James Powell had announced over a bullhorn that people would be arrested if they remained on the steps. His announcement was not heard by myself nor by onlookers close to him.

At no time was I able to get a satisfactory explanation as to who ordered the arrests to be made. Nor was I successful in determining what law ordinance or statute was being violated. One high police official offered the incredible explanation that the arrests would have to continue since he had "already arrested a lot of people and it would not be fair to them not to arrest everybody." When faced with that kind of reasoning, how does one respond?

There appeared to be some considerable confusion among law enforcement officials over what laws had been violated. Originally the arrest forms, which were written out in advance, charged the marchers with unlawful entry onto the Capitol grounds. But halfway through the arrest process the charge was changed to a violation of 40 U.S.C. 193F, which makes it unlawful for anyone to engage in conduct disruptive of a session of Congress or to obstruct and impede passage through the Capitol.

Without commenting on the guilt or innocence of any individual, I would only say that it was the police who sealed off the 13 entrances to the Capitol. Furthermore, neither House of Congress was in session at the time the arrests were made.

The right to petition has historically been one of the most important rights of free peoples. It took its rise from the Magna Carta in 1215. Two hundred and fifty years later, the House of Commons resolved that every commoner in England possessed the inherent right to prepare and present petitions to it.

Today, the right of assembly is found in the first amendment of our Constitution. The zealous maintenance of that right is especially important to those of us who counsel today's youth to seek change within the system, to use the means for change that the system provides and in all activity to be peaceful. Our counsel and advice was rebutted on the steps of the Capitol.

#### CONGRESSMAN MOORHEAD SAYS GENERAL ELECTRIC OPPOSES LOCKHEED BAILOUT

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania (Mr. MOORHEAD) is recognized for 30 minutes.

Mr. MOORHEAD. Mr. Speaker, last week I spoke to this body indicating my grave reservations with the administration's request to bail out the Lockheed Corp. on its commercial L-1011 program. In that speech I mentioned that many thoughtful members of the aerospace and other industries were opposed to the measure since the administration's request constitutes a large step toward socializing the airframe industry. In addition, the administration's move will provide Lockheed an unfair advantage over its competitors and would prop up a foreign producer to the detriment of American firms.

In this regard, yesterday the Wall Street Journal reported that both Mr. William Allen, chairman of the board of the Boeing Co., and Mr. Fred Borch, chairman of the board of General Electric Co., have publicly opposed the Lockheed bailout. Both of these gentlemen are powerful men within the industry. Yet even the public statements of these gentlemen do not fully convey the depth of their disagreement with the Treasury Department. Today, I received a copy of what I understand is the attachment of the letter sent from GE to the Treasury Department during the Treasury's consideration of the Lockheed problem.

It is a blunt warning to the administration of the consequences of their request. In it General Electric states, and I quote:

In presenting these observations on the present Lockheed crisis General Electric Company questions seriously the propriety of the U.S. Government subsidizing one company engaged in commercial competition with other companies not similarly supported. Specifically, it feels that any such specific departure from our competitive enterprise system may by precedent lead to similar departures in other segments of the economy.

General Electric Company opposes U.S. in-

intervention in the private free enterprise competitive arena. Any form of subsidization of Lockheed would necessarily bring additional pressures on the viability of the two dominant domestic suppliers of commercial aircraft, Boeing and McDonnell-Douglas.

#### GE concludes:

However, there may be alternatives not yet explored whereby LAC could continue without the L-1011. We believe McDonnell-Douglas has some ideas along this line which would offer potential full recovery of the airlines' investment in the L-1011.

Mr. Speaker, both Boeing and General Electric constitute hard-nosed business interests thinking of the long-term interests of this country's free enterprise system. They have weighed the potential damage that the administration's request will do against possible retaliation by the Government against them and they have decided to speak out. I have also been informed that GE is willing to testify before Congress on this issue. For this reason, I think that this GE statement is especially worthy of consideration, and I place the entire attachment in the RECORD:

#### THE LOCKHEED CRISIS

##### THE SITUATION—ROLLS ROYCE OVERCOMMITTS

1968—Rolls Royce of England won a contract to provide the engines for the Lockheed L-1011 Tri-Star commercial airlines. Billed as "Rolls Royce's \$2-Billion Hard Sell," the British company won over American engine competition by...

Promising superior performance (thrust, fuel consumption, weight, and technical innovation) though it had no experience in developing engines of this size and thrust rating. (Both GE and Pratt & Whitney had military engine development experience on C-5.)

Promising superior delivery schedules and lower prices.

Backed up by British Government subsidies.

##### THE PROBLEM—ROLLS ROYCE DEFAULTS; BRITISH GOVERNMENT WELCHES; LOCKHEED AND U.S. AIRLINES FACE INSOLVENCY

1971—Rolls Royce announced itself bankrupt, unable to continue development and production of the RB211 engine for Lockheed Tri-Star. Both technical and financial troubles caused the Rolls Royce collapse.

British Government refuses to stand behind the commitments undertaken by Rolls Royce in its original contract with Lockheed. Instead, the British Government insists on renegotiating these contractual arrangements with Lockheed and asks the U.S. Government to bail out Rolls Royce by making guaranteed loans to Lockheed.

Lockheed says it will go bankrupt if it cannot complete the Tri-Star program, which will keep it in commercial airliner competition. Lockheed needs U.S. Government guarantees to get the private credit required to complete the Tri-Star program.

TWA, Eastern Airlines and Delta stand to lose over \$200 million they have invested in Tri-Star program. The British Government's line of credit to these airlines is conditioned on purchase of Rolls Royce engines.

#### THREE APPROACHES

##### Preface

In presenting these observations on the present Lockheed crisis, General Electric Company questions seriously the propriety of the U.S. Government subsidizing one company engaged in commercial competition with other companies not similarly supported. Specifically, it feels that any such specific departure from our competitive enterprise system may by precedent lead to

similar departures in other segments of the economy.

General Electric Company opposes U.S. intervention in the private free enterprise competitive arena. Any form of subsidization of Lockheed would necessarily bring additional pressures on the viability of the two dominant domestic suppliers of commercial aircraft, Boeing and McDonnell-Douglas.

##### Option No. 1—The "no U.S. involvement" approach

A. British Government Reverses Position and Stands Behind Rolls Royce.

British Government reverses its present position and stands behind Rolls Royce's original contractual commitments. This alternative would refer the Rolls Royce problem back to the British Government. There would be no need for U.S. loan guarantees to Lockheed for the Tri-Star program.

##### Advantages

1. Keeps Rolls Royce failure a British problem.
2. No U.S. taxpayer involvement in British Rolls Royce or in commercial airliner competition.
3. The Lockheed L-1011 equipped with Rolls Royce engines would be made available to Lockheed and to affected airlines, all in accordance with the originally negotiated deal—except, of course, for time losses already incurred.

##### Disadvantages

U.S. companies would be competing with a creature of one of the world's largest industrial countries with essentially unlimited Government resources and which competes without regard to any responsibility to share owners for earnings.

##### Option No. 2—The "U.S. Rescues Rolls Royce" approach

U.S. Government guarantees loans for Tri-Star program using Rolls Royce engines. In effect, U.S. saves Rolls Royce via Lockheed.

U.S. airlines use British Government credit to purchase Tri-Stars equipped with Rolls Royce engine.

##### Advantages

1. Lockheed has new lease on life.
2. TWA, Eastern and Delta do not lose investment in Tri-Star.
3. Rolls Royce survives, providing up to 100,000<sup>1</sup> jobs for British workers.

##### Disadvantages

1. U.S. taxpayers save British jobs at Rolls Royce and suppliers. All the engine jobs go to England, not to U.S. where aerospace unemployment has reached crisis proportions.
2. Technological and financial risks of Tri-Star program are continued: Can Rolls Royce deliver?

RB211 engine does not meet original thrust, fuel consumption, or weight specs.

Hyfil fan blades, the great "advanced technology" on which RB211 was sold to airlines, has been abandoned.

Original RB211 development costs estimated \$156 million. Today's estimates as high as \$408 million.

Delivery delay of production standard RB211 engines now estimated to be 6-12 months behind original quote.

Rolls is proposing to deliver only 38,500 lb. thrust initially, not contractual 42,000 lb.

Can Rolls meet its scaled-down commitments?

Can sufficient orders be obtained from the few remaining uncommitted airlines to provide a totally viable Lockheed/Rolls Royce program?

3. Additional pressures on the viability of the two dominant domestic suppliers of commercial aircraft, Boeing and McDonnell-Douglas.

<sup>1</sup>Source: Parliamentary Proceedings—Business of the House, 8 March 71, p. 37.

##### Option No. 3—An American approach to the problem

U.S. Government guarantees loans to Lockheed to complete Tri-Star program conditioned upon American engines powering the aircraft.

Airlines decide, in open competition between the Pratt & Whitney and General Electric engines for the L-1011.

U.S. Government also guarantees loans to affected airlines, to replace the line of credit extended to airlines by the British Government.

##### Advantages

1. Lockheed gets a new lease on life.
2. TWA, Eastern and Delta come out whole.
3. Engine jobs go to American rather than British workers. Acute aerospace unemployment in U.S. eased.

4. Less technical risk in Tri-Star program. Certified U.S.-manufactured engines are available today that can be adapted without technical risk, to give Tri-Star performance that is competitive with other wide-bodied transports. GE offers the CF-6 engine which powers the competing DC-10 and A300B airplanes. P & W offers the JT-9D which powers the B-747.

5. Tri-Star will cost about the same or less with U.S. engines, with approximately same delivery date.

Original Rolls bid was about \$250,000 to \$300,000 per aircraft lower than General Electric.

But Rolls negotiated price increase to airlines is about \$600,000 higher per aircraft.

Cost of adapting Tri-Star to the GE CF-6 is understood to be about \$290,000 per aircraft.

So final cost, with GE or Rolls engines, is about the same or slightly less with GE.

##### Disadvantages

Additional pressures on the viability of the two dominant domestic suppliers of commercial aircraft, Boeing and McDonnell-Douglas.

#### APPENDIX OF RELATED DATA

Transcript of Minister of Aviation Supply Frederick Corfield, House of Commons, February 8, 1971:

"At the outset, let us have right on the record the actual number of orders for the aircraft. At the latest count, there are 110 firm orders, with a further 68 which are not firm, including the whole of the 50 Air Holdings order, which is little more than a book-keeping transaction, and a somewhat bogus one at that." Source: Aviation Week and Space Technology, 2/15/71.

London.—Complex financial package set up by Air Holdings, Ltd., with Lockheed Aircraft Corp. to sell 50 L-1011 Tri-Stars outside the United States was under review last week by the Rolls-Royce receiver since it now appears that Air Holdings finance was provided by the engine manufacturer.

When the deal was signed in 1968, Air Holdings' potential liability to Lockheed was \$86 million if none of the 50 was sold. Rolls-Royce then indemnified Air Holdings against this loss.

In turn, the then Labor Government agreed to underwrite the risk up to a maximum of \$12 million, taking a share of the profits in return.

After Air Holdings sold 11 Tri-Stars—10 to Air Canada and one to Air Jamaica—the liability was reduced to \$24 million. Total deposit made to Lockheed on signing the 50-airplane order was \$30 million, placed in trust and advanced by Rolls-Royce itself through Air Holdings.

After selling the 11 airplanes, a total of \$11 million was returned to Air Holdings and repaid to Rolls-Royce. A further \$11 million remains in the trust and another \$8 million is on deposit in banks.

The problem for the receiver and the law-

yers for all parties is to determine whether the Government still is liable to the \$12 million penalty, and whether the trust and deposit money is owned by Rolls, Air Holdings, or Lockheed.

#### A. The 1968 competition

The successful selling of the RB211 for the Lockheed L-1011 in 1968 was labeled the biggest sale for export in British history. The headline in Fortune magazine's issue of March, 1969, read "Rolls Royce's \$2-Billion Hard Sell" and characterized the British offering as "... cheaper, more advanced technologically and more efficient than the engines of the big U.S. manufacturers, Pratt & Whitney and General Electric." And that summarizes the nucleus of the problem.

Rolls Royce offered performance (thrust, fuel consumption, weight and technical innovation) which was on paper superior to U.S. manufactured engines, lower prices, required delivery schedules, and sweeping, contract guarantees, warranties, etc., along with financing support which taken as a whole was a package too attractive to turn down. The one stumbling block in the Rolls Royce offer was the question of gold flow or balance of payments associated with the purchase of a non-U.S. engine. This factor was dealt with through the Air Holdings "deal" for the purchase of 50 L-1011 aircraft.

#### B. What is Air Holdings?

Air Holdings has an annual volume of about \$90 million and owns about 50 companies, gained through a series of mergers that started in 1961.

The Company ownership includes British and Commonwealth Shipping, Ltd., 45.9%; Furness-Withy, a surface shipping line, 20%; P. & O. Steamship, Ltd., 20%; Broadminster Nominees (Cowdray interests), 8.1%; and Eagle Star Insurance Co., Ltd., 6%.

The largest single group is British United, which owns 128 aircraft, including helicopters, and runs Airwork Services, a wholly owned subsidiary now setting up the Saudi Arabian defense network.

Other principal companies within the Air Holdings structure and British United Airways, (Channel Islands), Airwork International, Airwork Services, Aviation Traders (engineering), British Air Ferries, LeRoy Tours, Lyons Tours, Manx Airlines, Sierra Leone Airways, Norton Air Services, Safe Air of New Zealand and Whitehall Travel Agency.

**Rolls Royce/United Kingdom Financing**—The Export Credit Guaranty Department (British equivalent of U.S. Export Import Bank) has helped finance U.S. airlines purchase of the engines. Their financing pattern has been 90%-10 year financing at an interest rate of approximately 6%.<sup>2</sup>

The published figures for these airlines are:

Eastern Airlines, \$117M for 37 aircraft.  
Delta Air Lines, \$42M for 18 aircraft (?).  
Trans World Airlines, \$73M for 22 aircraft plus 24 spare engines.

To the extent that U.K. subsidization carries with it the added "carrot" that British-owned BOAC and BEA will purchase Tri-Stars only if equipped with Rolls Royce engines, additional questions are raised regarding the transaction. Coupling equipment.

<sup>2</sup> At the time of the RR order, GE was prepared to offer financing to the airlines of \$1.0 M per firm order aircraft. Thus, if the airlines had selected the CF6 over the RB211, they would have had to raise some \$2.2M per aircraft from other sources. On the assumption that TWA and EAL could raise long-term money at 10% interest today, and that DAL could raise money at 8% interest, then the cost benefit to the airlines of the RR/UK financing support would be a little more than \$400,000 per aircraft. This is another form of British Government subsidy of the RR program.

specifications with purchasing power is clearly illegal in the U.S. It would seem extraordinary for the U.S. Congress to use U.S. taxpayers' money in furtherance of such a scheme.

#### United Kingdom Launching Aid

Estimated launching cost of the RB211 was originally \$156 million; of this, the UK Government agreed to provide 70%. In May 1970, the Government provided an additional \$24 million through the Industrial Reorganization Corporation. In November 1970, the Government was told that launching cost had risen to \$314 million. An additional \$100.8 million was voted contingent on a successful review by Government-appointed accountants of the RR financial situation. This was not completed at the time of the collapse.

The UK Government's total share of the RB211 could amount to \$361.2 million (based on total development estimate of \$408 million); RR share cannot exceed \$46.8 million of original development since the company is bankrupt. Thus, UK could be underwriting nearly 80% of the RB211 total development.

Repayment would be under a British levy system when the company shows a profit on the project. Initial gross profits were to be split between the Government and RR on a 75/25 basis in favor of RR until they had recovered their own research and development costs. The formula then reverses until all public funds are recovered. Then profits split 50/50 until the Government makes a 25% profit on outlay. Finally, the formula reverts to 75/25 in favor of RR with the Government keeping a permanent 25% share of profits.

#### Comparative cost of Tri-Star with RR RB211 and GE CF-6

Lockheed has indicated that the cost of installing an alternate engine such as the General Electric CF-6 is \$52 million.

To put this incremental cost in perspective, with \$52 million amortized over present L-1011 firm orders and options of 178 aircraft, the cost to the airlines would be about \$290,000 per aircraft.

The best indications we have are that Rolls Royce, in order to complete its Tri-Star commitment, is asking the airlines to pay a price increase of at least \$200,000 per engine, or \$600,000 per aircraft.

It is believed that the original Rolls Royce price was \$250,000 to \$300,000 per aircraft lower than for the General Electric CF-6. Therefore, the net per-aircraft price effect on the airlines of changing to the CF-6, rather than accepting the new Rolls Royce price, would be a modest price reduction by using the GE engines. Moreover, the important ongoing operational costs should be lower with U.S. engines (spare parts, support, etc.).

Though not privy to costs associated with using Pratt & Whitney engines, we think it a fair assumption that such costs would be approximately the same as with the General Electric engine and the foregoing comment would apply with equal force to Pratt & Whitney engines:

#### E. Rolls Royce RB211 Status

Rolls Royce heavily overcommitted itself—technically, financially (both development cost and engine price) and timing.

RB211 performance does not meet original thrust, fuel consumption and weight specs.

Hyfil fan blades "advanced technology" on which RB211 was sold to airlines, now abandoned.

Original RB211 development costs estimated \$156 million; now estimated as high as \$408 million.<sup>3</sup>

<sup>3</sup> The British Government share of the \$408 million would be over \$360 million. In contract, GE will invest substantially more than \$200 million of share owners' money

Original engine price believed to be \$844,000; Lockheed reportedly now asking airline customers to pay additional \$200,000 per engine (not believed to cover total "costs" or RB211—estimated to be \$244,000 more than contract price.)

Delivery delay of production standard RB211 engines now estimated to be 6-12 months beyond original quote (latest "rumors" say 5-6 months with thrust of 38,500 lbs. thrust vs. contractual 42,000 lbs.)—delaying entire L-1011 certification and airline service schedule.

U.S. AIRLINES L-1011 INVESTMENT TO DATE  
(Dollars in millions)

	Lockheed	Rolls Royce	Date
Airline:			
Eastern.....	\$68	\$5	Dec. 31, 1971
Trans World.....	92	7	Feb. 27, 1971
Delta.....	34	?	(?)
Approximately..	200		

<sup>1</sup> Not documented.

These heavy investments by U.S. airlines in the L-1011 would probably be lost should LAC go bankrupt. TWA and EAL are already in shaky financial condition and could ill afford such losses. Thus, from the airlines' viewpoint, it is essential that LAC survive. Since LAC is saying they would be bankrupt if a way cannot be found to continue the L-1011, this forces TWA and EAL to support the L-1011 on almost any basis. However, there may be alternatives not yet explored whereby LAC could continue without the L-1011. We believe McDonald-Douglas has some ideas along this line which would offer potential full recovery of the airlines' investment in the L-1011.

#### AT THE PINNACLE OF THE NEWSPAPER WORLD

The SPEAKER. Under previous order of the House, the gentleman from North Carolina (Mr. MIZELL) is recognized for 5 minutes.

Mr. MIZELL. Mr. Speaker, it is my pleasure at this time to formally announce to my distinguished colleagues that the Winston-Salem, N.C., Journal and Twin City Sentinel have won the 1971 Pulitzer Prize in journalism for outstanding public service.

This honor rests at the pinnacle of the newspaper world, for it goes beyond the relative merits of competitive news reporting to recognize excellence in the use of the printed word to warn, to instruct, to rally the people in a cause of common good.

The Journal and Sentinel's campaign to preserve the beautiful environment of Piedmont, N.C., a portion of which I am honored to represent, well deserves this coveted award.

I am sure my colleagues join me in congratulating the editor and publisher of these newspapers, Mr. Wallace Carroll, as well as the staffs of both papers,

in the CF-6 engine development. GE, of course, is benefiting from the military TF39 engine development from which the CF-6 is derived in part.

Pratt and Whitney has substantially developed the JT-9D on their own funds beyond the point of government development support as an original entry in the C-5A engine competition.

who are listed below, for their part in this excellent achievement.

At this time, Mr. Speaker, I include in the RECORD a series of articles chronicling the receipt of this high prize:

[From the Winston-Salem Journal,  
May 4, 1971]

**JOURNAL-SENTINEL PAPERS WIN PULITZER  
PUBLIC SERVICE PRIZE**

The highest honor of the newspaper world, the Pulitzer Prize for public service, has been won by the Winston-Salem Journal and Sentinel.

President William J. McGill of Columbia University announced the award in New York yesterday together with the other Pulitzer Prizes for 1971.

The Winston-Salem newspapers received the prize in recognition of their efforts throughout 1970 to make readers aware of the threats to their environment and to encourage efforts to preserve and restore the natural resources of Northwest North Carolina and the entire state.

The prize is a gold medal and a citation that says: "For a distinguished example of meritorious public service by a newspaper through the use of its journalistic resources which may include editorials, cartoons and photographs as well as reporting."

Seventy-eight newspapers, including many of the largest in the nation, competed for the public service prize.

The Journal and Sentinel entry was prepared by J. Patrick Kelly, executive news editor. It was identical with the entry that won the community service award of the North Carolina Press Association in January.

From the hundreds of news stories, feature articles, editorials and photographs on the environment that appeared in 1970, Kelly selected a representative sample. The material was divided into two parts:

1. The two papers' successful campaign against a strip-mining project in the mountains of Northwest North Carolina and Southwest Virginia.

2. News coverage and editorial comment on other environmental problems ranging from stream pollution in Forsyth County to the proposed commercial development of Bald Head Island.

The first news report exposing the proposed strip-mining project was written by Arlene Edwards. It was followed up by her and reporters Joe Goodman, Jesse Poindexter and Joe Doster and State Editor Jack Trawick. Their reports were illustrated with photographs by Trawick and Goodman.

Editorials warning the people of the mountain counties against the prospective destruction of the area's natural beauty were written by John Eslinger, Hunter James and Fred Hobson.

The second part of the entry containing coverage of other environmental problems included the work of reporters Goodman, Doster, Roy Thompson, Chester Davis, Diane Millikan, Wingate Lassiter, Gene Whitman, Roger Rollman, Brad Rochester, Alan Willis, Russ DeVault and Otis Gossman.

Their stories were illustrated with photographs by Frank Jones, Bill Ray, Jim Keith, Howard Walker, Cookie Snyder and Allie Brown.

Editorials in this part of the presentation were written by Eslinger, Ralph Smith, James and Hobson.

The entry also included letters from readers.

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The board, made up of 12 prominent editors, met in the World Room on April 8 to receive all the juries' recommendations and vote on the prizes in journalism, literature and music.

It is a rule of the board that any member who is connected with any news organization that has been recommended for a prize must leave the room when the entries for that prize are considered.

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"The board voted to give the Pulitzer Prize for public service to the Winston-Salem Journal and Sentinel. The vote was unanimous."

Yesterday afternoon the trustees of Columbia University, which administers the Pulitzer Prizes, met and ratified the board's decisions.

During the afternoon, Carroll and Donald J. Chipman, president and general manager, visited all departments of the newspapers to announce news of the award. And in a message to the newspapers' 384 full-time employees, they said:

"We send our thanks and congratulations to every employe, for every one had a part in putting out the newspapers that won this national recognition.

"And we are happy and proud that all of you, working together, were able to bring this honor to Winston-Salem and Northwest North Carolina."

The Pulitzer Prizes have been awarded since 1917. They were set up under the will of the late Joseph Pulitzer, publisher of the New York World and St. Louis Post-Dispatch, who left \$2,000,000 to Columbia to finance the prizes and establish a school of journalism.

The only other time the Pulitzer Prize for public service has come to North Carolina was in 1953 when the Tabor City Tribune and Whiteville News-Reporter were cited for their campaign against the Ku Klux Klan.

**JOURNAL, SENTINEL WIN PULITZER—CONGRATULATIONS POUR IN—NEWSPAPER CONGRATULATED**

Gov. Bob Scott congratulated the Journal and Sentinel today on winning the 1971 Pulitzer Prize for public service.

The papers won the nation's top journalistic award for making readers aware of the threats to their environment and encouraging efforts to preserve and restore the natural resources of Northwest North Carolina and the entire state.

The work throughout 1970 included extensive coverage of the issues of strip-mining, stream pollution and other threats to the environment. It covered the campaign to preserve Bald Head Island, in which the governor has been particularly interested.

Scott led a long list of public officials and newspaper executives throughout the United States whose congratulatory calls and telegrams poured into the newspaper offices today and yesterday.

His communication to Wallace Carroll, editor and publisher of the papers, said:

"Dear Wallace,  
"Congratulations to you and the staff of the Journal and Sentinel on winning the 1971 Pulitzer Prize for public service.

"I am very proud of you.

"Your efforts to preserve a good environment not only brought journalistic honor

to North Carolina but will help assure a better state for generations yet to come.

"The Journal and Sentinel has a tradition of good newspapering.

"The Pulitzer Prize proclaims it to the nation."

Carroll said there was no one particular thing which started the Journal and Sentinel newspapers on their course to make good environment a major goal.

"It came partly from spontaneous interest on the part of the staff and the belief of the editors of the paper that this was one of the biggest issues of the day.

**"MERITORIOUS PUBLIC SERVICE"**

"We're continuing to give very high priority to environmental news—stream pollution, depletion of natural resources and the eradication of junkyards and other eyesores."

President William J. McGill of Columbia University announced the award in New York yesterday, together with other Pulitzer Prizes for the year.

The prize is a gold medal and a citation that says: "For a distinguished example of meritorious public service by a newspaper through the use of its journalistic resources which may include editorials, cartoons and photographs as well as reporting."

Seventy-eight newspapers, including many of the largest in the nation, competed for the public service prize.

The Journal and Sentinel entry was prepared by J. Patrick Kelly, executive news editor. It was identical with the entry that won the community service award of the North Carolina Press Association in January.

From the hundreds of news stories, feature articles, editorials and photographs on the environment that appeared in 1970, Kelly selected a representative sample. The material was divided into two parts:

1. The two papers' successful campaign against a strip-mining project in the mountains of Northwest North Carolina and Southwest Virginia.

2. News coverage and editorial comment on other environmental problems ranging from stream pollution in Forsyth County to the proposed commercial development of Bald Head Island.

The first news report exposing the proposed strip-mining project was written by Arlene Edwards. It was followed up by her and reporters Joe Goodman, Jesse Poindexter and Joe Doster and State Editor Jack Trawick. Their reports were illustrated with photographs by Trawick and Goodman.

Editorials warning the people of the mountain county against the prospective destruction of the area's natural beauty were written by John Eslinger, Hunter James and Fred Hobson.

The second part of the entry containing coverage of other environmental problems included the work of reporters Goodman, Doster, Roy Thompson, Chester Davis, Diane Millikan, Wingate Lassiter, Gene Whitman, Roger Rollman, Brad Rochester, Alan Willis, Russ DeVault and Otis Gossman.

Their stories were illustrated with photographs by Frank Jones, Bill Ray, Jim Keith, Howard Walker, Cookie Snyder and Allie Brown.

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## UNANIMOUS VOTE

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"And we are happy and proud that all of you, working together, were able to bring this honor to Winston-Salem and Northwest North Carolina."

## MIZELL'S MESSAGE

Members of Congress commended the newspapers.

Fifth District Congressman Wilmer Mizell said:

"I want to extend to you and all your staff my sincerest and most enthusiastic personal congratulations for this outstanding achievement.

"This coveted award is evidence of your excellence, not only in news reporting, but in community service as well.

"On behalf of all the people of the Fifth Congressional District, I say 'well done.' We are all very proud of you."

Rep. Ken Hechler of West Virginia, who is carrying on a fight against strip-mining, said:

"Heartiest congratulations to Winston-Salem newspapers for their Pulitzer Prize-winning series against strip-mining.

"As sponsor of federal legislation to ban strip-mining of coal, I applaud your courageous fight against those large companies attempting to develop for private profit areas which injure the environment through pollution of our streams and devastation of our soil.

"Every industry and every individual should be held accountable for environmental costs of strip-mining, which should not be passed on to be shouldered by future generations."

From the newspaper, academic and business world, the congratulatory messages included:

John E. Leard, executive editor of the Richmond Times-Dispatch and News-Leader: "I think that's wonderful, and my congratulations to you and all your staff."

Marjorie Hunter, former Journal and Sentinel state news reporter now with the Washington Bureau of the New York Times: "My deepest congratulations—and congratulations from all the friends of the Journal and Sentinel in Washington."

J. D. Alexander, former copy editor on the Journal now with the Washington Post: "Congratulations! That's great!"

A. M. Rosenthal, managing editor of the New York Times: "Congratulations! We are all happy for you."

Max Frankel, chief of the Washington Bureau, New York Times: "Hooray! Hooray!"

David Cooper, former capital correspondent for the Journal and Sentinel now state capital bureau chief for the Detroit Free Press.

Russell Brantley, assistant to the president, Wake Forest University.

Kerry Sipe of the News and Observer, Raleigh, a former Journal and Sentinel staff member.

Ed Shanahan of the Detroit Free Press, another former staff member.

Norman Cherniss, Press Enterprise, Riverside, Calif.

Miss Alice Gray of Winston-Salem.

Price Day, editor-in-chief, Baltimore Sun.

James Rankin, assistant managing editor of the Atlanta Constitution.

Howard Simons, assistant managing editor, the Washington Post.

Jim Ellis, public relations director of Hanes Corp.

Bill Woestendiek, editor of the Colorado Springs Sun.

Perry Morgan, editor of the Charlotte News.

C. A. (Pete) McKnight, editor of the Charlotte Observer.

The Winston-Salem Board of Aldermen unanimously adopted a resolution last night congratulating the Journal and Sentinel for what Mayor Pro Tem Carl Russell said was "an outstanding accomplishment that we are all very proud of."

New York AP.—The Winston-Salem, N.C. Journal and Sentinel won the 1971 Pulitzer prize for meritorious public service Monday, for its coverage of environmental problems.

## 54TH YEAR

The Pulitzer Prizes have been awarded since 1917. They were set up under the will of the late Joseph Pulitzer, publisher of the New York World and St. Louis Post-Dispatch, who left \$2,000,000 to Columbia to finance the prizes and establish a school of journalism.

Here are the winners of the Pulitzer Prize for public service for the past 20 years:

1950—Chicago Daily News; St. Louis Post-Dispatch

1951—Miami (Fla.) Herald and Brooklyn Eagle

1952—St. Louis Post-Dispatch

1953—Whiteville (N.C.) News Reporter; Tabor City (N.C.) Tribune.

1954—Newsday, Garden City, N.Y.

1955—Columbus (Ga.) Ledger and Sunday Ledger-Enquirer

1956—Watsonville (Calif.) Register-Pajonian

1957—Chicago Daily News

1958—Arkansas Gazette, Little Rock

1959—Utica (N.Y.) Observer-Dispatch and Utica Daily Press

1960—Los Angeles Times

1961—Amarillo (Tex.) Globe-Times

1962—Panama City (Fla.) News-Herald

1963—Chicago Daily News

1964—St. Petersburg (Fla.) Times

1965—The Hutchinson (Kans.) News

1966—Boston Globe

1967—The Louisville Courier-Journal and The Milwaukee Journal

1968—The Riverside (Calif.) Press-Enterprise

1969—The Los Angeles Times

1970—Newsday (Long Island, N.Y.)

THE PULITZER PRIZE FOR PUBLIC SERVICE—HIGHEST HONOR IN JOURNALISM—AWARDED TO THE WINSTON-SALEM JOURNAL AND TWIN CITY SENTINEL FOR COVERAGE OF ENVIRONMENTAL PROBLEMS, BY OUR 109 NEWS AND EDITORIAL STAFF MEMBERS

Harry Abernathy, Tom Beavers, Sid Bost, Allie Brown, Emily Bruce, Carlton Byrd, Nady Cates, Janice Childress, Velma Jean Clary, Frank Clifford, Bill Connelly, James Cook,

Julia Courts, Perry Craven, Dick Creed, Chester Davis, Joan Dawson, Larry Dendy, Russ DeVault, Tom Dillon.

Walter Dorsett, Joe Doster, Sharyn Dowd, David DuBuisson, Bill East, Rick Edmonds, Arlene Edwards, Charles Elkins, John Eslinger, Catharine Fassett, David Fishel, Fred Flagel, Chris Friendenberg, Ed Friedenberger, Mary Garber, Janice Gaston, Gall Gentry, Bill Gilkeson, Fletcher Good, Joe Goodman, Otis Gossman, Jim Gray, Bob Hampton.

George Henne, Fred Hobson, Harry Hondros, Hunter James, Scherer James, Nell Johnson, Frank Jones, Ronald Jordan, Jim Keith, Pat Kelly, Gary Knox, Wingate Lassiter, Jim Laughrun, Linda Lee, Parker Mad-drey, Frank McDonald, Georgia Melville, Robert Miller, Diane Millikan, Betty Morrison, Charles Newman, Robert Noel, Peter Norall.

Randy Norton, Beverly Norwood, Jackie Owen, Marie Paul, Jesse Poindexter, Elizabeth Prince, Larry Queen, Bill Ray, David Roberts, Brad Rochester, F. M. Rogers, Marilyn Rollins, Ray Rollins, Roger Rollman, Annie Lee Singletary, Kerry Sipe, Jim Shertzer, Ben Smith, Bill Smith, James Smith, Ralph Smith.

Cookie Snyder, Frank Spencer, Elizabeth Sparks, Jim Stanley, Bill Stracener, Virtie Stroup, Paul Taylor, Lili Thompson, Roy Thompson, Carr Timberlake, Jack Trawick, William Tucker, Howard Walker, Dot Whiteheart, Gene Whitman, Judy Wicker, Bill Williams, Lynn Williams, Alan Willis, Mike Willis, Jon Witherspoon, Beverly Wolter.

And by the 372 men and women in our Production, Advertising, Circulation, Business and Personnel Departments who helped publish and distribute the Journal and Sentinel in 1970.

## THE ENTRY

Representing a year's work by the Journal and Sentinel, won the unanimous vote of the Advisory Board on the Pulitzer Prizes . . . because Winston-Salem's newspapers:

Kept a strip-mining operation out of the beautiful mountains of Northwest North Carolina and Southwest Virginia;

Hammered at stream pollution in Winston-Salem and other areas;

Spurred the statewide campaign to save Bald Head Island;

Exposed environmental problems all throughout the year—from dirty air to fish kills to noise.

The prize-winning entry shows that the first news report on the proposed strip-mining operation in Wilkes, Surry, Alleghany, Ashe, Carroll and Grayson counties was developed and written by Arlene Edwards, and published in the Journal.

She followed this up with other reports as the mining company sought options on land, and Journal and Sentinel editorial writers like John Eslinger, Hunter James and Fred Hobson campaigned against the scalping of North Carolina's mountains.

Veteran reporters like Joe Goodman, Jesse Poindexter and Joe Doster and State Editor Jack Trawick explored all facets of the strip-mining story, and photos by Trawick and Goodman added impact.

As the Pulitzer entry shows, their campaign was successful. The mining company left the field. An environmental disaster had been prevented.

Throughout 1970, the entry shows, Journal and Sentinel reporters covered and the editorial pages attacked environmental problems—many of them here at home, some as far away as Bald Head Island.

The editorials were written by Ralph Smith, Eslinger, James and Hobson. The news coverage came from such reporters as Goodman, Roy Thompson, Chester Davis, Diane Millikan, Doster, Wingate Lassiter, Gene Whitman, Roger Rollman, Brad Rochester, Alan Willis, Russ DeVault and Otis Gossman. Illustrating the problems were pictures by Bill Ray, Frank Jones, Jim Keith, Howard Walker, Cookie Snyder and Allie Brown.

and their readers contributed. The entry included letters to the editor from those concerned about what is happening to their world.

#### WELL DONE, JOURNAL-SENTINEL

The great honor that came this week to our neighbors and colleagues at the Winston-Salem *Journal-Sentinel* newspapers is one in which friendly rivals may also take pride.

That honor, of course, is the 1971 Pulitzer Prize for meritorious public service—the most coveted award that an American newspaper can win.

The Winston-Salem papers won their prize for a year-long crusade, embracing both news and editorial comment, against depredations to the environment in North Carolina. Their particular focus was on a campaign to warn the mountain counties of Northwestern North Carolina of the consequences of strip-mining.

In December, 1969, a visitor from that part of the state confided to the editors of the *Journal and Sentinel* that a big strip-mining outfit, the Gibbsite Corporation of America, was taking out mining leases on thousands of acres. Since North Carolina imposes no real restrictions on strip-mining, the prospect was for what the *Journal* called "a Sahara in our midst." The two papers employing many of their talented staff, took full advantage of the tip. After some months, the would-be ravagers of the mountains backed off.

The issue, as presented, is at once universal, simple and endlessly complex: What price material progress? "The real dilemma," said the *Journal* editorially, "is ours, and it is time we began deciding whether we want to push material progress up to the point where it requires a face mask for its enjoyment."

The Pulitzer jurors noted that the two papers had not faltered or equivocated in their challenge, even when that meant challenging powerful and resourceful economic interests. So the Winston-Salem newspapers have well practiced the admirable creed recently offered by John S. Knight, editorial chairman of the Knight newspapers:

"An editor," Mr. Knight said, "who must or should take vigorous editorial positions on the great issues of the day, is not meant to be loved. If he seeks affection and popularity, he should be in public relations. Newspapermen who formulate policy must base their conclusions on the facts at hand. The unvarnished truth is frequently unpleasant reading, since it often differs from the reader's preconceived notions of what the truth should be."

The *Journal and Sentinel* gave the "unvarnished truth" about the dangers of strip-mining in particular and predatory "progress" in general. Our congratulations, and our thanks, as citizens of North Carolina, for a job well done.

#### BEAUTIFUL WORLD?

The SPEAKER. Under previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, as all Members of this body, I, too, am sensitive to the mood of the people. Therefore, it is my habit to peruse the "Letters to the Editor" in newspapers and periodicals.

Recently I came across one such letter which, I believe, should be brought to the attention of all Members of Congress. Barbara W. Payne of Fairfax, Va., in her

letter to the Evening Star, which appeared on May 7, 1971, makes a valid point which many of us may well have overlooked:

#### BEAUTIFUL WORLD

SIR. Everyone hates war, disease, fire, floods and tooth decay.

Let's do away with the military because we hate war. Let's do away with doctors and hospitals because we hate disease. Let's do away with the fire department because we hate fires. Let's do away with rescue teams because we hate floods. Let's do away with dentists because we hate tooth decay. And last but not least, let's do away with mental health doctors and hospitals because we hate mental disease.

Wouldn't it be a beautiful world if we could do all of these things!

BARBARA W. PAYNE.

#### TAKE PRIDE IN AMERICA

The SPEAKER. Under previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

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.

In 1946 Dr. Alfred Blalock published, with Helen Taussig, the results of the first clinical experience of the surgical joining of the subclavian artery to the pulmonary artery in treating "blue babies," the first attack on an intrinsic heart defect. Later superseded in older children by a complete correction of the defect, it is still used in treating babies.

#### IMPORTS AND OUR ECONOMY

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 10 minutes.

Mr. DENT. Mr. Speaker, time and again on this floor I have warned of the dangers to the U.S. economy and American employment brought upon us by throwing open our markets to low-cost imports made with cheap foreign labor. For years it has been apparent that while we in this country lower the tariff barriers to imports, foreign countries, if they reciprocate at all, make an end run by setting up new obstacles to the import of American products. What good does it do if foreign tariffs are lowered if at the same time these nations institute quotas, controls, taxes, and other restrictions to importation of American goods?

Shut out of foreign markets in many places the United States even has been losing—at a frightening rate—its own domestic markets to many foreign countries. One of the most aggressive of foreign nations boring in on the American market is Japan. Japan was raised from the ashes of World War II with American aid of all sorts. No one resents Japan's great progress on the road back to economic prosperity. But we do not want that progress to be made at the expense of the American worker—the man who loses his job in the United

States because of Japan's deliberate campaign with Japanese Government help, to move in on the American market.

Yes, the quality of Japanese products has improved greatly in recent years. Far from their old reputation for shoddiness, the Japanese now are turning out products accepted for their quality as well as their low price. The American consumer likes many of them—little TV sets, radios, tape recorders and even more recently, little automobiles. But let's stop and think a moment. These products are harming beyond recognition many American industries. If American industry is driven to the wall and its workers driven off their jobs, who will be left to be a consumer among us who will be able to buy these low-cost foreign products?

What disturbs American businessmen, feeling the pinch of this competition, is not just the impact of Japan's low-cost products, but the fact that in international trade Japan just does not stick to the rules of the game. As many industrialists contend, the Japanese dump not only TV sets but also steel, textiles, flat glass and radio tuners on the U.S. market. Check the price of a Japanese TV set on the Japanese home market and you will find that the very same set is higher in price there than it is when exported to America. That, gentlemen, is dumping. And that is what Japan has been doing.

Time magazine, in its May 10, 1971, issue points this out. The cover story of this issue goes on to outline how American businessmen also are burning under the collar over the special help their Japanese rivals get from the Tokyo government: approval for cartels formed to win big foreign orders, extensive government-financed studies of which overseas markets might be easiest to crack, low interest loans to exporters from the government-dominated banking system, and the lowest corporate taxes in the industrial world.

Yet, with all this planned penetration of world markets and the American in particular—for fully 30 percent of all Japan's exports go to the U.S.—Japan has slammed the doors of its domestic economy to many types of foreign goods and most foreign capital investment. Supposedly this situation is changing, and the number of quotas and other barriers to imports has been reduced since 1969. But this reduction of quotas is not moving fast enough, and never should have existed in the first place. Much harm already has been done.

U.S. News & World Report in its April 26, 1971, issue, also reports on Japan and its intensive drive to try to replace the United States as the world's top industrial power. Well, I suppose we can't deny ambition and the will to get ahead. But we are justified in complaining if the competition is not fair and square. The average cash wage in industry in Japan, U.S. News & World Report says, is \$206 a month. That level would not even meet the minimum wage rate our Government enforces in this country. The average Japanese indus-

trial worker toils at a wage rate that would be illegal in the United States. Compare this Japanese rate to what the average unionized worker in American industry is paid.

At present, Japan's economy is expanding at a rate more than twice as fast as either the United States or the Soviet Union, the No. 2 industrial power of the world. Japan's population is about half that of the United States and about a third that of the Soviets. Obviously, all its production cannot be absorbed in the home market when workers receive the low wages that they do. So the export trade is pushed, and particularly to the United States. There are a couple hitches in Japan's plan to become No. 1 in industry. For one thing, Japan is running out of labor. Also, the country is poor in resources. So far, it has been able to overcome its shortage of natural resources by scattering its ships around the earth to bring home the raw materials for industry. With its concentration on manufacturing and exporting there has been a lack of investment in housing, roads and pollution control. Japan's industrial pollution is said to be perhaps the world's worst.

Maybe the Japanese people are beginning to wonder whether it's worth all the effort. Although historically docile, the Japanese working force conceivably could start asking for more of the benefits of its industry itself—particularly when it learns that Japanese television sets are sold for lower prices in the United States than at home in Japan.

Since it is short on raw materials, Japan is a big and growing consumer of American coal and lumber, but in each of the past 3 years—and I am quoting *Time* magazine here—its sales to the United States have exceeded its purchases by more than \$1 billion. The American shoe, textile, electronics and other industries have not only lost sales and profits to the Japanese but jobs as well.

Just as Japanese labor toils for wages that would be illegal in the United States, so Japanese industry enters into combines, councils and agreements to divide up markets that certainly would not be permitted here. The big prewar cartels of Mitsui, Mitsubishi and Sumitomo were broken up under the United States occupation of Japan and supposedly have come together again only loosely. However, presidents of the various companies forming these combines meet regularly and plan their common strategy. The big borrowers from the Fuji Bank have a council which includes the heads of electrical machinery, automobile, and steel companies. The clubs, as *Time* so aptly puts it, divide up markets like so much *sukiyaki*. Communist China announced recently it would not trade with companies doing business with South Korea or Taiwan. The Japanese clubs met the situation very handily. Mitsui and Mitsubishi decided they would concentrate on South Korea and Taiwan, while Sumitomo took China.

As an example of its economic nationalism, Japan's shipping companies regularly swap technological ideas. By helping each other improve technology and service they are able to overwhelm for-

ign competitors. Such practices, of course, raise the question of whether a monopoly in the long run can lead to more progress than competition. However, the Japanese do have competition—that is, from other nations. Within their own nation, cooperation between companies seemingly has replaced to a large extent competition. That's why we can call it economic nationalism—which Japan is pursuing to the utmost. And the way it proceeds is by a closed-door policy at home and invasion of markets abroad.

Nowhere in the non-Communist world do business and government coexist so closely. Japan's Prime Minister Sato even heads the Trade Conference, which sets national export goals and coordinates business efforts to achieve them.

It is time that our people and our Government became alerted to Japan's economic nationalism, which in its way is just as dangerous to our security as the military attack was on Pearl Harbor.

Mr. Speaker, I include at this point my remarks made at a maritime meeting last week:

SPEECH BY JOHN H. DENT

Everytime I pick up a newspaper there's a story on the U. S. economy. One day it's recovering from a slump. The very next day the government is placing 10 more cities on the list of persistent unemployment areas.

The Administration says the economic indicators are up, and then it issues some new inflation alert. All the verbiage and all the contradictory stories in the press show me that more than ever we are a nation that at best, wants to play the old ostrich, and bury our collective heads in the sand while the economy crashes around us. Or, at worst, we are a nation conscientiously bent on committing economic suicide.

Those may be harsh words, but it's no longer easy for me to be conciliatory about the giveaway of this nation's riches at the expense of people's jobs, people's income and people's well-being.

We are a nation that is suffering depression-level unemployment in many areas of the country. And at the same time we refuse to halt the flow of cheap imported goods into this country. We are a nation of exporters, yet there are those who want our foreign assistance programs to give up a sound policy of purchasing at home, and allow them to purchase our assistance cargoes abroad.

We are currently a nation of haves, but if those economic contradictions are not ironed out—if they run to their logical extension—we soon will be a nation of have-nots.

First of all, the imports situation is one that I have been watching, mostly with sadness, often with anger, since 1962. That is the year I held hearings in Congress on the state of the merchant marine, and from them came to the inescapable conclusion that our policy was just plainly fouled up.

In the nine years since, unfortunately, the picture has grown worse. In the early 1960s we exported 35 percent more than we imported. From 1965 on, the balance of trade graph slid rapidly downhill. In 1968, we had a balance of trade that gave us only a 626 million dollar surplus. And the last two years have been little better.

Oh, yes, the overall value of our exports rose astoundingly, in fact they nearly doubled from 19.5 billion dollars to 37.3 billion. But accompanying that 91 percent rise was a 145 percent increase in the value of foreign imports. And we ended the decade just about one billion dollars ahead in the balance of trade.

Now there's something interesting in that

surplus, something that indicates to me the absolute necessity of "tying" foreign aid purchases to industries here in the United States.

Those foreign aid purchases amounted to more than a billion dollars and if they hadn't been tied to U.S. products, instead of having any surplus at all would have come out of the year with a deficit. And that deficit to a nation so blessed by nature, made so productive by its hard working men and women, could be the straw that breaks its economic back.

Those are the numbers. And they are frightening as an abstraction. But there is nothing abstract about a formerly employed man standing in a welfare line, while dollars that should be in a weekly paycheck with his name on it, flow overseas. The end product of all those numbers is people. Out of work, out of money, out of hope people.

We now have 5 million people unemployed in the United States. Three years ago it was three million. Yet we have allowed our markets to become glutted with products produced overseas under sweatshop conditions. And those sweatshop conditions are, in many cases, part of the attempt to undersell the U.S. here and abroad, a maneuver which, if successful, could undermine the economy of the world.

Back home we are seeing the effects of the maneuver right now. Six percent of the work force is out of work. And no matter who is making the rosy predictions about an economic upturn, the fact remains that we will not really have turned the corner on this economic slump until that figure is substantially reduced.

Instead of taking steps to reduce it, some people like the old ostrich, stick their heads in the sands and say that assistance goods should not necessarily be purchased at home.

If the government hadn't spent 9.2 billion dollars for foreign assistance goods in the U.S.—in such industries as machinery, primary and fabricated metals, chemicals, transportation equipment, rubber, petroleum, textiles and a host of others—large numbers of workers would have been added to the rolls of the unemployed.

In fact the unemployment level would be seven percent instead of six percent. And economists tell us there is a multiplying effect in unemployment that costs two jobs in service industries for each one lost in manufacturing. Therefore it is safe to say that 180 thousand people would have been put out of work if foreign aid purchases had been untied in 1960's.

Take the same thought another way. In 1963, one and a half million American workers produced more than 17 billion dollars worth of machinery. Averaged out that means that each worker produced 11,000 dollars worth of goods in that industry.

In the 1960s, the Agency for International Development purchased nearly 2 million dollars worth of that machinery for assistance to foreign lands, a total that equals the output of 16 thousand American workers.

Those are 16 thousand jobs we would not have had, men without work, if we had untied foreign aid purchases 10 years ago. Had we done that, just in the area of machinery manufacture, we would have untied a high percentage of jobs. And those jobs would not have hit just the blue-collar workers, they would have struck across the board room as well.

For the nation as a whole, then, our imports balance and the untying of foreign aid are inevitably tied together. I'm not a protectionist, I'm just a realist. And realistically, we cannot afford to untie foreign aid purchases. And proposals to do it could not have come at a worse time.

Last year we recorded a dip in the nation's Gross National Product for the first time. We actually lost ground in the total value of all goods and services we as a nation have to our credit.

If we untie foreign assistance purchases, we risk a further reduction in the Gross National Product of from 25 to 30 million dollars over the next decade. A drop like that in a nation beset by employment woes and besieged by imported goods that detract even further from the economy, would lead to catastrophe.

I will hear no arguments from those who propose "untying" foreign aid purchases about the relative saving to the government. That is a false economy of the worst sort. It is that kind of short-range thinking that leads manufacturers to set up shop in foreign lands, then turn around and demand an unfair share of the American wealth.

It is that kind of short-range thinking that leads American shippers to chose the foreign-flag fleets while its own American industry suffers. It is pure and simple, the philosophy of the quick profit. The philosophy of the fast buck.

And it is a pattern becoming too familiar in American economic life. We can and we must bring realism back into the picture through law, through persuasion and through pressure.

Unless we do, I fear, our flights of fancy in concepts like untying foreign aid purchases, and open marketing of imports, will be one way flights to national bankruptcy.

#### CONTINUE WORK ON SST

The SPEAKER. Under previous order of the House, the gentleman from Georgia (Mr. STUCKEY) is recognized for 10 minutes.

Mr. STUCKEY. Mr. Speaker, I am in favor of continuing the research, development, and construction of the SST prototype. The United States cannot afford to take the chance of being second or third in the international competition for improved air transport. The Russians will be exhibiting their supersonic transport at the Paris air show next month. Already there are reports that the Russians will use their SST as an instrument of foreign policy by selling around the world to other nations at half price.

The French and British will soon have the Concorde in production and American airlines are already discussing purchase of these aircraft. We have American manufacturers and American workmen, the best in the world, who should have the opportunity to build and sell the American SST to not only Americans, but to other countries of the world. It is clear to me that the question is not whether there will or will not be an SST. We cannot hold up our hand and stop the technological development of the SST any more than we can hold up our hands and stop the tides. The only question is, "Will it be the United States or will it be Russia, England, and France who benefit from the new transport?"

Within a span of 40 years, Mr. Speaker, we have learned that building and operating commercial aircraft is a very lucrative and most rewarding business.

Today, air transportation is our seventh largest industry and is growing faster than any other segment of our economy.

Likewise, the United States has become the leader in the world's manufacture of commercial jet transports. At present, 90 percent of the free world's long-range jet transports are American made.

Opponents of the SST say that what we have at stake is the environment. They say that the SST is a dangerous threat to our ecological balance. And, yet, Mr. Speaker, there is not one bit of solid evidence to back up these claims. The world is going to have the SST, Mr. Speaker. We should certainly be aware of this fact, and if we are not, we only have to note Mr. Pompidou's recent fight on the British-French Concorde SST.

I say that what is really at stake here is national power, prestige, leadership and billions of dollars in sales of aircraft, ground facilities and support equipment which would be kept in the United States. Keeping these SST sales at home will provide a healthier national economy and provide more jobs to our American workers. I believe, therefore, that we should continue our support of the SST.

If we cannot continue construction of the SST, then I think we are legally and ethically bound to return the \$58.5 million advanced by U.S. commercial airlines in good faith to pay the costs of technological development of the SST. Mr. Beggs of the Department of Transportation, has testified before the Appropriations Committee that the United States has no legal duty to repay the money—\$1 million per plane for each plane the commercial airlines expected to purchase when the SST went into production. I disagree. This was a typical joint venture between the United States and the commercial airlines. It was the good faith intention of the commercial carriers and the U.S. Government to go ahead with the program. If Congress cancels the program for policy reasons, then there has been a change of circumstances that would legally and equitably justify rescission and restitution under basic principles of fairness and common law. If Congress believes in law and order, then it should make the executive branch toe the mark of fair dealing in commercial law as well as criminal law. Law and order, Mr. Speaker, means everyone, including the U.S. Government.

#### WASHINGTON POLICE CREDIT TO THE UNITED STATES

The SPEAKER. Under previous order of the House, the gentleman from North Carolina (Mr. HENDERSON) is recognized for 5 minutes.

Mr. HENDERSON. Mr. Speaker, on Wednesday, May 5, a group of 20 businessmen from Goldsboro, N.C. made their annual visit to Washington to confer with Senator ERVIN, Senator JORDAN and me as their representatives in the national Congress.

Mr. Eugene Price, editor of the Goldsboro News-Argus was one of the group.

You will recall it was on that day the mass of demonstrators swarmed over Capitol Hill. This operation was observed by Editor Price and others in the group. On Friday, May 7, Mr. Price expressed his reaction in an editorial entitled "Washington Police Are Credit to U.S." Mr. Price began his editorial by saying:

You would have been proud, as we were, of the Capitol and Metropolitan police forces

and the way they handled demonstrations in our Nation's Capitol this week.

I, too, commend our Capitol police as well as Chief Jerry Wilson of the metropolitan force, and deem the editorial worthy of being called to the Nation's attention by inserting it in today's CONGRESSIONAL RECORD.

[From The Goldsboro (N.C.) News-Argus, May 7, 1971]

#### WASHINGTON POLICE ARE CREDIT TO U.S.

You would have been proud, as we were, of the Capitol and Metropolitan police forces and the way they handled demonstrations in our Nation's Capital this week.

We were fortunate enough to have been with a group of 20 area business men in Washington at the time.

Never had any of us seen so many police officers at one time.

When the rag-tag band of demonstrators began assembling, caravans of police officers in cars and buses streamed in from every direction.

The line of police vehicles stretched as far as we could see.

Not only did they come in cars and buses, they came on motorcycles and even on small motor scooters.

But most came on foot. A literal army of them!

They seemed to come on and on forever. Marching two-abreast. Orderly, silent, businesslike.

There seemed to be complete order to the whole operation.

After the demonstrators had assembled on the Capitol steps, literally jamming them, the police vehicles and officers afoot methodically surrounded them.

When they refused to disperse after given a time limit, the police calmly began making arrests and filling the waiting paddy wagons.

We are confident some of the weirdoes arrested will charge "brutality". We certainly saw nothing of the sort. Police were simply firm and methodical despite obscenities shouted at them by the protestors.

It was obvious that the law enforcement officers had the situation firmly under control from the start. It was an excellent demonstration of what law enforcement officers can do when they have enough people, training and discipline, sufficient inside information and are permitted to do their job to keep the peace.

The fact that three members of Congress saw fit to join the most radical, most militant and most scurrilous group of demonstrators in the country, did not make the job of the police easy but it did not make them hesitate to arrest 12,000 people.

A Washington newspaper, predictably, carried a "news" story bemoaning the fact that police in the Nation's Capital had departed from their "outstanding record" of not making mass arrests.

And we are confident there will be cries that many poor, innocent college students who were just watching or who were simply exercising their Constitutional rights to protest were unjustly arrested.

The fact is that this band of people waving communist flags, shouting obscenities and in one case stripping naked in public, had come to Washington with the announced determination to shut down the government.

They had attempted to block traffic by stalling cars and by throwing nails on the main highway arteries.

They failed.

They failed because the law enforcement officers in the Nation's Capital were prepared to do their job and were permitted to do it.

We have never been more proud of a group of men and women in our whole life.

We hope that there are those in our com-

munity who will see fit to write to the Capital and Metropolitan police departments expressing their appreciation and admiration.

#### COMBATING POLLUTION THROUGH THE USE OF ECONOMIC INCENTIVES

The SPEAKER. Under previous order of the House, the gentleman from Wisconsin (Mr. ASPIN), is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, the advent of spring brings sharply back into focus the tremendous environmental problems we as a Nation face. This spring, millions of Americans will be strolling through their favorite parks and along their favorite rivers and streams—inhaling carbon dioxide, sulphur oxides, particulate matter, and gazing at the filthy current. In the past few years, many environmental bills have been passed and signed into law and, yet, our environment becomes more contaminated with the passing of each day. Why have we not been more successful? The answer, I think, is largely because of the approach we have been taking. The time has arrived for new and imaginative solutions. Over the period of the next 2 weeks, I will be introducing a variety of bills dealing with the major facets of environmental pollution. I sincerely hope my colleagues will find these bills worthy of careful study.

The major obstruction to progress in the attack on pollution has resulted from the difficulty of placing the financial liability upon the originator of the polluting activity. In economics we classify pollution as negative externality. By externality we mean that this is something outside of, or external to, the production or consumption process. Prefacing externality with "negative" means simply that we have a harmful spillover. The emission of sulphur oxides from a fossil fuel power plant is a good case in point. In my district, the people who reside in close proximity to the Oak Creek Power Plant in Milwaukee County must paint their homes every year. They, in effect, are subsidizing the users of electricity since they are really bearing part of the costs of producing electricity. People living downstream from paper mills bear part of the cost of producing paper as the value of their riverfront property declines.

The marketplace cannot solve the problem of pollution and never will. Polluters pollute because it is more profitable to do so. Pollution abatement equipment adds to costs but not to revenues, creating a strong disincentive to spend scarce funds on pollution control. It is cheaper to discard your wastes into the air or stream near your plant. Since no one owns the air and the water, the polluter does not have to pay for the use of their services—that of hauling the wastes away from his plant. Who pays under the present system? We all do. People who live near steel mills bear part of the cost of producing steel, the people near the electric power plant bear part of the costs of producing electricity.

The simplest and most effective solution is to go back to the polluter and assess him for the costs he imposes on the society. In economics, we refer to

this as internalizing the externalities; taking those external, or social costs, and bringing them within the realm of the firm's decisionmaking process. This, in effect, puts a price on clean air and clean water. The charges would reflect the costs of cleaning up the air and water presently being used as a natural sewer receptacle. Why is this the best solution for most types of polluting activity, and why has it not been tried? Those are two questions I will try to answer today; but first I feel it necessary to outline the presently more popular, and I believe, less effective proposals that are traditionally brought forward as cures.

There are three basic methods of combating pollution. Briefly, these are: Direct regulation, subsidization, and economic incentives. First, I will discuss direct regulation. Direct regulation can best be described in terms of an order, or edict, that requires the polluter to cease or reduce his level of discharge to some environmentally safe degree. Most of our present environmental legislation is of this type. It results from a natural reaction to some undesirable activity. If you do not like what is going on, outlaw it. Many examples of this type of attack can be found. For example, most people would agree there are too many nonreturnable bottles and cans being used and discarded along our roads. What to do? Possibly outlaw nonreturnable bottles and cans. When? Well, not right now; it would be impossible to pass legislation. OK, set a date. June 1, 1975? Good, it has a better chance. So goes the usual debate of this type, with a resulting delay of action often running 5 years or more. Even then, it may be possible for polluters to gain a further extension.

Another problem of direct regulation is that it entails, like all other laws, the necessity for the lawmaking body to set up, and fund, the enforcement procedure. As we all know, many good laws have proved useless because Congress decided not to fund any enforcement. We have had the Refuse Act of 1899 on the books for over 70 years, and as my distinguished colleague and friend from Wisconsin, Congressman REUSS, can tell you, polluters have not been consistently prosecuted for violating the act.

If we choose direct regulation as a solution, under whose jurisdiction should it come, the local municipality, the State, or Federal Government? Local governments are almost powerless in using direct regulation. This results basically from two factors; first, most pollution is not confined to any one jurisdictional boundary. Air pollution tends to follow the prevailing winds. A strong air pollution statute in one town is to little avail if the dirty air comes from a neighboring community. Municipal water pollution edicts are useless if the dirty water comes from upstream. In addition, it is very difficult for local governments to pass strong anti-pollution regulations when the local industries can always threaten to move their firms where the polluting climate is more agreeable to them.

State governments are inhibited from action for much the same reasons as are local governments. Much of the air pollution in New York City comes from New Jersey. Why should Wisconsin pass

strong water pollution standards if Illinois does not? The prevalence of buck-passing from State to State serves only to obfuscate any possible action to solve the problems at hand.

Direct regulation of polluters, if it is to be successful at all, must be undertaken at the Federal level. If a polluter claims that some new law will force him to close his plant and move, we can say, "Where?" But direct regulation, even on a Federal level, has shortcomings and should not be looked upon as the only, or even the major, solution. The problems of granting delays, funding enforcement procedures, and overcoming time lags because of legal prosecution will have considerable effect in negating or delaying success in abatement. On the other hand, this method of pollution control, can, and should be used in cases where the pollutant is of a nature where even small discharges have extremely adverse effects on the environment. Mercury and some pesticides and herbicides would come under this category. Direct regulation would be most successful in preventing new pollutants, but could be much less successful in stopping existing polluters—depending on the effectiveness of the enforcement process. In sum, direct regulation is useful mainly in preventative cases where the pollutant is so hazardous that even very small amounts would wreak large-scale damage to the environment.

The second method of pollution control involves the subsidization of polluters to get them to stop polluting. There are two basic ways of doing this: First, by giving actual grants to manufacturers or municipalities to purchase pollution control equipment; or second, to grant tax credits or other types of special tax deductions to partially or fully offset manufacturers' expenditures on abatement equipment. It is imperative that we do not end up using this method of control in dealing with pollution by private industry. Its adoption would simply mean we are paying a bribe to someone to stop discharging his wastes into our water and air. We do not do this in law enforcement, and we should not do it for pollution control.

Private industry prefers tax credit or deduction treatment over actual grants. We all know the redtape involved with Government payments for anything. Reports must be filed, and the expenditures are necessarily gone over closely by Congressmen and their committees. But tax credits or deductions for pollution abatement equipment would probably never be carefully scrutinized. For example, if granted oil depletion in the form of Federal payments, it might have been eliminated many years ago.

It is true that subsidization would work, but the immense costs would be borne by the wrong people. The only place where subsidization might be equitable to all concerned would be in the form of help to municipalities for waste treatment, which could work much like the Federal help in the interstate highway program. Many small cities and towns are strapped for funds because the Federal Government has preempted the best source of tax revenue, the income tax, and cannot afford the huge sums

necessary for efficient waste treatment plants.

On balance I believe that economic incentives are the most efficient and equitable way of attacking pollution because an economic incentive forces the polluter to pay the total costs of producing the product: the private costs such as payments for labor, raw materials, machinery, and so forth, and the social costs; that is, the costs he imposes upon the environment. Clearly, the environment can absorb some level of pollution without significant damage. Rivers can cleanse themselves somewhat, small amounts of some air pollutants can be dispersed over large areas with relatively insignificant damage to life systems. Elimination of all pollution is impossible and too unreasonable to even consider. But once we measure the damage a polluter is doing to the environment, we can simply present him a bill for the social costs. Upon receipt of the bill, he faces three basic choices:

First. He can stop producing and thereby stop polluting. This would only result in a very few cases where the producer is imposing tremendous social costs upon the community, abatement equipment is prohibitively expensive, and the polluter is in an economically marginal position anyway.

Second. He can install pollution abatement equipment. He will do this if the cost of the control equipment amortized over its useful life is less than the tax he would have to pay if he continued to pollute at his current rate.

Third. He can pay the tax. He will do this if the cost of the pollution control equipment is greater than the cost he imposes upon the environment. This would most probably result in cases of water pollution where the cost of waste treatment plants are extremely high and it would be too expensive for one polluter to control his own wastes. The taxes collected would be used to construct a large municipal treatment facility which would treat the wastes of all the polluters on a large scale. There was a case like this a few years ago in Delaware. Seven large chemical companies estimated it would cost them \$1 million apiece to effectively treat their wastes. When finally forced to take action, they joined their efforts and built one waste treatment plant to handle the wastes of all seven and did it for less than half of their proposed costs.

Many environmentalists have opposed taxing polluters as they feel it is analogous to granting someone a license to pollute. Not at all. It merely internalizes the costs they are presently imposing upon everyone who lives close to their plant. I am inserting into the RECORD today an interview with Milton Friedman, a distinguished economist from the University of Chicago, that appeared last year in the Chicago Tribune. This interview is "must" reading for all those interested in pollution control. Professor Friedman discusses quite aptly how economic incentives, through taxation, work.

Many people will argue that if we tax polluters for the damage they impose upon the environment, they will just pass this tax on to the consumers of their

products in terms of higher prices. This is quite true and indeed very equitable. Purchasers of steel are now paying an artificially low price for steel because the steel producer is currently not paying the costs he imposes upon the people who live near his plant. They, in painting their homes more often, spending more for cleaning bills, having to go farther away in order to find a clean stretch of beach with water fit for swimming, are paying part of the costs of producing steel. Thus, users of steel are buying steel too cheap. The same is true for electric power generation. How could we consider it equitable when the people living near to the powerplant are bearing a disproportionate part of the costs of producing electricity, which results in making everyone's electric bill less than it would be if the powerplant had to pay for all of its production costs. Clearly, it is only equitable to internalize those social costs in order to require the price of the product to reflect its true production costs.

The bills I will be introducing will incorporate these economic incentives. They will be directed at consumers as well as producers, and will involve such things as nonreturnable bottles and cans, high phosphate detergents, air pollution by both industry and private automobiles, junk cars, water pollution, and so forth. The first bill, which I am introducing today, deals with nonreturnable bottles and cans.

Our roads and highways are littered with bottles and cans. We have strong antilitter laws in all our States, some prescribing fines as large as \$200 for littering, and yet these laws have been virtually unenforceable. To enforce them properly, we would have to station policemen almost every 100 yards or so along our highways to catch the people who litter, an impossible task. In addition, there are presently no incentives for the collection of returnable bottles because the deposit is so low. The pollution that results from the discarding of nonreturnable bottles and cans cannot be blamed on producers of these items. They are only responding to the demand for these items by consumers. A large majority of consumers have decided it is much less trouble to purchase nonreturnable bottles and cans and then discard them after use than it is to use returnable bottles and return them to the store. The simple reason for this is that there are no incentives for them to do any differently. Thus, the users of nonreturnable bottles and cans impose a large and unnecessary cost to their communities to pick up and dispose of these items. One answer is to outlaw nonreturnable bottles and cans but a better answer, I believe, is to internalize the externalities; that is, assess the user of nonreturnable bottles and cans for the cost he imposes on the community. My bill does this by placing a 10-cent tax on all nonreturnable bottles and cans for soft drinks and beer. This will provide the necessary stimulus for consumers to use returnables; the price differential between using returnables and nonreturnables will be 60 cents per six-pack of soda or beer. The tax will be levied on the retail level with all taxes collected

going to the community in which they are collected on a no-strings-attached basis. It is necessary to point out that the tax revenues will be small. As we all know, we levy two types of taxes: a revenue tax, like the income tax, which is designed to collect large sums of money to run the Government and a regulatory tax, which is designed primarily to cause people to act in certain ways. My proposed tax on nonreturnables is of the second type.

In addition, Mr. Speaker, this bill provides one additional added inducement for people to use, and return, returnable bottles. It increases the deposit on returnables to a minimum of 5 cents per bottle. Thus, even if the bottles are discarded, it will be more profitable for children and others to pick the bottles up and return them to the store to exchange them for money. Also, enactment of this bill would not cost the Government any money. I hope my colleagues will give it careful study.

#### GRANTING OF TAX-EXEMPT STATUS BY INTERNAL REVENUE SERVICE MUST BE INVESTIGATED

The SPEAKER. Under previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, in recent remarks—see CONGRESSIONAL RECORD, pages 10459-10466 of April 14, 1971—I pointed out the abuse by certain foundations and other organizations of the privileged tax-exempt status granted them by the Internal Revenue Service.

The misapplication of the tax-exempt moneys is, in effect, an apparent violation of section 501(c)(3) of the Internal Revenue Code which states the qualifications for tax exemption of an organization to be as follows:

(3) Corporations, and any community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

The code further provides that an organization will be regarded as trying to influence legislation if it:

(a) Contacts, or urges the public to contact, members of the legislative body for the purpose of proposing, supporting or opposing legislation; or

(b) Advocates the adoption or rejecting of legislation.

Accompanying my remarks, I provided documented facts showing that tax exempt grants ranging in amount from several thousands to several millions were made to various groups for such purposes as promoting leftist speakers on campuses, promoting immorality, conducting voter registration drives, producing pornographic and hate whitey plays, travel and study grants to former

aides of a U.S. Senator, printing of civil rights pamphlets, electing a mayor of Cleveland, etc. etc.

Who in IRS makes the rulings?

By telephone conversation, a member of my staff was informed by an official of the IRS that the IRS doesn't concern itself with the question of morality or immorality. With reference to the use of grants for propaganda to attempt to influence legislation or for other political purposes, the IRS official referred to section 501(c)(3), which stipulates that—

No substantial part of the activities which is carrying on propaganda, or otherwise attempting to influence legislation.

When asked what portion of the funds constituted a substantial part of the activities, the IRS official replied that he wished that legislators on the Hill would make that point clear.

I, therefore, am introducing today legislation to amend section 501(c)(3) of the Internal Revenue Code to provide that tax-exempt organizations shall use none of their funds in activities for carrying on propaganda, or otherwise attempting to influence legislation or support political candidates.

On April 26, 1971, I mailed to the Commissioner of Internal Revenue Service the following letter to which as of this date I have received no reply:

APRIL 26, 1971.

MR. RANDOLPH W. THROWER,  
Commissioner, Internal Revenue Service,  
Washington, D.C.

DEAR COMMISSIONER THROWER: I frequently receive mail from American citizens expressing dissatisfaction with payment of their income taxes when they see foundations misusing the tax-free privilege to encourage and support groups and individuals intent upon destroying the freedoms and heritage bequeathed to us.

While it is meritorious that tax-exempt status be granted to individuals and groups which provide funds for charitable, civic, patriotic, and educational endeavors, nevertheless, it is a privilege and not a right. Such status for projects which promote subversion, immorality, strife, hatred, and revolution cannot be tolerated if we are to expect support of our tax laws by the taxpayer.

In remarks to the House of Representatives on April 14, which I entitled "Tax Free Foundations Lobby Illegally for Socialism, Subversion, and Communism", copy attached, I pointed out some of the abuses practiced by tax-free foundations.

Our national interest is not served by the Treasury Department contriving to tolerate tax-exempt status to foundations that engage in such extreme practices. The same can be said of such organizations as the National Council of Churches, which claim exemption as a religious front, but which abuse their tax-exempt status by engaging in partisan political action.

No nation can long exist which permits enormous concentration of wealth to continue to receive tax-exempt preference for the purpose of controlling American politics to change our whole social fabric in the most extreme patterns.

Enormous sums have been and are being turned over to an irresponsible elite of Leftist change artists and think tank intellectuals who concentrate at maneuvering control of corporate and financial structures from the indifferent hands of the capitalist donors.

Such foundation bureaucracies are now pouring out vast sums to remake American society in its own Leftist image. And, there is little hope that such foundations will alter

their profitable ways, unless restricted financially by action of officials responsible for the faithful execution of the laws.

Unless the tax free foundations police their grants recipients' activities or the Treasury Department enforces the tax-free privilege, I fear there will be public clamor to repeal all tax exemptions and a requirement that all pay their fair share of taxes.

I would appreciate an early reply regarding this important matter.

Sincerely,

JOHN R. RARICK,  
Member of Congress.

Mr. Speaker, I cannot believe that the Congress ever intended that a tax-exempt status be given to any organization to engage in such questionable activities as I have indicated. It is high time that we reform this unhealthy and unjust situation. It is most unfair to require hardworking Americans to pay taxes to support the Government while allowing capital accumulated by the free enterprise system to be used to undermine the very Government and economic system which made the funds possible.

Additional instances of the misuse of tax-free funds by the Institute of American Democracy, the Institute for Policies Studies, and the National Council of Churches have come to my attention.

I insert at this point in my remarks a letter from an eminent patriot and columnist, Mr. George C. Schnitzer, part II of a series entitled "Tax-Free Dollars for Destruction" from Count Down, and text of H.R. 8298.

HOUSTON, TEX.,  
May 5, 1971.

HON. JOHN R. RARICK,  
House Office Building,  
Washington, D.C.

DEAR SIR: I try to read all your speeches and articles in the Congressional Record. Of particular interest was your expose of the Ford Foundation in the issue of April 14, 1971, page 10459, from which I plan to quote in my column in the Houston Tribune. Just recently another organization, sponsored largely by anti-Americans, the Institute for American Democracy, was given exempt status. It has a long list of frontiers, led by Roger Baldwin, ex-convict founder of American Civil Liberties Union.

I think we are all concentrating on the wrong target if we hope to secure any reform in the corrupt tax-exempt situation. The foundations have been investigated by Congress for some thirty or more years. Instead of improvement, the condition grows worse, much worse, each year.

Investigation should be directed at the Internal Revenue Service. It is there where an ACLU, a Jerry Rubin, Ford and almost any subversive receives tax-exempt status and an official government license to engage in subversive propaganda and revolution. Who in IRS makes the rulings? Is it the IRS Commissioner? That's where an investigation ought to start.

Cordially yours,

GEORGE C. SCHNITZER.

[From the Count Down, May 1971]  
TAX-FREE DOLLARS FOR DESTRUCTION—PART II  
RADICAL SUBSIDIES

The heavily supported, tax-exempt Institute for Policy Studies, which lobbies and does research on political policies, concentrates on fostering U.S. disarmament. It was especially active in lobbying against the A.B.M. in the Senate last year. This Institute is described by its own staff as a "new left think tank" whose director, Arthur Waskow, contributed \$500 to the Weatherman's bail bond fund after the Weatherman's wild rampage in Chicago in 1969. The Institute re-

ceives funds from: the Ford Foundation, Samuel Rubin Foundation, Edwin James Foundation, Field Foundation, Cudahy Fund, Milbank Foundation, Edgar Stern Family Foundation and the Board of Missions of the Presbyterian Church.

Edith Kermit Roosevelt, in her column of August 27, 1967, said:

"A Washington-based 'think factory' helped train Stokely Carmichael and other extremists who incite violence in American cities. This is the pompous-sounding Institute for Policy Studies, a tax-exempt organization of supposed 'scholars'. Educational research thus serves as a cover for intrigue and political agitation."

At a fund-raising party in the home of actor Dean Martin, \$200,000 was raised for the Roger Baldwin Foundation to be used for "Police Practice Complaint Centers".

McGeorge Bundy, former foreign policy advisor to Presidents Kennedy and Johnson and a member of the Council on Foreign Relations (CFR), is president of the Ford Foundation. He has stated:

"The first of the nation's social problems is still the struggle for Negro equality."

Henry Ford II must be as personally sympathetic to the radical activities of "black power" groups as Bundy because Mr. Ford even named his yacht "The Black Panther" and the Black Panther Party's symbol is painted on the yacht's prow.

#### IRS PROBE

The Chicago Tribune, Nov. 29, 1970, reported that the Internal Revenue Service (IRS) had launched an extensive investigation into the tax-exempt funds which are supporting radical, leftist, militant groups. The probe includes an inquiry of at least 65 radicals and known Communists who have been speaking on university campuses promoting revolutionary activity. This is the first time the IRS has shown an interest in the income of these major revolutionary leaders who sometimes receive over \$600 in fees. (All fees in excess of \$600 must be reported to the Internal Revenue Service.)

Other targets mentioned for this IRS investigation are: 1) the Institute for Political Studies in Washington, 2) the Charles Kettering Foundation which made a grant of \$50,000 to the Black P. Stone Nation Gang, and 3) the will of Harry Herman Kaplan, a Brooklyn builder who died in 1966, whose estate totals more than \$2 million, and whose executors are: Herbert Aptheker, theoretician of the Communist Party, U.S.A. and Lamont Harris, the Party's specialist on farm problems. These executors were directed to turn foundation funds over to the Communist Party's official newspaper, *The Daily World*.

Though the American Civil Liberties Union (ACLU) obtained a permanent order in Federal Court prohibiting the Government Printing Office from publishing names and fees of the 65 revolutionary speakers compiled by the House Internal Security Committee, the list has been released by other publications. Their fees, during the last two years, have totaled \$108,967 (\$88,120 from student activity funds, \$13,776 from institutional funds, and \$7,071 from collections of unknown sources).

#### NCC DOLLARS FOR POLITICS

The National Council of Churches (NCC) has always been a tax-exempt organization. Since its formation, it has received over \$200 million from its member-denominations and enormous sums from the U.S. Government and from other tax-exempt organizations. Its grants from the Federal have been surplus food products, plus direct grants of taxpayers' dollars to pay for the packaging, shipping and distributing of these food products to foreign countries. The NCC lists these gifts as income under "Ocean Freight Refunds", which totaled \$23 million from 1957 to 1960.

When Walter Reuther was president of the UAW-CIO and on the NCC's Religion and

Labor Council, he contributed \$200,000 to the NCC from the Philip Murray Foundation and union funds from the Sidney Hillman Foundation.

As chairman of the NCC's Department of Evangelism, Dr. Jitsuo Marikawa expressed quite clearly the philosophy which motivates the political and social action of the National Council of Churches:

"God does not deal with each man as an isolated individual—there cannot be individual salvation. Salvation has more to do with the whole community—authentic evangelism deals with the family of people. It is for these reasons that contemporary evangelism is moving away from winning souls one by one, to the evangelization of the structure of society."

This statement completely rejects the essence of Christianity and is the blasphemous reason for NCC's political activity. It explains the churches which have adopted a "modern theology" (Humanism), which are becoming centers for: social and recreational activity, "situation ethics" (Sensitivity Training), slush-funds for revolution, headquarters for socialist and/or communist meetings, and storage-bins for the guns, bombs and ammunition of terrorists.

Leaders of the NCC would have us believe that man must turn to his own ego and intellect to be "saved" and that this must be done by community action based on humanistic, materialistic, rationalistic, political schemes for the re-making of the world! To change the world through dialectical materialism—filling the stomach instead of the empty heart—was also Karl Marx's plan.

It is this secular philosophy which is bringing about the exodus from churches and the drying up of funds. Apostate clergy themselves openly bewail the withdrawal of church memberships and loss of revenue but fail to recognize or refuse to admit that they themselves are the cause—with their theories of Humanism. Church members, who remain in these political-action NCC churches and continue supporting them morally and financially, are prisoners of a hopeless, secular stupidity which is bringing about the moral degeneracy and spiritual sell-out of our nation and the loss of their own souls.

For many years, the National Council of Churches has maintained a ruthless, powerful lobby in Washington, D.C. with a consistent record of fostering legislation and pro-communist activity. Any organization engaged in lobbying is required by law to pay a lobbying fee to the Federal but the NCC has never complied with this law. Nor has the NCC ever been penalized for not doing so! (Count Down wonders: If the NCC had always lobbied in support of constitutional, patriotic activity, would it have been denied its tax-free status a long time ago? Count Down believes so.)

Official political pronouncements and resolutions which have been made by the General Board of the National Council of Churches throughout the years are:

In 1951: protection of conscientious objectors—fostering of more negotiations with the Soviet Union—international control of all armaments, including atomic weapons, and steadfast U.S. loyalty to the United Nations.

In 1952: opposition to universal military training—support of more flexible immigration quota systems—attack on segregation—support of revision of the Bible—more Child Welfare Services and Housing Program by the Federal—support of U.S. appropriations to the U.N. and UNICEF—ratification of the Genocide Convention by the U.S.

In 1953: opposition to the Bricker Amendment which would have safeguarded our Constitution and all American rights from supremacy of treaties.

In 1954: support of U.S. expansion of UN Technical Assistance Programs—support of the Supreme Court's ruling against school segregation.

In 1955: opposition to compulsory military training—opposition to racial discrimination in every area.

In 1956-1957: publication of a recommended "Reading List for Youth," which contained books of questionable moral character (obscene language and authors with Communist affiliations), support of minimum wage laws by Federal, support of more foreign aid to under-developed countries, reaffirmation of support for world disarmament and loyalty to the United Nations.

1958 was the year of the NCC's Fifth World Order Study Conference at which many former political pronouncements were reaffirmed and resolutions issued for: control and limitation of all nuclear tests by international agreement; support of federal control of agricultural workers; more federal aid to schools; promotion of U.S. disarmament; continued negotiations with the Soviet Union; formation of a permanent U.N. police force and an international police system; extension of trade with Red China, the U.S.S.R. and Communist satellite nations; increase of cultural exchange with Iron Curtain countries; more surplus food for under-developed and Red nations; internationalization of Jerusalem according to U.N. recommendation; extension of U.N. authority over all peoples of the world in health, education, food, and economic development; U.S. ratification of the Genocide Treaty; federal laws for control of population; admission of Red China to the United Nations.

FBI counterspy Herbert Philbrick described this NCC World Order Study Conference as "Moscow's Mouthpiece."

In 1959: opposition to loyalty oaths, opposition to an Amendment to the Constitution which would have declared the U.S. to be a Christian nation, more flexible immigration laws, opposition to right-to-work legislation.

In 1960: attack of the U.S. Air Force Manual which had linked the NCC with Communism, defense of "sit-in" demonstrations, in favor of making U.S. citizens subordinate to the United Nations, more federal aid to the needy.

In 1961: more unemployment compensation, pensions, vocational training and urban renewal; government aid in family planning; in favor of birth control; support of Martin Luther King's Southern Christian Leadership Conference (SCLC) and the Congress of Racial Equality (CORE).

In 1962: support of Supreme Court's elimination of voluntary prayer and Bible reading in public schools.

In 1963: attack on the House Committee on Un-American Activities—support of voting right and "civil rights" demonstrations—invitation to Soviet churchmen (?) to come to U.S. and attend NCC meetings—through its "Emergency Commission on Race and Religion," started political action in racial problems for passage of Civil Rights Act of 1963—more federal control of radio and TV networks—formation of "Student Interracial Ministry" to send "exchange preachers" selected by Martin Luther King to pulpits in the South ("exchange preachers" ended up inciting riots and causing property destruction, resulting in many arrests for whom the NCC paid bail and legal fees)—recruitment of 40,000 persons for the radical August 1963 March on Washington, providing 80,000 lunches for demonstrators and \$50,000 in bail for some 90 persons arrested.

In 1964: resolved that "resistance to civil authority is a valid course for Christians to take" and that "it is necessary to remove teenagers from parental control and into the streets to parade, 'push' and picket"—organized the "Delta Ministry" to join with the Student Nonviolent Coordinating Com-

mittee (SNCC) in racial agitation in Mississippi and furnished \$50,000 to train 700 young radicals at Western College for Women, Oxford, Ohio for this operation—appropriated \$250,000 for Delta Ministry, 60% coming from NCC member-churches' funds and 40% from the World Council of Churches—through its "Christian Responsibility in the 1964 Elections", called on NCC member denominations to get involved in politics.

In 1965: recruited for and gave financial support to the disgraceful march in Selma and Montgomery, Alabama staged by Martin Luther King for the Voting Rights Act, which ended up being a sex-orgy accompanied with property damage and violence, after which the NCC's General Board blamed it all on "white masters who have long dominated the ghetto", saying:

"The riots in the cities are the beginning of retribution for another century's bondage. Our enemy is the persistent and pervasive racism of the white majority of the land."

In 1966: urged U.S. support of Red China's membership in the U.N. and U.S. diplomatic relations with Red China—supported economic boycott of anti-Communist pro-Western Rhodesia—opposition to Vietnam War—fostered organization of the "poor."

In 1967: support of conscientious objectors and anti-war demonstrators—support of strikes by workers—support of gun-control legislation.

In 1968: support of more U.S. cooperation with Eastern Europe, Soviet Union and Cuba—more cooperation with U.S.S.R. in scientific endeavors, especially space exploration—support of guaranteed annual income—pronouncement that U.S. "affluence tends to muffle cries of human needs"—attack on free enterprise system.

1969-1970: World Council of Churches (WCC) allocated \$200,000 to nationalist groups including terrorist black guerrilla fighters in South Africa; \$100,000 added to this grant by United Methodist Board of Missions—grant by WCC of \$252,000, for first year of three-year program, for strengthening social services in Poland, a project there controlled and operated by Communists—appeal by WCC for \$210,000 to provide, for a three-year period, food, clothing and counseling for American deserters and draft resisters in Canada—Motive, Methodist magazine for youth, appealed for "bread" for "draft exiles" in Sweden and Canada—Methodist Church cut \$100,000 from appropriation to American Bible Society to give to the Commission on Religion and Race.

The Wall Street Journal, Feb. 2, 1971, reported the Episcopal Church had written James Roche, chairman of General Motors Corp., requesting that General Motors cease its manufacturing operations in the Republic of South Africa. The letter said reason was: "apartheid policies of the government of South Africa". GM has a \$250 million investment in that country. The church, operating under the corporate title, The Domestic and Foreign Missionary Society of the Protestant Episcopal Church, holds 12,574 shares of GM stock, currently valued at about \$1 million, and \$440,000 of debentures of GM Acceptance Corp., a wholly owned GM subsidiary. But church officials said that, because of SEC regulations, they were not soliciting proxies in support of this resolution because they were "confident" that all Episcopal parishes and stockholders supported their request of GM, which will be presented at stockholders' meeting of General Motors Corp. this month (May).

The National Council of Churches has violated the tax-exemption code which denies them political action. The Federal has never investigated NCC's actions, therefore the NCC has never been penalized. Many clergy

and laymen, however, have protested and many individual churches have withdrawn from the NCC because of its political action, its grants to revolution, and its advance of Humanism. The following are examples of individual church protests against the National Council of Churches.

The Board of a Methodist Church in Houston, Texas declared that there were "leftwing members" in the departments of the NCC, saying "there are Communist influences which we feel should be cleaned out" (Houston Post, April 17, 1963).

In 1960, the First Baptist Church of Wichita, Kansas started its protest against the NCC because of its "socialist and political activities". By 1962 this church had withdrawn its membership from the Baptist Convention and the National Council.

An Episcopal Church in Phoenix, Arizona called on the NCC to refrain from taking positions on "topics of controversial political nature", and a resolution by an Episcopal Church in Tempe, Arizona urged the NCC "to cease all political activity". (*The Tablet*, Feb. 4, 1961.)

Episcopal laymen in Dallas, Texas wrote their Bishop that the National Council of Churches "is hastening us on our way toward the Total Welfare State—complete Socialism". (*Dallas Morning News*, Feb. 27, 1961.)

The First Presbyterian Church in Hollywood, California issued a pronouncement that the NCC was "advocating precisely the things sought by the Communist Party". (*Los Angeles Times*, May 9, 1961.)

An Episcopal Church in Shreveport, Louisiana made an official statement that the NCC "is a harmful and dangerous institution". (*Shreveport Times*, April 23, 1961.)

Dr. Charles Poling, prominent Presbyterian clergyman, who withdrew from his church, stated on Feb. 17, 1964: "When my church becomes the captive of the ultra-liberal and apostate National Council of Churches and the World Council, and yields obedience to this socialistic, political hierarchy, my church can no longer claim my support and respect." (*Lutheran News*, Feb. 24, 1964.)

#### POWER OF TAX-FREE DOLLARS

Financing the destruction of American fundamentals and the very structure of our Republic is treasonous action. The millions of dollars, granted by tax-free organizations toward the operation of subtle Socialism and violent anarchism, indicates a treacherous power—the power to destroy. This kind of power was described as follows by Floyd McKissick, director of the militant Congress on Racial Equality (CORE), in his speech at the National Conference for New Politics, held in Chicago, Aug. 31–Sept. 1, 1967:

"... he who has the power to destroy has political power. He who has the power to destroy has economic power."

The National Council of Churches and foundations, such as the Ford Foundation, must be investigated and penalized and denied their tax-exemption. They must no longer be permitted to wield this extraordinary political and economic power which they have unlawfully assumed—power directed toward the annihilation of America!

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#### H.R. 8298

A bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt organizations which engaged in activities of carrying on propaganda, or otherwise attempting to influence legislation, shall lose their exemption from tax

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) (3) of section 501 of the Internal Revenue Code of 1954 (relating to tax-exempt organizations) is amended by striking out the word "substantial."

#### THE CONSTITUTION VERSUS LAW ENFORCEMENT

The SPEAKER. Under previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 30 minutes.

Mrs. ABZUG. Mr. Speaker, if I had to choose any amendment which symbolizes the meaning of our country—and its greatness—the first amendment is the one I would choose.

In his essay, "Experience," Emerson said:

The years teach much which the days never know.

In years to come we may realize that the experience of a few days last week when 10,500 Americans were arrested here in Washington, the largest mass arrest ever conducted in this country, was a low-water mark in the history of constitutional rights in the United States.

And we may see, too, how the erosion of individual rights is a step-by-step process in which one deprivation leads to increasingly larger and more serious deprivations. Thus, in less than a year, we have progressed, or retrogressed, from the preventive detention statute affecting District of Columbia citizens in alleged criminal cases to preventive detention of thousands of individuals who were denied their most elementary rights and due process.

We have seen, too, that these mass arrests were not actions that occurred simply in the heat of emotion, but instead were deliberately decided upon as policy by the Attorney General, the head of the Justice Department, with the full approval of the White House.

We have seen President Nixon and Attorney General Mitchell congratulating themselves and the police for this policy of dragnet arrests, preventive detention, and denial of due process, and just yesterday Mr. Mitchell made a speech in which he advised the police officials in other cities to go and do likewise.

Thus we have the highest law enforcement officials in our country urging other law enforcement officials to ignore the Bill of Rights and to violate the rights of individuals on a vaster scale than has ever been seen before in our country.

It is ironic that Attorney General Mitchell ordered the arrest of Rennie Davis for alleged violation of 42 United States Code, sections 1983 and 1984, which prohibits interference with the constitutional rights of others, when he is doing the very same thing and indeed is declaring it to be Government policy. Mr. Mitchell's outrageous comparison of the demonstrators to brown-shirted Nazis was exactly the kind of perversion of the truth that we have been consistently getting from the Nixon administration. To those of us who remember the mass arrests and concentration camps of the Hitler regime, it is clear that it is Mitchell, not the demonstrators, who is emulating the Nazi tactics.

As always, when rights are taken away, the argument is that it was done to preserve a greater good. In this case, thousands of young people were coming to Washington to protest the continuation of a war which they regard as im-

moral and illegal. They were coming to address themselves to an administration and to a Congress which they saw as unresponsive to the wishes of the American people for an end to the war. Some of their leaders announced that their goal was to stop the Government by nonviolent acts of civil disobedience, most notably, by tying up traffic on the 14th Street Bridge and elsewhere.

Those who intended to engage in acts of breaking the law were aware of the consequences and were prepared to be arrested. We have no way of knowing however how many of these young people were actually prepared or intended to commit civil disobedience. Instead, the Government decided in advance that mere presence on the streets was grounds for arrest and within a period of 3 days, some 10,500 people were arrested.

Thousands were not informed of the reason for their arrest. They were not told of their legal rights. They were denied access to a lawyer. They were not promptly brought before a magistrate for arraignment. They were denied food, water, decent shelter, and sanitary facilities. In a large number of cases, the police demanded that prisoners forfeit collateral in order to get released, thus eliminating their right to trial.

When I heard that more than 7,000 people had been arrested last Monday, I went to the training field at the Kennedy Stadium where some 1,700 people were being held in what amounted to a concentration camp. It was cold and windy, and this huge throng of American citizens had only the bare ground to sit on. The stadium was completely encircled by police. I was allowed to enter with several members of my staff as hundreds of these people gathered around us eager to tell us what had happened to them. We were told that a 12-year-old boy and two 14-year-olds had been arrested. Dozens of messages for families were thrust at us by people who had been on their way to work when they were picked up.

It appeared that only a handful had been properly arrested. Most were just rounded up, demonstrators and nondemonstrators alike, and herded off to places of detention. They were repeatedly gassed and maced, on the streets and even in detention. One young woman, a former staff employee of mine who was among the first arrested early Monday morning, told me how she had been maced while walking peacefully across the 14th Street Bridge, not in a traffic lane.

She and hundreds of other young women were taken at first to a District jail and jammed into cells where there was barely room to stand. The jail matrons, she reported, were wearing gas masks because the clothing of these imprisoned were so heavily impregnated with the fumes. After being held in the jail without charges for hours, she and the others were transferred to the open air stadium. For a crowd of 1,700 people, only a few portable toilets were provided. The only food they got came from sympathizers outside the stadium who threw food to them over the fence and, she reports, the police then arrested many of these people and tossed them into the training field.

It was not until late Monday evening that the prisoners in the stadium were transferred to a coliseum where some were given the option of forfeiting collateral in order to get released, thus waiving their right to trial.

The young woman who told me her story—and it was typical—decided to pay \$10 to win her release, although she had still not been formally charged. She stood on line in the stadium for 7 hours while the police officials processed the prisoners one by one in an obviously delaying tactic. She was fingerprinted, photographed, and now has an arrest record. She finally was released late on Tuesday.

Not only were peaceful demonstrators arrested, but apparently hundreds of people who had nothing to do with the demonstration were also detained.

Reporters and photographers were jailed. A psychiatrist reported that six young people under his care for mental disorders were caught with their attendant in the dragnet near George Washington University.

In Georgetown, a housewife who went out to buy some groceries was arrested.

A department store employee told what happened as he left for work Monday morning from his home near George Washington University. He went inside the Student Union to escape tear gas exploding around him. When he came out, he was grabbed by the police. He said:

I was not told I was under arrest, and I have not been advised of my rights whatsoever.

This man, a 4-year veteran of the Marine Corp who twice voted for Richard Nixon, said he went into jail a Republican and came out an anarchist.

He said:

I didn't think this could happen to a D.C. citizen. They deprived me of my personal liberties.

This man takes the Bill of Rights seriously even though the police did not.

Although we have been told that the police were restrained in their actions, there is much evidence to the contrary. A young woman lawyer on my staff saw a motorcycle policeman riding a cycle with license No. M-12 and wearing badge No. 1964 deliberately run his cycle at full speed into a group of unarmed and peaceful demonstrators on the Southwest Freeway, striking one young man and injuring him. The policeman then quickly removed his name plate to avoid being identified. The young lawyer then spent an hour and a half going from police building to building, trying to file a complaint against the policeman, but the officers in charge refused to listen to her.

The police also used provocative tactics in arresting demonstrators who were sitting on the expressway in an attempt to block traffic. Instead of coming up to the demonstrators and announcing that they would have to arrest them and making the arrest in a peaceful, orderly fashion, the police tossed "pepper gas" at the demonstrators, scattered them and ran after them. In this fashion, the police themselves increased the likelihood that there would be violence and injury.

Other witnesses reported seeing young people who were passively submitting to arrest being clubbed by the police.

In still another case, Irving Ruderman, a graduate student in history at Columbia University, who I met in the District of Columbia Superior Court-house Wednesday night, was arrested while he and a Protestant minister were praying outside Selective Service Headquarters in Washington early Wednesday morning. Mr. Ruderman, a Jewish conscientious objector was planning to go into the building to discuss his draft status with a selective service official, but first joined with several hundred others who had gathered outside the building in a nonviolent peaceful demonstration. He finally did get into the building on Friday morning and discussed his case fully with an official who told him to feel free to come in at any time. Mr. Ruderman explained that he had been on his way in 2 days earlier when he was arrested.

Mr. Ruderman was arrested at 8:45 a.m., on Wednesday and held in a overcrowded jail cell for 18 hours without food or water. The police took away his Yamulka, prayer book, and Phylacterics despite his protests that his religious rights were being interfered with and that he required them for morning prayer services. When the young man continued to protest, the police handcuffed him and moved him to another jail. He was not legally arraigned until Thursday morning and was released in third-party custody at noon on \$25 bond. He and 125 others arrested with him were tried on Friday, and the judge has reserved decision.

Also that night I talked with a group of 30 young men who had been in the overcrowded cellblock for at least 35 hours without charges or arraignment. When I called attention to their condition, it was discovered that their papers were lost. The charges against them such as they were, were dismissed and they were released.

I have also been informed that a number of persons held in jail were visited by staff members of the House Internal Security Committee who questioned them. These prisoners were not allowed to see lawyers, but employees of a congressional committee had no trouble in getting in to see them and to threaten them.

It should be also noted that the police continued their mass arrests through the week even after the local courts had already ruled that their actions were illegal. On Monday evening, May 3, an emergency habeas corpus petition filed by the public defender services in behalf of the 1,700 Americans held in Kennedy Stadium resulted in the chief judge of the District of Columbia Superior Court ordering the Government to explain why it was carrying out mass arrests without taking names, photos, or details of the alleged offenses. When the Government failed to explain its actions by the following evening, the judge ordered the immediate release of all persons in custody for whom the Government could not produce evidence of a crime. Chief Judge Harold Greene accused the U.S. Attorney's Office and the Justice De-

partment of deliberately stalling in order to keep these prisoners in detention.

The mass arrests continued on Tuesday, May 4, with some 2,700 people arrested in the vicinity of the Justice Department. Again the police swept up observers and demonstrators alike. Those arrested were crammed into police precinct houses around the city—15 to 20 held in cells meant for one or two people.

Physicians from the District of Columbia Public Health Association filed another writ of habeas corpus, alleging that there was a threat of scarlet fever and hepatitis epidemics. It was not until early Friday morning, May 7, however that a judge in the District of Columbia Superior Court ordered the overcrowding to cease, but as the case of Mr. Ruderman and others indicate, prisoners were still detained under abysmal and inhumane conditions.

On Wednesday, May 5, 1,200 citizens gathered peacefully on the Capitol steps to present me and Congressman RON DELLUMS, PARREN MITCHELL, and CHARLES RANGEL with the people's peace treaty which calls essentially for a speedy withdrawal of all American forces from Indochina in return for a ceasefire and release of American Prisoners of War.

The Capitol Police at first tried to bar entry of the citizens, but after I and the other Congressmen informed the inspectors of the Capitol Police force that the people had gathered peacefully at our invitation. He said:

Well, if you're inviting them, they can come on to the Capitol ground.

The steps quickly filled and the crowd was addressed by myself and the other Members of Congress. As we were speaking to the assembly, a motorcade of police buses pulled into Capitol Plaza and hundreds of members of the civil disturbance unit began making arrests.

I asked the police to be allowed to inform the crowd that they were being requested to leave the grounds and that those who stayed would be arrested, but this was denied to me. Meanwhile, as the demonstrators and even some congressional staff personnel were being arrested, Congressman DELLUMS and others were subjected to personal indignities by the police.

That evening, together with my congressional colleagues and attorneys for the American Civil Liberties Union, I went into court to file a writ of habeas corpus, alleging the legality of the entry on to the Capitol Grounds. Judge Alfred Burka dismissed our petition, holding that it was premature until those arrested had been formally charged. And so again hundreds of American citizens were held illegally in jail.

The next day, Superior Court judges in numerous cases in which charges were dismissed found there had been no probable cause for the arrests, no unlawful entry on to the Capitol Grounds. They also found that the crowd had been orderly.

We have heard a great deal about the one young man who stripped off his clothes and stood naked on a pedestal

of the Capitol steps. I think most of us would agree that this was a very stupid and exhibitionist act. But it strikes me as an even more strange exhibition that the Congressmen who rose on the floor the next day and denounced what had happened were more exorcised over this one foolish misdeed than over the hundreds of illegal arrests which followed. The naked young man was duly arrested and charged, but was it also necessary to arrest 1,200 people who were peacefully assembled and deprive them of their constitutional rights?

I regard the mass arrests on Wednesday on the Capitol Grounds at a flagrant interference with the rights of the individuals involved and the rights of the Members of Congress who were addressing their constituents and other citizens. As we all know the statute barring demonstrations on the Capitol Grounds that might interfere with the work of Congress is enforced in a highly discriminatory and political way. It is traditional for example for high school bands to perform on the Capitol steps as indeed one did that very day. The sound of their trumpets and trombones can be heard inside the Capitol and the nearby House office buildings. Last year, 1,200 policemen demonstrated on the steps, and there have been many, many other instances in which citizens have gathered there in large numbers.

Nor is their right to do so dependent in any way on permission from the House Speaker. In fact, in the Nicholson case, Judge Greene ruled against the custom of getting approval for such gatherings from the House Speaker, after Police Chief James Powell testified that the Speaker's policy was to approve the non-controversial gathering and to disapprove the controversial ones.

There is no constitutional authority to limit the number of person who may come to the Capitol to petition for a redress of grievances. This kind of assembly is, in fact, the most classic example of the exercise of the first amendment.

You may recall that in the case of Edwards against South Carolina, the U.S. Supreme Court reversed a State supreme court decision upholding the conviction of 187 black high school and college students who had marched to the statehouse grounds and assembled there to submit a protest to the citizens of the State and to the legislators in regard to discrimination.

The students were at first allowed on the statehouse grounds, then ordered to leave, and then arrested, convicted, and sentenced to fines and jail.

The Supreme Court held that the State of South Carolina had "infringed the petitioners' constitutionally protected rights of free speech, free assembly, and freedom to petition for redress of their grievances."

In an opinion written by Justice Stewart, the Court contended that the facts showed "An exercise of these basic constitutional rights in their most pristine and classic form."

In an earlier case, Terminiello against Chicago, 1949, Justice Douglas affirmed

that if changes in our Government or society are to be brought about peacefully, there must be free debate, free exchange of ideas.

He said:

A function of free speech under our system of Government, is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often provocative and challenging.

As the Supreme Court has pointed out, constitutional rights are "present rights; they are not merely hope to some future enjoyment of some formalistic constitutional promise."

The classic case on the rights of demonstrators involved Mayor Frank "I am the law" Hague of Jersey, whose ideas of constitutional law were remarkably similar to those of Mr. Mitchell and Mr. Nixon. A city ordinance prohibited public assembly on the streets or in public buildings without a permit, and the licensing official was authorized to refuse to issue a permit in order to prevent, riots, disturbances, or disorderly assemblage. This is, in effect, was what Mr. Mitchell attempted to do when several weeks ago he denied the veterans the right to use the Capitol Grounds.

In the Hague case, the Supreme Court held in 1939 that the ordinance was unconstitutional because it could be used as an "instrument of arbitrary suppression of free expression of views—for the prohibition of all speaking will undoubtedly 'prevent' eventualities. That is, riots, disturbances or disorderly assemblage."

This is the direction in which Mr. Nixon and the Justice Department would now take our country. They would deprive huge numbers of Americans of free speech and free assembly in order to prevent dissent by any American.

The record of the White House in the administration of justice and in carrying out the laws of the land have been marked by a shocking disregard for the rights of the individuals.

One could cite many examples. One, in particular, comes to mind, and that is the failure of the administration to impanel a Federal grand jury to investigate the murders of the four students at Kent State, even as it presses investigation of Catholic pacifists.

Over and over again, this administration has made clear that it will not extend the protection of the law to those who dissent from the policies of the Government. It has made clear that it will use the power of Government to repress dissent and to punish those who speak out.

A great injustice has been done to our country. A great injustice has been done to thousands of American citizens who were illegally arrested, many of whom now face trial for months to come.

I believe the danger to American liberties is so great that it warrants action by the Congress. I will, therefore, introduce a resolution calling on the House Judiciary Committee to investigate the

events of last week and to summon before it Mr. Mitchell and representatives from the White House to explain their actions. As a Member of Congress, I will be willing to testify as to the conditions I personally witnessed and I am certain that many others will also be prepared to testify.

The events of last week occurred, of course, as part of the great antiwar movement that is sweeping our country. But to some extent the issues of civil liberties and individual rights transcend even the issue of where America stands on the war in Indochina. This should be a matter of concern to all Americans because without the protection of the Bill of Rights, we will have lost the soul and meaning of the United States of America.

#### U.S. GEOLOGICAL SURVEY SHOWS DAMAGE TO ENVIRONMENT BY STRIP MINING

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, a scientific series of three studies by the U.S. Geological Survey, the last of which has just been released, demonstrate the damaging influences of strip mining of coal. Under unanimous consent, I include the text of the third and most recent study completed by the U.S. Geological Survey, omitting the photographs and graphs. The full documents may be obtained from the Government Printing Office.

This scientific study conclusively shows that the strip mining of coal is one of the most serious threats to the environment.

The study referred to follows:

INFLUENCES OF STRIP MINING ON THE HYDROLOGIC ENVIRONMENT OF PARTS OF BEAVER CREEK BASIN, KENTUCKY, (U.S. GEOLOGICAL SURVEY, 1970)

(Edited by C. R. Collier, R. J. Pickering, and J. J. Musser)

##### SUMMARY OF RESULTS

(By C. R. Collier, R. J. Pickering, and J. J. Musser)

(NOTE.—Illustrations and maps referred to do not appear in the RECORD.)

Strip mining of coal in the Beaver Creek basin in south-central Kentucky has significantly increased the acidity and mineralization of surface and ground water and increased the sediment content of streams in the mined area. These effects, in turn, have reduced or eliminated aquatic life in the streams. Influences of mining on the hydrologic environment are limited largely to the Cane Branch basin and to Hughes Fork downstream from Cane Branch. Beaver Creek, 3 miles downstream from the mined area, is relatively unaffected.

Mining, which began in 1955, was intermittent, but by the time the last operation ceased in 1959, 44.6 acres, or 10.4 percent, of the Cane Branch study area had been strip mined, and 1.3 acres, or 0.8 percent, of the West Fork Cane Branch study area had been disturbed by prospecting. Some underground mining had been done in one of the stripped areas as well. The basin of Helton Branch remained unaffected by mining and useful

as an indicator of natural conditions within the upper Beaver Creek basin.

Gross runoff characteristics in the Cane Branch and Helton Branch basins have been similar throughout the study period. In both basins, approximately 40 percent of the precipitation was removed as runoff, and approximately 60 percent was lost through evapotranspiration. However, some measurable differences were observed. Cane Branch had greater peak flows per square mile of drainage area and more rapid changes in discharge, but Helton Branch had greater base flows. Lack of data for the Cane Branch basin prior to mining prohibited separation of differences in runoff characteristics between the two basins into those due to strip mining and those caused by natural differences. An examination of the hydrologic data for a progressive change in runoff characteristics of Cane Branch that could be related to the history of mining in the basin failed to indicate any such change.

There have been no significant changes in the occurrence and movement of ground water in bedrock and spoil in the vicinity of the southwest spoil bank since observations began in 1958. Pools formed in the mining cuts adjacent to the spoil bank represent links between ground water in the bedrock and ground water in the spoil bank, and serve as sources of continuous recharge to the spoil bank, from which ground water discharges into drainage ditches. Shallow ground water in bedrock moves from topographically high areas to discharge into the pools and into streams. Ground-water levels in both bedrock and spoil respond to recharge from precipitation within 24 hours. Changes in ground-water levels in the spoil bank during the summer and autumn are the net result of variations in water levels in the pools and variations in direct infiltration of precipitation. Changes in ground-water levels during the winter and spring are due primarily to variations in direct infiltration of precipitation, because the pools are full most of the time.

Although the amount of ground water in the southwest spoil bank and adjacent bedrock areas has changed seasonally, there has been little overall change for the period of record. A small overall loss in storage for the study period is assumed to be due to deficient precipitation in 1963, 1964, and 1966, but it may also be due in part to deepening of gullies in the spoil bank and increased transpiration by vegetation.

Variations in solute concentrations in ground water in the southwest spoil bank are due primarily to changes in the relative amounts of recharge from three chemically different sources—direct infiltration of precipitation, pools formed between the spoil bank and the highwall, and ground water in bedrock of the adjacent ridges. Seepage and runoff from the spoil bank areas and overflow from the adjacent pools are the sources of the acid, highly mineralized water that characterizes Cane Branch.

Cane Branch became an acid, highly mineralized stream in the spring of 1956 as a result of strip mining of coal in the southwestern part of the basin. Following cessation of mining, concentrations of dissolved constituents in the water slowly decreased during 1957 and 1958 as the more easily leached weathering products were transported from the mined area. In 1959, mining in the northwestern part of the basin resulted in an increase in the rate of chemical weathering in the newly mined area and a twofold increase in dissolved-solids concentrations in the stream, as compared with 1958 concentrations. After mining in that area was stopped in 1959, concentrations of dissolved constituents in Cane Branch began to decrease, and by 1962 they had reached the level

that occurred in 1957. There was little change in the rate of chemical weathering or in the chemical composition of the water in Cane Branch from 1962 to 1966. Water in Helton Branch, which was not affected by mining, remained relatively unmineralized and had a near-neutral pH throughout the study period.

During the period 1957-62, Cane Branch transported a net dissolved-solids load of approximately 1,370 tons per square mile of drainage area, as compared with about 111 tons per square mile transported by Helton Branch. Thus, the rate of chemical degradation in the Cane Branch study area was about 12 times faster than that in the Helton Branch study area. During the same period, the spoil banks alone contributed a net dissolved-solids load of approximately 14,000 tons per square mile. This represented a rate of chemical degradation of the spoil banks that was about 126 times the rate for the unmined Helton Branch area.

As acid water from the Cane Branch study area moves downstream, it is diluted and neutralized by inflow from streams containing bicarbonate alkalinity. The effects of the mine drainage are almost undetectable in Beaver Creek, 3 miles downstream from the mined area.

Sediment yields from the strip-mined areas have been exceedingly high. Slow, natural revegetation has not been sufficient to reduce the rate of weathering and erosion of the spoil material, and the spoil banks have continued to be the predominant source of sediment in the Cane Branch basin. Both sheet erosion and gully erosion were active on the spoil banks. Large gullies eroded into the steep outer edges of the spoil banks were the source of much of the material removed. From 1958 to 1966, the top of the southwest spoil bank was lowered 0.3 foot by sheet erosion. Part of the spoil bank, whose steep outer slope was rilled and partly terraced, was eroded at an average annual rate of 14.8 cubic yards per acre, while in an area drained by a large gully, the annual rate of erosion was 159 cubic yards per acre. Gully erosion in the spoil banks has increased with time, whereas sheet erosion has decreased with time.

Much of the sediment that was eroded from the spoil banks by surface runoff was transported into Cane Branch and greatly increased the sediment concentrations and sediment discharges of that stream. Sediment concentrations in Cane Branch during the study period commonly exceeded 30,000 ppm (parts per million) during storms, whereas the maximum concentration was only 553 ppm in 2½ years of record at Helton Branch. The annual sediment yield from areas not affected by mining averaged about 25 tons per square mile compared with an average of more than 1,900 tons per square mile for Cane Branch during the 4 years following cessation of mining, 1959-62. The average annual sediment yield from the spoil banks was about 27,000 tons per square mile during this period, more than a thousand times greater than the yield from undisturbed areas. Most of the sediment is transported by Cane Branch during intense storms in the warm months, whereas most of the dissolved-solids load is transported in the winter.

Significant changes occurred in the sediment discharge of Cane Branch as additional parts of the basin were strip mined. In the spring of 1956, sediment concentrations due to direct runoff from summer storms averaged nearly 4,800 ppm. Sediment concentrations in direct runoff remained at that level until shortly after strip mining began on the northeast side of the basin in 1958. This new strip mining caused an increase in the

amount of sediment transported by Cane Branch in the summer of 1959, and the mean concentration of direct runoff from summer storms averaged 19,900 ppm. By the summer of 1960, mining had ceased, and average concentrations from summer storms had decreased to about 5,600 ppm. Sediment concentrations remained at that level through 1966. Further reductions in sediment concentrations and loads in Cane Branch are not likely to occur until revegetation of the spoil banks is sufficient to reduce the rate of weathering and to protect the banks from erosion.

Some of the sediment eroded from the spoil banks has been deposited in pools and on the flood plain of Cane Branch. These deposits vary in thickness from a few inches to more than 2 feet. Prior to 1959, they consisted primarily of silt- and clay-size particles, but deposits formed since 1959 contain a somewhat higher percentage of sand-size particles. Sediment deposits resulting from spoil-bank erosion have been observed in Hughes Fork, downstream from the mouth of Cane Branch.

Acid water and heavy sediment loads originating in the strip-mined areas of the Cane Branch basin have caused a decrease in the variety and abundance of invertebrate bottom fauna in Cane Branch and in Hughes Fork downstream from Cane Branch. Both the total population and the number of orders of benthic organisms are markedly less in the two streams than in streams that were unaffected by mining.

Cane Branch supported an average of only 30 benthic organisms per square foot of riffle during the 1959-65 period. Larvae of mayflies and caddis flies, the primary food for most small stream fish, were almost entirely absent. The population of organisms was somewhat higher in Hughes Fork, below Cane Branch, averaging 48 per square foot of riffle. In Helton Branch and Little Hurricane Fork, which are unaffected by mining, the populations averaged 178 and 211 organisms per square foot, respectively.

The only change in fauna that indicated a trend toward recovery from the conditions created by the strip mining was a noticeable increase in the number of caddis-fly larvae in Hughes Fork in 1964. This increase was accompanied by greater algal growth on the stream bottom and reestablishment of *Dianthra*, a higher form of aquatic vegetation, along the edges of the stream.

Alternate deposition and erosion of sediment and the killing of aquatic vegetation by acid water have resulted in an unstable stream substrate. Aquatic life will not return to these streams until the stream habitat has been restored. During the 6-year period following cessation of mining, no reproduction of aquatic fauna was observed in Cane Branch, and only limited repopulation was observed in Hughes Fork.

Both the total population and the number of species of fish are less in streams in the Beaver Creek basin that receive acid mine drainage than in streams that do not receive acid mine drainage. There are no fish in Cane Branch and only small seasonal populations in the most downstream portion of Hughes Fork. Fish production in streams that do not receive acid mine drainage ranges from 5 to 370 pounds per acre and consists primarily of creek chubs and darters.

The pH of Cane Branch water, commonly 3 to 4, is lethal to fish. The pH of water in Hughes Fork downstream from Cane Branch ranges from 5 to 6 and should not be toxic to fish. The meager fish population in Hughes Fork may be due to the limited availability of bottom organisms that serve as food for the fish.

Differences in chemical composition be-

tween Cane Branch and Helton Branch have produced differences in their microflora. The acid-producing bacterium *Ferrobacillus ferrooxidans* is prominent in Cane Branch but of minor importance in Helton Branch. The reverse is true concerning the saprophytic bacteria. Filamentous fungi are more numerous and diversified in Cane Branch than in Helton Branch, and the yeast *Rhodotorula* and the alga *Bumilleria*, both of which appear to be associated with acid conditions, occur only in Cane Branch.

A study of tree growth suggested the possibility of a detrimental effect of mine drainage on growth rate. Natural reforestation of the southwest spoil bank was much less advanced in 1964 than was natural reforestation of adjacent farmland abandoned just prior to strip mining in the area, possibly because of toxic minerals in the spoil.

#### INTRODUCTION

Strip mining of coal has altered natural processes and affected natural resources in many places in the Cumberland Mountains of southeastern Kentucky. Strip mining in the previously undisturbed basin of Cane Branch, a small stream in the Beaver Creek basin of McCreary County, Ky., afforded an opportunity to document some of these effects. A study by several Federal and State agencies was begun in the Cane Branch basin in 1955.

The nearby basins of Helton Branch and West Fork Cane Branch were studied also. No mining was done in the Helton Branch area, and only minor prospecting was done in the West Fork Cane Branch area. The natural conditions in these two areas were contrasted with conditions resulting from mining in the Cane Branch study area.

The objective of the investigation was to document the effects of strip mining on the hydrologic environment of the study area. No attempt has been made to judge the effects of mining as either beneficial or detrimental to the environment or man. The data and interpretations resulting from the study pertain only to the specific area studied and do not necessarily apply to all strip-mined areas. However, many of the principles and processes defined in the study are applicable to other areas with a similar environment.

Only summary tables and special tables have been included with the text of this report. Tables of supplemental data are given at the end of the report. Basic data collected in the course of the study are too detailed and voluminous to be reported here. Data on streamflow, precipitation, and chemical and physical quality of water are contained in annual reports of the U.S. Geological Survey. Specific references are given in the body of this report. Unpublished data on other phases of the study are on file in the offices of the agencies responsible for that particular phase. The physical characteristics of the Beaver Creek basin and the results of the study during the period 1955-59 have been described in two earlier reports of this series (Musser, 1963; Collier and others, 1964).

#### ACKNOWLEDGEMENTS

The study was conceived by Donald E. Whalen, U.S. Forest Service, whose efforts were also instrumental in organizing the investigation. Much of the early planning was done by personnel of the U.S. Forest Service as part of an effort to obtain factual data on which to base a policy in relation to strip mining on National Forest lands. As the broad scope of the problem became evident other agencies were asked to participate in the study, and the Interagency Beaver Creek Work Group Committee was formed to direct and coordinate the study. E. L. Hendricks, chief hydrologist, U.S. Geological Survey, served as chairman of the committee.

Agencies that participated in the study include: U.S. Forest Service; U.S. Army Corps of Engineers; U.S. Bureau of Sport Fisheries and Wildlife; U.S. Soil Conservation Service; U.S. Bureau of Mines; U.S. Geological Survey; Ohio River Valley Water Sanitation Commission; Kentucky Department of Commerce; Kentucky Department of Fish and Wildlife Resources; University of Kentucky, Department of Microbiology and Kentucky Geological Survey; Kentucky Strip Mining and Reclamation Commission; Kentucky Division of Water; and Kentucky Water Pollution Control Commission.

The study required the services of many consultants who advised and participated in planning, development, and operations. Consultants for the U.S. Geological Survey, Water Resources Division, during the period 1959-66 included P. C. Benedict, L. M. Brush, Jr., R. W. Carter, and Thomas Maddock, Jr.

In field studies conducted by U.S. Geological Survey personnel during the period 1959-66, G. W. Whetstone, C. R. Collier, J. J. Musser, and R. J. Pickering were responsible for geochemical and sedimentation studies; F. F. Scader, N. O. Thomas, J. A. McCabe, and C. H. Minehan conducted streamflow and precipitation surveys; R. V. Cushman, H. T. Hopkins, D. S. Mull, and D. V. Whitesides made ground-water studies; and R. S. Sigafos and R. L. Phipps investigated the effects of mining on tree growth.

For the U.S. Forest Service, R. F. Collins, forest supervisor, Daniel Boone National Forest, was active in organization of the project and provided support and guidance. N. R. Tripp, E. A. Johnson, R. A. Tobias, R. F. May, G. L. Varney, and M. J. Williamson assisted in planning and coordinating the investigations. Acknowledgment is also due U.S. Forest Service staffs at Winchester and Berea, Ky., for their contributions to the study, and particularly the district rangers for their continued assistance in the field.

Braden Pillow, M. A. Smith, and J. R. Sheridan, U.S. Bureau of Sport Fisheries and Wildlife, made fish population surveys of streams in the Beaver Creek basin.

J. W. Roehl, A. B. Rogers, L. M. Lackey, J. D. Alexander, and A. S. Johnson, U.S. Soil Conservation Service, conducted the surveys of soils and changes in vegetative cover and served as consultants to the project.

Other Federal agency consultants on the project from 1959 to 1966 included the following: H. J. Blazek, U.S. Army Corps of Engineers; J. J. Dowd, W. T. Boyd, and A. H. Reed, Jr., U.S. Bureau of Mines; H. O. Boles, U.S. Bureau of Sport Fisheries and Wildlife; J. W. Beverage, J. A. Curry, James Smallshaw, A. A. Foster, and E. H. Lesesne, Tennessee Valley Authority.

B. T. Carter and J. P. Henley, Kentucky Department of Fish and Wildlife Resources, conducted studies of bottom fauna in streams in the Beaver Creek basin. H. D. Nash and R. H. Weaver, University of Kentucky, studied the microscopic flora and fauna of the streams.

Consultants for the Commonwealth of Kentucky included W. W. Hagan, Preston McGrain, J. M. Stapleton, Robert Montgomery, E. C. Grimm, R. W. Smith, and W. W. Smither.

Others advising the Work Group Committee on specific studies were J. M. Crowl and C. K. Spurlock, Kentucky Reclamation Association, and S. A. Braley, Mellon Institute.

#### PRECIPITATION AND RUNOFF

(By J. A. McCabe, U.S. Geological Survey)

##### Introduction

The objectives of this phase of the study were to determine the runoff characteristics of Cane Branch and Helton Branch basins and to relate any observed differences

between the two basins to differences in their exposure to strip mining. The drainage basin of Cane Branch includes strip-mined areas, whereas the drainage basin of Helton Branch has not been disturbed by strip mining.

*Instrumentation*

Two stream-gaging stations with dependent-type tipping-bucket rain gages, one partial-record station, and four recording precipitation stations were continued in operation from the earlier phase of the investigation. The water-stage recorder at the West Fork Cane Branch station was removed in October 1961, and the two recording precipitation stations in the same basin discontinued in November 1961. A crest-stage indicator was continued in operation at the West Fork Cane Branch station.

*Data available*

Records of daily mean flow at the gaging stations, Cane Branch near Parkers Lake and Helton Branch at Greenwood, were published by the U.S. Geological Survey in its Water-Supply Paper series (1957-60 and in its series of annual State reports (1961-66) and are not given herein. Monthly values of runoff and precipitation are given in tables 22, 23, and 24 for the water years 1959-66.

Maximum precipitation amounts recorded in Cane and Helton Branch basins since the 1958 water year are listed in table 25. Storms are listed when the storm precipitation exceeded 2 inches at one of the four recording precipitation stations.

*Runoff characteristics*

The average runoff for the period of record and the distribution of average monthly runoff are shown for the basins of Cane Branch, Helton Branch, and Pitman Creek, which is about 25 miles northwest of the study area and for which a longer stream-flow record is available. A comparison of these runoff characteristics for Helton Branch with those for Pitman Creek indicates a gross similarity between the two basins. This gross similarity suggests that the Helton Branch basin is representative of natural runoff conditions in that general region of Kentucky and is thus an acceptable basin for use in detecting the effects of mining on the Cane Branch basin.

A comparison of these same runoff characteristics for the Cane Branch basin with those for the Helton Branch basin indicates a gross similarity between those basins also, and thus implies that mining has produced no detectable gross changes in the runoff characteristics of the Cane Branch basin. The results of more detailed comparisons of the two basins using other runoff characteristics are discussed in the following sections.

*Flow duration and variability*

The flood flows per square mile of drainage area in Cane Branch exceed the flood flows in Helton Branch for corresponding frequencies. However, during dry weather, Helton Branch has considerably greater flow per square mile than Cane Branch. This relationship is shown by the lesser slope of the duration curve for Helton Branch at low discharges and indicates that the Helton Branch basin has greater ground-water storage. Seepage of this ground water into Helton Branch sustains the flow of the stream during periods of dry weather.

*Peak discharges*

Peak discharges in excess of specified bases for the period of record are listed for Cane and Helton Branches in tables 26 and 27; and annual maximum discharges for each water year are listed for West Fork Cane Branch, a small tributary to Cane Branch, in table 28.

The annual maximum discharges for the three stations were analyzed by the annual flood method (Dalrymple, 1960). Plotting positions were compiled using the equation  $T = n + I$ , where  $T$  is the recurrence interval,

$m$  in years;  $n$  is the number of years of record (10 for this period of record); and  $m$  is the magnitude of the flood (the highest was 1 and lowest was 10 for this period of record). The recurrence interval for each flood at each of the three stations was plotted against the discharge of the flood, in cubic feet per second per square mile, and smooth curves were fitted by eye to the plots for each of the stations. For a given recurrence interval and on a square mile basis, floods in Cane Branch are greater than floods in Helton Branch.

Data for West Fork Cane Branch indicate higher floods on a square mile basis than in either Cane or Helton branches. This difference is probably attributable to the large difference in size between the West Fork Cane Branch basin and the other two basins—0.26 square mile as compared with 0.67 and 0.85 square mile for Cane and Helton Branches, respectively.

Time intervals from the beginning of flood rises to the peaks of the floods were determined by Thomas for Cane and Helton Branches for the 1958-59 period. He found that the lag at Cane Branch was about 1 hour and 10 minutes less than at Helton Branch. The additional years of record since the 1959 water year have not changed this average difference. Thus, it appears that the 1959 mining in the northeastern part of the Cane Branch basin had no measurable effect on the rate at which flood peaks moved downstream.

*Correlation analyses*

Runoff from Cane Branch was correlated with runoff from Helton Branch using (1)

mean runoff for each 6-month period ending April 30 for the period of record, (2) means runoff for each 6-month period ending October 31 for the period of record and (3) mean runoff for each water year for the period of record. Also correlated were 7-day annual minimum flows and 30-day annual minimum flows at the two stations for corresponding years.

Coefficients for the first three correlations were above 0.90, but coefficients for the last two correlations, which were not for truly concurrent periods, were considerably less.

In order to examine the accumulated data for evidence of a progressive change with time in the runoff relationship between the two basins, the same correlations were repeated with the addition of a term to allow for a constant change in the characteristics of Cane Branch with time. Introduction of this time factor did not improve the correlations. These results suggest that the runoff relationship between the two basins changed very little during the 11-year study period.

Similar correlations of Cane Branch runoff with precipitation for the 6-month periods ending April 30 and October 31 and for the water years were not improved by adding a time factor either, thus supporting the conclusion that there has been no detectable progressive change in runoff characteristics for Cane Branch basin since 1958, when the first period of mining ended.

*Annual summaries of precipitation and runoff*

Table 1 contains annual summaries of precipitation, runoff, changes in base-flow storage, and computed evapotranspiration for Cane Branch and Helton Branch basins for the period of record. Annual values of precipitation and runoff were taken from tables 22, 23, and 24. Changes in base-flow storage were chosen from figure 10 in Collier and others (1964) using the daily discharge on the last day of the indicated water year. Thomas developed this relationship between base-flow discharge and storage on the basis of records for the period January 1956 to September 1958. Additional records collected for water years 1959-66 showed no change in the relationship.

Except for the period March to September 1956, the change in storage for each water year is minor. This is to be expected, as the water year ends during the low-water season.

Evapotranspiration was computed from precipitation, runoff, and change in storage. For each basin, runoff is approximately 40 percent of the precipitation, and evapotranspirations is approximately 60 percent of the precipitation. There was slightly more precipitation, runoff, and evapotranspiration for Cane Branch than for Helton Branch.

TABLE 1.—SUMMARY OF ANNUAL PRECIPITATION, RUNOFF, CHANGE IN GROUND-WATER STORAGE CONTRIBUTING TO BASE FLOW, AND EVAPOTRANSPIRATION

[All values are in inches]

Water year	Cane Branch basin				Helton Branch basin			
	Precipitation	Runoff	Change in storage <sup>1</sup>	Evapo-transpiration	Precipitation	Runoff	Change in storage <sup>1</sup>	Evapo-transpiration
1956 <sup>2</sup>	27.98	10.11	-0.41	18.28	27.18	9.16	-0.77	18.79
1957	56.19	21.57	+0.04	34.58	55.75	20.61	+0.09	35.05
1958	52.00	23.04	0	28.96	51.92	22.57	+0.01	29.34
1959	41.85	10.40	-0.05	31.50	38.83	10.85	-0.02	28.00
1960	55.18	25.76	0	29.42	52.33	22.67	-0.02	29.68
1961	43.14	18.03	-0.02	25.13	39.38	17.75	+0.02	21.61
1962	56.43	25.80	+0.02	30.61	54.44	24.40	-0.06	30.10
1963	44.73	14.76	0	29.97	38.81	14.59	0	24.22
1964	37.02	10.54	+0.08	26.40	37.48	9.64	+0.35	27.49
1965	45.76	15.86	-0.10	30.00	40.94	17.60	-0.33	23.67
1966	39.54	6.71	+0.16	32.67	34.25	7.87	+0.12	26.26
Total	499.82	182.58	-0.28	317.52	471.31	177.71	-0.61	294.21

<sup>1</sup> Change in ground-water storage contributing to base flow.

<sup>2</sup> Period March to September.

### Conclusions

A hydrologic analysis of precipitation and stream-flow records for Cane Branch and Helton Branch basins for water years 1956-66 indicated measurable differences in runoff characteristics between the two basins, despite the fact that similar percentages of annual precipitation go to runoff and evapotranspiration in each basin. Application of both flow-duration and annual-flood methods to analysis of stream hydrographs indicated that Cane Branch has greater peak flows per square mile of drainage area and more rapid changes in discharge, but Helton Branch has greater base flows. However, an examination of the hydrologic data for progressive change in runoff characteristics of Cane Branch that could be related to the history of mining in the area failed to indicate any such change.

### GROUND WATER

(By H. T. Hopkins and D. S. Mull,  
U.S. Geological Survey)

#### Methods of study

Investigation of ground water in the southwest spoil bank and the adjacent bedrock ridge was begun in 1958. The purpose of the investigation was to determine the effects of mining on the occurrence, movement, and quality of ground water in the Cane Branch study area. Ground water in the essentially unmined West Fork Cane Branch study area was also investigated to provide a basis for comparison.

During the period November 1959 through September 1966, water-level measurements were continued in the Cane Branch and West Fork Cane Branch study areas. In the Cane Branch study area, the observation sites included one water well and one coal-test hole in the bedrock and 14 auger holes in the southwest spoil bank. In the West Fork Cane Branch area, five coal-test holes in the bedrock served as observation sites. Water samples were collected periodically at most of these sites for chemical analysis. The observation sites are numbered consecutively from 1 to 21; their locations are shown on plate 1.

Continuous water-level recorders were operated in the Cane Branch area on water well 12, coal-test hole 16, and auger hole 5. All other observation sites were measured monthly by hand tape. Staff gages were installed and read monthly in pools 3, 9, and 11 on the southwest spoil bank. After May 1963, measurements were discontinued at the five coal-test holes in the West Fork Cane Branch area and at auger holes 13 to 15 and pools 9 and 11 in the Cane Branch area. Thus, with one exception, observations were continued through September 1966 at auger holes 1 to 11 and pool 3 on the southwest spoil bank, at coal-test hole 16 on the nearby ridge, and at water well 12. The exception is auger hole 1 which was destroyed in January 1966. Intermittent observations were made on discharge from the spoil bank.

To ascertain the reliability of the hydrologic data, sensitivity tests were conducted in auger holes 1 to 10 in June 1963. Water levels were lowered by withdrawing approximately 20 ounces of water from each well. At auger hole 5, a 6-inch diameter hole, approximately 0.5 gallon was withdrawn. The following table lists the auger holes and the corresponding period of time required for water levels to return to static level. The following data show that only two observation points, auger holes 2 and 4, have a poor hydraulic connection with spoil at the base of the pile, where most of the horizontal movement of water in the spoil bank takes place.

Auger/hole	Time, in minutes, for water level to return to static level	Precipitations at gage 2, Cane Branch study area, water years 1959-66	
		Water year:	Precipitation, in inches
1	17	1959	41.03
2	1,300+ (0.9 days)	1960	55.34
3	92	1961	43.08
4	7,000+ (4.8 days)	1962	55.37
5	17	1963	44.28
6	175	1964	36.65
7	226	1965	45.16
8	350	1966	39.15
9	180		
10	150		

### Ground-water hydrology

No strip mining occurred on the southwest side of Cane Branch during the period 1958-66, and, therefore, the conditions observed were of the change in the ground-water environment following earlier strip mining. Little overall change from the 1958-59 conditions was observed during the 1959-66 period. Apparently, ground water in the spoil bank attained equilibrium with its environment prior to the beginning of the investigation in 1958.

In bedrock areas, the shallow ground water is recharged by precipitation and moves from topographically high areas to streams. Ground water in the southwest spoil bank also is recharged from precipitation, both by direct infiltration and by seepage after collection in pools along the western and southern margins of the spoil bank. A small amount of the recharge is indirect recharge moving from the bedrock of the ridge to the adjacent pools and then into the spoil bank. Pools 3 to 5 (plate 1) are essentially hydrologic links between the spoil bank and the adjacent ridge. These pools receive continuous ground-water runoff from the ridge, as well as overland runoff following precipitation. Ground water moves from the pools toward the center of the spoil pile and discharges to the southeast into tributaries draining the spoil-bank area.

Seasonal variations in recharge were recorded by fluctuations in the water levels in all observation wells. The seasonal trends during 1959-66 generally continued the trends recorded during the early part of the investigation. The hydrograph of the water level in auger hole 5, shown in figure 5, is typical of the hydrographs of most of the wells, although the range in fluctuation of the water level in the spoil bank is much less than the 5- to 29-foot range in the coal-test holes on the ridges. The greater range in fluctuation of the water table in the bedrock ridges is probably due to a combination of (1) more rapid recharge by direct infiltration, as a result of the much higher permeability of the unsaturated jointed bedrock as compared with spoil, and (2) transpiration by heavy forest growth, which contrasts with the widely scattered small pine trees that have become established on the spoil bank in the vicinity of the observation wells.

The generally lower elevation of the water level in auger hole 5 during the period 1963-66 as compared with that during the period 1959-62 reflects (1) the lesser amount of precipitation that fell during the later period, as shown on a water year basis in the following table, and (2) possible deepening of gullies in the spoil bank and increased transpiration by vegetation as a result of limited natural reforestation in the vicinity of the well. Loss of ground-water storage as a result of this slight lowering of the water table was small.

When compared in detail with the record of precipitation, the pattern of fluctuation shows that water levels respond to precipitation on the spoil bank within 24 hours. The response is equally rapid in the coal-test holes in the bedrock ridges.

The two different patterns of water-level fluctuation in auger hole 5 are the result of seasonal differences in the relative amounts of recharge derived from the two major sources of recharge to ground water in the spoil bank. During the winter-spring wet season, variations in recharge (reflected by the three peaks on the graphs in figure 6) are primarily due to direct infiltration of precipitation. Ground-water levels, pool stages, and soil moisture are high at this time of year. The addition of increments of water from precipitation causes rapid rises in ground-water levels but has little effect on pool levels because they are near or at levels of overflow, and their contribution to recharge is fairly constant. The water level in auger hole 5 rises sharply and declines rapidly to near pre-storm levels because it reflects only direct infiltration of precipitation, which ceases soon after precipitation stops.

In contrast, in the drier season of the year, the water level in auger hole 5 rises rapidly during the period of precipitation then continues to rise more slowly owing to increased recharge from pool 3, whose water level has been raised by surface runoff. The water level in auger hole 5 then declines slowly as the water level in pool 3 declines, and recharge from the pool gradually decreases.

Recharge from pools exerts a greater control on variations in water levels in the spoil bank during the dry season than during the wet season. In contrast to flow of water from pools into the spoil bank during the dry season, there is probably flow of ground water from the spoil bank into the pools immediately after winter or spring rains, when the water table in the spoil bank is higher than the level of water in the adjacent pools.

Profiles of the water table across the spoil bank, suggest that there has been no significant change in the configuration of the profile since observations began in the spring of 1958. The water table roughly conforms to the inferred surface of the bedrock. Thus, the lows at wells 3 and 2 and the gentle slope between wells 6 and 4 reflect corresponding elevations of the bedrock surface and the eastward slope of the bedrock channel.

The slope of the water table and the direction of movement of ground water in the southwest spoil bank also are shown. The contours were drawn from readings taken on June 26, 1963. The probable flow pattern is shown by the dashed arrows crossing the water-level contours at right angles and converging in the trough between wells 3 and 2. The main ground-water discharge is along this trough, in a general eastward direction. This flow pattern and ground-water discharge system in the spoil pile had developed prior to the start of water-level studies in the area.

The general shape of the water table in the southwest spoil bank results principally from the local topographic situation and the loca-

tion of the area of discharge or drainage. The spoil and perimeter pools occupy and fill the U-shaped upper end of a tributary valley. The spoil and pools receive recharge from the bedrock on the north, west, and south sides of the valley in addition to the precipitation directly on the pile. The water moving through this area is discharged at the lower end of the valley near the base of the southeastern part of the spoil. The water surface slopes from all areas of recharge to the area of discharge, giving rise to the U-shaped pattern shown.

Transmissibilities of the spoil, determined by the bailer method of Skibitzke (1958) at three of the auger holes on the southwest spoil bank, ranged from 28 gpd per ft (gallons per day per foot) at auger hole 1 to 64 gpd per ft at auger hole 5. The two wells with the best hydraulic connection with the water in the spoil bank had the highest and the lowest transmissibilities measured. Extremely small transmissibilities, such as those determined at the auger holes, are believed to be representative of most of the southwest spoil bank; exceptions occur where sandy material is present in the spoil or where massive blocks of wallrock were deposited as part of the spoil material in such a way that large voids between the blocks were preserved.

In spite of the small transmissibility of the spoil, water seeping from the spoil bank continuously provides highly mineralized water to Cane Branch. This contribution is particularly significant during periods of low flow, when it constitutes a major part of the flow of Cane Branch and provides the bulk of the dissolved solids and acid loads of that stream. (See "Geochemistry of Water.")

Several seeps occur at relatively high points along the south fork of the surface drainage-way that leads into the tributary on which supplemental sampling site M is located. Another seep occurs in the north fork of the drainage-way in the vicinity of pool 3. These seeps discharge only as long as ground-water storage is available above the points of seepage and, therefore, are not perennial. All perennial drainage is from near the base of the spoil immediately above the surface of the bedrock into tributaries draining the spoil bank area.

**Conclusions**

There has been no significant change in the occurrence and movement of ground

water in the vicinity of the southwest spoil bank since the beginning of observations in the spring of 1958. Shallow ground water in bedrock is recharged by precipitation and moves from topographically high areas to streams. Ground water in the southwest spoil bank is recharged by direct infiltration of precipitation and seepage from adjacent pools, and it discharges mostly eastward into tributaries draining the spoil bank area.

Fluctuations of the water table in the spoil bank are largely controlled by direct infiltration of precipitation during the winter-spring season, but they are strongly influenced by seepage from pools adjacent to the spoil bank during the summer-autumn season. Recharge from the pools varies with water levels in the pools during the summer-autumn season, but it is fairly constant during the winter-spring season, when the pools are full most of the time.

The shape and slope of the water table in the spoil bank have not changed significantly since observations began in 1958. Although the amount of ground water in storage in bedrock areas and in the southwest spoil bank changes seasonally, there was little overall change for the period of record. However, there was indication of a small overall loss in storage for the study period, mostly the result of deficient precipitation in 1963, 1964, and 1966, but possibly due in part to deepening of gullies in the spoil bank and increased transpiration by vegetation.

**GEOCHEMISTRY OF WATER**

(By J. J. Musser and R. J. Pickering, U.S. Geological Survey)

*Background and scope*

One of the environmental factors most obviously influenced by strip mining in the Cane Branch basin is the chemical composition of the water. Cane Branch became an acid stream because of strip mining in the Cane Branch study area. This section of the report describes and evaluates (1) changes in the chemical composition of water in the Cane Branch study area, (2) the chemical composition of water in nearby study areas unaffected by mining, and (3) the general persistence of acid water downstream from the Cane Branch mining area. Although the results of studies conducted during water years 1959-66 are emphasized in this report, the conclusions at the end of this section are

based on the period 1955-66 in order to provide a comprehensive picture of the entire 11-year period of investigation. Results obtained during the period 1955-59 were described by John J. Musser and George W. Whetstone and will be reviewed only as needed to relate earlier conditions to those existing during the period 1959-66.

The periods of record and the sampling frequencies at the three established gaging stations are shown. An additional 190 water samples were collected from 40 other sites. The locations of many of these sampling sites are shown. Basic data on the chemical quality of water at scheduled stations during the period 1959-63 were published by the U.S. Geological Survey (1959-63) in its Water-Supply Paper series. Basic data for water years 1964-66 were published in the U.S. Geological Survey's series of annual State reports (U.S. Geological Survey, 1964-66). Only selected data for scheduled stations and data for unscheduled sampling points are included in this report.

Because the waters of Helton Branch and West Fork Cane Branch were not affected by mining, they are described first to illustrate the natural chemical quality of water in the upper Beaver Creek basin.

*Helton Branch*

Concentrations of dissolved constituents in water in Helton Branch remained at low levels during the period 1959-65. The similarity in water quality to that in preceding years of the study reflected the constancy of the environment of the Helton Branch study area over a period of many years and is representative of the "natural" rate of weathering; that is, the rate not greatly affected by man's activities.

The water in Helton Branch is a dilute calcium bicarbonate type in which the sulfate ion is also significant. During the period 1959-65, the dissolved-solids concentration ranged from about 15 ppm to about 50 ppm. The pH of the water ranged from 5.8 to 7.5. The dissolved-solids content included about 25 percent silica by weight, 50 percent calcium and bicarbonate, and 15 percent sulfate; other cations and anions comprised the remaining 10 percent. The water is weakly buffered; consequently, the pH is readily changed by the addition of small amounts of acidic or basic substances. Selected chemical analyses of samples collected from Helton Branch at the gaging station are given in table 2.

TABLE 2.—CHEMICAL ANALYSES OF SELECTED SAMPLES FROM HELTON BRANCH AT GREENWOOD, 1958-65

(Results in parts per million, except as indicated)

Date of collection	Instantaneous discharge (cfs)	Silica (SiO <sub>2</sub> )	Aluminum (Al)	Iron (Fe)	Manganese (Mn)	Bicarbonate (HCO <sub>3</sub> )	Sulfate (SO <sub>4</sub> )	Chloride (Cl)	Dissolved solids (residue at 180° C.)	Hardness (divalent cations as CaCO <sub>3</sub> )	Specific conductance (microohms at 25° C.)	pH
Oct. 14, 1958	0.18					9	1.4			7	20	6.6
Jan. 2, 1959	1.06						13			26	68	5.8
June 2	9.9					8	7.6			13	36	6.5
Feb. 9, 1960	.92					10	7.2	1.0	31	14	41	6.6
September 12	.20					10	5.0	.5		8	22	7.2
Jan. 17, 1961	1.18	5.0	0.1			10	6.8	2.0	20	15	39	6.4
May 22	.40					11	6.2		26	12	29	6.8
Jan. 30, 1962	2.1	4.0		0.05	0.05	7	7.8	2.5	25	12	39	6.3
July 17	.14	6.1		.26	.02	10	1.6	1.0	22	8	28	6.8
May 26, 1963	.30	5.1		.08	.13	9	2.6	.5	22	8	28	6.5
May 25, 1964	.14	6.0	.1			12	2.8	1.0	20	8	24	6.9
August 5	.13		.1			10	.4		10	9	19	6.6
June 22, 1965	.16			.15	.05	16	5.6	2.0	33	15	42	6.6
September 26	.12					8	1.6		26	7	19	6.1

<sup>1</sup> In solution when collected.

The estimated annual total yields of dissolved solids from the Helton Branch study area during the period 1959-62 ranged from about 25 tons per square mile in drier years to nearly 60 tons per square mile in wetter years. Measured annual yields for water years 1957-58 were within the same range. On the basis of rainfall and runoff, it can be assumed that the annual yields during the 1963-65 period were in the lower part of

the range for the 1959-62 period. The annual total dissolved-solids yields of the Helton Branch area, which is unaffected by mining, are 1/4 to 1/2 those of the Cane Branch study area, where yields increased as a result of mining.

In August and September 1965, construction began on a highway relocation near Greenwood in the upper part of the Helton Branch basin. Extensive cut-and-fill opera-

tions in the headwaters of Helton Branch resulted not only in disturbance of the shale and sandstone bedrock and overlying soil at the relocation site, but also in the introduction of many tons of limestone fill. This construction altered the chemical and physical characteristics of water in Helton Branch to the extent that data for water year 1966 do not have relevance to this study and therefore are not included in table 2.

## West Fork Cane Branch

The water of West Fork Cane Branch is a dilute magnesium and calcium sulfate and

bicarbonate type with a mean dissolved-solids concentration of about 20 ppm. It is similar to that of Helton Branch in its low

concentration of dissolved constituents. Selected chemical analyses of samples collected from West Fork Cane Branch are given in table 3.

TABLE 3.—CHEMICAL ANALYSES OF SELECTED SAMPLES FROM WEST FORK CANE BRANCH NEAR PARKERS LAKE, 1957-61

[Results in parts per million, except as indicated]

Date of collection	Instantaneous discharge (cfs)	Aluminum (Al)	Iron <sup>1</sup> (Fe)	Manganese <sup>1</sup> (Mn)	Bicarbonate (HCO <sub>3</sub> )	Sulfate (SO <sub>4</sub> )	Dissolved-solids (residue at 180° C.)	Hardness (divalent cations as CaCO <sub>3</sub> )	Specific conductance (micromhos at 25° C.)	pH
June 6, 1957					8	5.4		10	33	7.0
Nov. 15, 1958	0.02				9	6.0		13	43	5.3
Mar. 26, 1959	.70				4	4.8		6	22	6.1
June 5					2	5.4		5	22	5.0
July 19	.32				3	4.0		3	16	5.9
Mar. 1, 1960	.70		0.15	0.14	4	13		5	23	6.1
Mar. 22	1.86					5.6	12	5	18	6.7
Mar. 29	1.02					6.8	20	5	19	6.0
Apr. 5	.54	0.1	.21	.05	8	4.4	16	5	23	6.8
Apr. 12	.16					5.6	13	6	22	7.6
Apr. 19	.16					5.6	19	6	26	6.8
May 3	.25	.1	.12	.08	8	6.8	34	6	23	6.8
Jan. 18, 1961	.34				3	4.8	10	7	20	6.1
May 23	.03				6	7.0	28	15	21	6.6

<sup>1</sup> In solution when collected.

During February 1960, a few coal prospect trenches were dug in the West Fork Cane Branch study area by a mining operator, and small quantities of pyrite were exposed to weathering. However, the water in West Fork Cane Branch was not affected by this activity, as shown by a lack of any significant changes in sulfate concentration during the period 1956-61. Such changes are excellent indicators of pyritic weathering products in mine drainage. The median sulfate concentration of West Fork Cane Branch was 5 ppm during the period.

The acidity of West Fork Cane Branch decreased slightly during 1960-61, as shown by a shift in the pH range from 5.0-7.0 in 1956-59 to 6.0-7.6 in 1960-61. Also, the number of samples with pH above 6.5 totaled nine in the 1960-61 period, as compared with two in the more heavily sampled 1956-59 period. Washing into the stream of limestone gravel from a road near the eastern divide of the West Fork study area may have contributed to this slight decrease in acidity, but available data are insufficient to confirm this effect.

## Cane Branch study area

Since the spring of 1956, the water in Cane Branch has been acid. This acid water is the result of coal mining in parts of the Cane Branch basin. During strip mining, which took place in 1955-56 and again in 1958-59, large quantities of iron disulfide minerals associated with the Barren Fork coal seam and adjacent rocks were exposed to oxidation and leaching. Surface water running over, and ground water moving through, the spoil banks and highwalls react chemically with these iron disulfide minerals and their oxidized products. Several of these reactions result in the production of acid. Because the surface water and ground water have little neutralizing capacity to counteract the effect of the acid-producing minerals, leaching results in pools and streams of highly mineralized acid water. Water in the strip pits, in the spoil banks, in the Cane Branch tributaries draining the spoil banks, and in Cane Branch itself is affected by this acid mine drainage.

The chemical reactions believed to be involved in the formation of acid mine drainage have been discussed by many authors in recent years, including Temple and Koehler (1954), Hem (1960), Barnes and Clarke (1964), and Clark (1966). The reader is referred to these publications for detailed discussions of the subject.

## Pools near spoil banks

Following the completion of mining in the Cane Branch study area, pools of water

formed in the abandoned strip pits between the highwalls and spoil banks. Most of these pools now contain acid water. In the winter and spring, the pools overflow into the tributaries of Cane Branch. The water in the pools also slowly infiltrates the adjacent spoil banks. Pool locations are shown on plate 1, and chemical analyses of samples collected during the period 1960-66 are given in table 29.

Pools 1 to 11 are in the area on the southwest side of Cane Branch that was strip mined in 1955-56. With the exception of pool 10, these waters are of the calcium magnesium sulfate type, have significant quantities of aluminum, iron, and manganese, and contain free acid. In 1956-59, sulfate concentrations ranged from 52 to 3,080 ppm; in 1960-66, the range had changed to 21 to 469 ppm. For these same periods, the pH range changed from 2.50-4.10 to 2.95-4.45. Thus, the analyses for 1960-66 indicate a general decrease in the concentrations of dissolved constituents in the pools.

Pools 2, 3, and 9 show definite decreases in mineralization since the end of mining in 1956. After relatively rapid initial decreases, mineralization decreased more slowly, and since 1961 or 1962, little additional decrease has been observed. This is illustrated in figure 10, in which have been plotted the maximum measured conductances for each water year. Slumping of the overlying weathered soil and bedrock into the strip pits since their abandonment has resulted in the restriction of air and water circulation to the sulfide-bearing rocks exposed in the highwall and has probably contributed to the decrease in mineralization of water in the pools.

Pool 10 is south of the area mined during 1956, is surrounded by well-weathered rocks, receives no acid mine drainage, and therefore contains the type of water that would be present if pyrite had not been exposed by mining. In May 1961, this pool contained dilute calcium sulfate water with a pH of 5.3. It is dry during periods of little rainfall.

Low silica concentrations in pools on the southwest spoil bank during the summer and autumn months may be due to the extraction of silica from the water by diatoms. Several of the pools contained less than 1 ppm silica in October 1966.

Pools 12 and 13 are in a small mined area on the northeast side of the Cane Branch basin. After mining, which took place in 1958, the water in pool 12 had a pH of 4.2 and contained free acid. Since early 1960, however, the pH has been about 5 and the sulfate content has decreased. Pool 13, which never was acid, apparently is not in contact with

spoil containing abundant iron sulfide minerals.

Pools 14 to 19 on the northeast side of Cane Branch resulted from strip mining during 1959. The water in pools 14 to 18 became acid during and immediately following the 1959 mining. The water is of the calcium magnesium sulfate type and contains significant quantities of aluminum, iron, and manganese. Chemical analyses of samples collected in 1966 indicated little change from earlier conditions. The observed range in sulfate content during the period 1960-66 was 290-1,260 ppm, and the observed range in pH was 2.9-5.1.

Pool 19 did not increase in mineralization or become acid immediately after mining was completed in 1959, as did other nearby pools. Musser and Whetstone (in Collier and others, 1964, p. 32) suggested that "the sulfide-bearing rocks are buried in a part of the spoil bank where the ground water has difficulty in flowing to pool 19," and that "soluble products from the spoil bank may eventually reach the pool and make the water in it acid." Data collected since 1959 have confirmed this prediction. Water in pool 19 became acid in early 1961, and has remained acid since that time. In addition, there has been a progressive increase in the mineralization of the pool water since 1961, as shown in table 29.

Pool 20 formed in a prospect pit on the southwest side of Cane Branch in March 1960. This pool, which contains acid water, contributes overflow to Cane Branch.

## Ground water

The chemical quality of ground water in the southwest spoil bank has changed little from that recorded during the earlier part of the investigation. Variations in solute concentrations are due primarily to changes in the relative amounts of recharge from three sources—direct infiltration of precipitation, pools formed between the spoil bank and the highwall, and ground water in the bedrock of adjacent ridges. Ground water in the spoil bank is more highly mineralized than either the water in the adjacent pools or the water in the bedrock. Compared with bedrock water, spoil-bank water is relatively high in sulfate, silica, aluminum, iron, manganese, calcium, and magnesium (table 30).

The concentrations of chemical constituents in ground water in the spoil bank vary from point to point. Minimum concentrations are found in the water from auger holes adjacent to the pools and along the low point in the water table between auger

holes 2 and 3. Maximum concentrations are found in the vicinity of auger hole 5.

There are monthly changes in the specific conductance of water in the spoil bank (auger hole 5, pl. 1), in an adjacent pool (pool 3, pl. 1), and in ground water in the bedrock of an adjacent ridge (coal-test hole 16, pl. 1), for a period of nearly 2 years. Although total precipitation for the 2-year period was exceptionally light, the conductance of water in the pool and water in the spoil bank varied in a characteristic manner.

The conductance of the water in pool 3 exhibits the effect of dilution by precipitation. Pool 3 reaches its lowest conductance during the winter-spring period, when direct runoff dilutes the highly mineralized water; the pool reaches its highest conductance during the summer-autumn period, when little direct runoff is available for dilution, and evaporation causes an increase in concentration of dissolved constituents.

The conductance of ground water in auger hole 5 shows an opposite pattern of variation. Conductance declined during the summer and autumn, then increased during the winter. This pattern of variation can be explained on the basis of changes in the source of recharge to ground water in the spoil bank and changes in the elevation of the water table.

During the winter-spring period, direct infiltration of precipitation constitutes a significant part of the recharge to the spoil bank. In moving from the surface into the spoil material, this oxygenated water leaches highly soluble iron sulfate minerals formed through oxidation of pyrite in the zone of aeration during the previous summer and autumn and it also contributes to further oxidation of pyrite in the spoil material. In addition, the winter rise of the water table brings the main body of ground water into contact with previously aerated spoil and its content of iron sulfate minerals, resulting in some leaching below the water table.

During the period of high evaporation in the summer and autumn, the water table declines, and recharge of ground water in the spoil bank is largely by infiltration of water from the adjacent pool 3 and by movement of ground water from the nearby ridge into the spoil bank. Both sources of recharge are much less highly mineralized than the ground water in the spoil bank. Furthermore, this poorly oxygenated recharge water flowing through less oxidized parts of the spoil bank below the water table, picks up less soluble material than does infiltrating precipitation. The net result is less highly mineralized ground water in the spoil bank during the summer and autumn than during the winter and spring.

The preceding observations indicate that the greatest additions to the chemical content of ground water in the spoil bank are derived from the zone of aeration. Nevertheless, the somewhat more dilute summer-autumn recharge water becomes highly mineralized as it passes through the spoil bank, and serves to increase the dry-weather drainage from the spoil and the total contribution of acid water to Cane Branch.

The quality of ground water in coal-test hole 16, which was drilled in bedrock of the adjacent ridge, followed the pattern normally found under natural conditions during most of the study period. It was most dilute (least mineralized and had lowest conductance) during the winter-spring period, when recharge is greatest, and most mineralized during the summer-autumn period, when recharge is slight and evapotranspiration is high. However, the unusually light rainfall in the early part of 1966 caused the mineralization to remain at a higher level than would be expected during a more normal year. The conductance rose progressively during the period May to December 1965, then remained near the November level throughout the succeeding year. Low water levels measured in coal-test hole 16 through-

out water year 1966 indicate a general lack of recharge by dilute surface water, thus explaining the abnormally high conductance.

The reason for the generally higher levels of sulfate and conductance in coal-test hole 16 than in coal-test holes 17, 19, 20, and 21, in the nearby West Fork Cane Branch basin, is not known. Perhaps the rocks penetrated by hole 16 contain much more iron sulfide than do those in the West Fork basin. If this is true, then it is possible that oxidation of iron sulfide minerals occurs along the uncased walls of hole 16 during periods when low water levels expose the walls to the atmosphere, and that dissolution of the resulting sulfate minerals, as a result of water level fluctuations in the well, adds to the sulfate content and increases the mineralization of the water.

Well 12, which is just beyond the toe of the south-west spoil bank and penetrates the underlying bedrock, predates the beginning of mining in the basin. Musser and Whetstone (in Collier and others, 1964, p. 36) concluded that, as of June 1959, the quality of water in the underlying bedrock, as observed at well 12, had been only slightly affected by downward movement of mineralized ground water from the spoil bank.

Since 1959, there has been an increase in the mineralization of the bedrock water at well 12. (See table 30.) The increase is relatively minor, however, and is apparent only in the sulfate content of the well water. The relationship between the sulfate content and the level of water in the well is similar to that exhibited in the spoil bank at auger hole 5, thus adding support to the conclusion that increases in the sulfate content of the bedrock water are due to infiltration of water from the spoil bank.

#### Tributaries of Cane Branch

Tributary streams carry the soluble products of chemical weathering into Cane Branch. Some of these tributaries contain only slightly mineralized water that comes from parts of the Cane Branch area not affected by mining. Other tributaries contain acid mine drainage that comes from pools and spoil banks in the mined areas. Supplemental sampling sites on tributaries to Cane Branch are shown. Analyses of these waters are given in table 31.

The water in the two major tributaries in the southern part of the study area is not influenced by mine drainage. At sites B and C, the dilute waters of the two tributaries vary from calcium bicarbonate to calcium sulfate types. The observed dissolved-solids content ranged from 16 to 34 ppm, the pH ranged from 5.8 to 7.6, and bicarbonate alkalinity was present at all times. Sulfate concentrations did not exceed 13 ppm.

Downstream from sites B and C, acid mine drainage from the southwest spoil bank enters Cane Branch, and, because the receiving water has little buffering capacity, Cane Branch becomes acid. Many seeps from the southwest spoil bank add small quantities of acid water to Cane Branch, but the tributaries at sites P, M, and G contribute the largest quantities.

Sites P, M, and G are in streams which receive acid surface and ground water directly from the southwest spoil bank. During periods of high runoff, pools behind the spoil bank overflow into these three streams. During periods of no rainfall, ground water seeps out of the spoil bank to sustain the flow of the streams. During the period 1959-66, the principal dissolved constituents of the water at these sites were calcium, magnesium, sulfate, silica, aluminum, iron, and manganese. The pH at sites P and M ranged from 2.50 to 3.10. Concentrations of dissolved constituents remained high from 1959 to 1966, and these tributaries continued to transport acid water to Cane Branch. Although the water at site G is somewhat less acid and less mineralized than that at sites M and P, it showed no improvement during the period 1959-66 and continued to con-

tribute to the acidity and dissolved-solids content of water in Cane Branch.

Site O is on a tributary that receives part of its drainage from the small area on the northeast side of Cane Branch mined during 1958. The water passing site O has never contained free acid, even though sources of acid are present on a small spoil bank upstream. Apparently, all acid water entering the drainage system above site O is effectively neutralized by water from other parts of the sub-basin. The waters from this and other nearby tributaries of similar chemical quality dilute and partly neutralize the acid waters of Cane Branch.

Until 1966, the water at site O was a calcium sulfate and bicarbonate type with a pH range of about 6 to 7. The maximum observed sulfate concentration during 1959-66 was 40 ppm on October 27, 1966. The dissolved-solids content on that date was the highest observed at site O and may indicate an increasing influence of drainage from pools 12 and 13 on the general quality of water in the tributary.

The drainage area upstream from site N includes much of the area on the northeast side of Cane Branch that was strip mined during 1959. The overflow from pools 15 to 18 passes site N in traveling to Cane Branch. Before the 1959 mining, the water passing the sampling site was a calcium, bicarbonate type, was only slightly mineralized, and had a pH near 7 (Collier and others, 1964, p. B38). During mining, the mineralization of the water increased, the type changed to calcium sulfate, and the pH slowly decreased. From the completion of mining through 1961, water passing site N had a pH range of from 2.25 to 3.60, and a range of sulfate concentrations from 350 to 538 ppm. In October 1966, the streamflow at site N consisted principally of drainage from pools 17 and 18 and had chemical characteristics very similar to those present in 1959-61. The water in the tributary continued to transport significant quantities of acid mine drainage to Cane Branch from 1961 to 1966.

The chemical composition of water in the tributary draining the northeast spoil bank in the vicinity of pool 19 showed little evidence of the presence of acid mine drainage prior to 1961. In October 1966, however, water in this tributary at site H had a considerably higher sulfate content and lower pH than had been observed previously. The increase in mineralization probably began in 1961 as a consequence of the change of pool 19 into an acid pool during that year.

There is a relationship between the pH of Cane Branch water and the pH of water in its tributary streams and in the pools on the spoil piles in October 1966. Conductance and pH values listed in the figure were measured in the field on October 27, 1966.

#### CANE BRANCH

The effect of acid mine drainage upon the chemical quality of water in Cane Branch is measured at the Cane Branch gaging station, just downstream from the mined areas. Selected chemical analyses of Cane Branch water are presented in table 4 to show the general chemical quality of the stream. As a rule, samples with maximum, minimum, and intermediate conductances for each year have been chosen for tabulation. A more complete tabulation was published by the U.S. Geological Survey in its basic data publication series (U.S. Geological Survey, 1956-68).

The original dilute calcium and magnesium bicarbonate of water of Cane Branch changed during early 1956 to a highly mineralized, acid, calcium and magnesium sulfate water as a result of strip mining of coal on the southwest side of the basin and it remained this type of water throughout the study period, which ended in October 1966. Silica, aluminum, iron, and manganese also were predominant among the constituents dissolved in the water.

An examination of the chemical composition of water in Cane Branch during the years subsequent to the initial mining shows that the mean concentrations of chem-

ical constituents increased in 1959 owing to a resumption of mining, then decreased during the period 1960-65. From 1960 to 1966, no additional mining occurred in the Cane Branch

study area. Limited prospecting near pool 20 resulted in the addition of a small amount of acid water to Cane Branch, but the effect of this addition was not measurable.

TABLE 4.—CHEMICAL ANALYSES OF SELECTED SAMPLES FROM CANE BRANCH NEAR PARKERS LAKE, 1956-66

[Results in parts per million, except as indicated]

Date of collection	Instantaneous discharge (cfs)	Aluminum (Al)	Iron <sup>1</sup> (Fe)	Manganese <sup>1</sup> (Mn)	Bicarbonate (HCO <sub>3</sub> )	Sulfate (SO <sub>4</sub> )	Dissolved solids (residue at 180° C.)	Hardness (divalent cations as CaCO <sub>3</sub> )	Acidity to pH7 (H <sup>+</sup> )	Specific conductance (micro-mhos at 25°C.)	pH
Sept 1, 1955					10	16		18		61	6.7
Jan. 18, 1956		0.3	0.24	0.05	17	3	31	16		44	6.8
May 29	0.09	5.4	1.8	5.3	0	123	195	88		296	4.0
Aug. 14	.56				0	1,220		440		2,220	2.6
Apr. 9, 1957	3.9	1.8	1.9	.07	0	46	76	34	0.4	151	3.8
July 16	.065	85.0			0	1,050	1,420	242	14.0	2,010	2.6
Aug. 15	.065	5.4	1.4	7.7	0	175	298	100	1.6	534	3.2
May 6, 1958	11.8				0	46		31	.3	138	4.2
Sept. 10	.026	3.4	3.0	6.4	0	144		81	1.1	493	3.2
Sept. 17	1.19				0	1,150		234	16.0	2,060	2.6
Feb. 10, 1959	5.3				0	77		53	.6	222	3.8
May 28	.13	8.8	9.3	14	0	282		120	2.6	900	2.9
Aug. 17	1.73	86	15	16	0	970	1,380	170	13	1,940	2.7
Oct. 20	.10				0	359	515		3.8	986	3.0
Feb. 2, 1960	.39	6.4	7.3	8.5	0	199	268	143	1.5	551	3.4
Mar. 29	3.0				0	67	108		.5	215	3.8
May 2, 1961	5.4	1.1	2.6	1.9	0	47	72	36	.4	145	4.0
June 6	.2	6.0	14	12	0	281	408	360	1.9	778	3.2
Sept. 12	.1				0	586	926		7.2	1,270	3.0
Feb. 27, 1962	52				0	43	87		.4	134	3.9
May 1	.4	5.1	.36	9.3	0	207	305	153	1.2	549	3.2
Sept. 4	.1				0	416				955	3.3
Dec. 21	1.2				0	234				696	2.9
Mar. 1, 1963	1.7				0	144				400	3.3
May 26	.3	5.3	4.4	10.0	0	186	287	135	1.6	557	3.3
Jan. 21, 1964	.87				0	104				322	3.6
July 14	.06	6.8	6.3	12.0	0	248	385			736	3.2
Sept. 8	.06		3.1	9.4	0	156	261	118	1.0	681	3.4
Nov. 10	.08				0	245	348	166	1.8	479	3.3
Dec. 30	.70	5.6	4.1	5.3	0	123	199	86	1.3	378	3.6
Mar. 27, 1965	3.8				0	57	95	42	.5	80	4.1
Feb. 8, 1966	.64	17	7.6	13.0	0	317	458	191	2.9	802	3.3
Apr. 10	.14	5.4	.07	7.7	0	166	278	111	1.3	478	3.4
May 1	4.4				0	55	94	36	.5	187	3.8
Oct. 27	.08	6	15	11.0	0	249	400	172	1.8	710	3.6

<sup>1</sup> In solution when collected.

From June 1956 to September 1965, the pH of water in Cane Branch ranged from 2.55 to 4.35. At no time did the water contain bicarbonate ions. In contrast, water in Helton Branch, which was not influenced by mining, had a pH range of 5.7 to 7.5 during the same period and always contained bicarbonate ions.

An assessment of the change in water quality with time at a specific point on a stream, such as at the Cane Branch gaging station, requires an intensive sampling program consisting of (1) continued measurement of an important chemical parameter of the stream quality, and (2) regular sampling and comprehensive analysis of the stream water as a means of relating other constituents in the water to the constituent measured continuously. Probably the most useful parameter to monitor is specific conductance, which reflects the content of ionic solute in the water. Relationships between specific conductance and the content of major constituents in the water can be determined from analyses of the regularly collected samples. With this information, representative concentrations of the major constituents can be calculated for selected time periods; and by combining these concentrations with a continuous record of runoff, loads of chemical constituents transported by the stream past the sampling point can be determined. Assessment of the gross geochemical characteristics of the Cane Branch study area was based on this approach.

Infiltration and storage of precipitation in geologic material vary with the porosity and permeability of the materials. The nature of the spoil in the Cane Branch basin allows entry of precipitation into the spoil. As a result, the spoil becomes a reservoir for ground-water storage and a contributor to base flow of the stream, even during periods of little or no precipitation. In addition, the

high content of iron sulfide minerals and their highly soluble weathering products in the spoil provides a continued supply of soluble material to the percolating ground water. Thus, drainage of water from the spoil banks contributes the bulk of the dissolved chemical load passing the Cane Branch gaging station during periods of base flow in the stream. Even direct storm runoff from the spoil banks becomes highly mineralized through dissolution of soluble minerals near the surface of the spoil and through flush-out of pools adjacent to the spoil bank.

Monthly loads of equivalent sulfuric acid, sulfate, and total dissolved solids passing Cane Branch gaging station are listed in table 32 for water years 1959-66. Data for water years 1957 and 1958 were reported by Musser and Wetstone (in Collier and others, 1964, p. B47). The monthly load depends both on the amount of water passing the gaging station and the concentration of the chemical constituent of interest in that water. In an attempt to examine the record of monthly loads transported by Cane Branch for significant changes during the period 1956-66, a cumulative plot of runoff and dissolved-solids load was prepared. The slopes of the lines represent average concentrations of dissolved solids in the water; an increase or decrease in slope means that the average dissolved-solids concentration for that period increased or decreased, respectively, with time. Pronounced differences in concentration between winter-spring (high-flow) and summer-autumn (low-flow) months, represented by the stair-step-like nature of the lineation of points which define the line representing all months, and the lack of data for certain months during water years 1963-65 made it necessary to plot high-flow months (>15 cfs-days) and low-flow months (<15 cfs-days) separately in order to clarify long-

term trends. The dashed part of the line for all months is based on an interpolation of these trends. The scale of the drawing does not permit all points on the line for low-flow months to be shown.

The bulk of the dissolved constituents in Cane Branch is contributed by direct runoff and seepage from the spoil banks. Changes in slope of the lines in figure 15 thus represent changes in the quantity of dissolved constituents contributed by these spoil-bank waters to Cane Branch. The average concentration of the dissolved solids during a period of time is defined by the slope of the line drawn through all points for that period. The slope of the line for water years 1956-58 is representative of the period following cessation of strip mining in the southwestern part of the study area. Steepening of the slope during water years 1959 and 1960 is the result of mining activity in the northeastern part of the study area, which caused a substantial increase in the rate of chemical weathering in the mined area and a two-fold increase in the effective concentration of dissolved constituents in the streams. The decrease in slope during water year 1961 reflects the lack of further disturbance in the northeastern area following cessation in mining there. However, the slope of the line is greater than that for the period prior to 1959 because of the added increment of dissolved solids contributed to the stream by drainage from spoil banks in the northeastern mined area. Continued decrease of loads contributed by both mined areas during water year 1962 resulted in an average concentration of dissolved solids approaching that observed prior to mining in the northeastern area, as shown by the slope of the curve for all months. Curves for equivalent sulfuric acid and sulfate (not shown) are

nearly identical with the curves for dissolved solids shown.

Because of the limited amount of direct runoff from both mined and unmined areas during the summer and autumn months, little dilution of ground water entering Cane Branch from the spoil banks takes place, and concentrations of dissolved solids are high, as shown by the slope of the line representing low-flow months. In spite of the concentrations of dissolved constituents, the contribution to the total annual load during these months is much less than during the high-flow months, when concentrations are less as a result of dilution, but the increased volume of water for leaching results in higher loads.

In figure 15, the upturns at the upper ends of the curve for high-flow months and the curve for all months represent increases in average concentration and are the result of exceptionally light precipitation and decreased direct runoff during the winter and

spring months of water year 1966. Normally, the bulk of the annual runoff in the Cane Branch basin occurs during the period November to May, when there is little uptake by vegetation, and the ratio of runoff to precipitation is fairly high. In 1966, 40 percent of the precipitation occurred during July, August, and September, when evapotranspiration was at a maximum. Consequently, runoff was low over much of the basin during most of the water year. On the spoil banks, however, sparseness of vegetation and the spoil's moderate infiltration capacity resulted in a large contribution of spoil-bank runoff to the total runoff of the basin. This higher proportion of spoil-bank runoff in the basin and the smaller amount of less mineralized direct runoff during the winter-spring months resulted in higher average monthly concentrations during the winter-spring months and a higher mean annual concentration for the entire water year.

Analysis of hydrologic data on a water-year basis is commonly useful as a means of eliminating seasonal effects, such as gross during low-flow months as compared with loads transported during high-flow months (table 32). For Cane Branch, annual loads and annual mean concentrations of dissolved solids, sulfate, and equivalent sulfuric acid, calculated from runoff and load data shown in table 32, are listed in table 5 for water years 1957-66. Partial load data for water years 1964 and 1965 were used to calculate an estimated total load for the 2 years, and this total load was apportioned between the 2 years on the basis of annual runoff. The estimated load for water years 1963 was based on annual runoff for 1963 and the dissolved solids load-runoff ratios for 1962 and 1964. The high annual mean concentrations for water year 1966 were the result of the small amount and unusual distribution of rainfall during the year, as described in the preceding paragraph.

TABLE 5.—ANNUAL RUNOFF, AND GROSS ANNUAL LOADS, AND ANNUAL MEAN CONCENTRATIONS OF KEY CHEMICAL CONSTITUENTS, AT GAGING STATION CANE BRANCH NEAR PARKERS LAKE, WATER YEARS 1957-66

Water years—	Runoff (c.f.s.-days per sq. mi.)	Load discharged (tons per sq. mi.)			Annual mean concentration † (parts per million)		
		Dissolved solids	Sulfate	Acidity (equivalent H <sub>2</sub> SO <sub>4</sub> )	Dissolved solids	Sulfate	Acidity (equivalent H <sub>2</sub> SO <sub>4</sub> )
1957	580	227	147	55	145	94	35
1958	619	219	140	51	131	84	31
1959	280	189	121	61	250	160	81
1960	691	414	275	115	222	147	62
1961	485	221	153	62	169	117	47
1962	694	274	178	60	146	95	32
1963	398	168	-----	-----	156	-----	-----
1964	284	172	-----	-----	166	-----	-----
1965	427	191	-----	-----	166	-----	-----
1966	180	106	64	26	218	132	53

† Calculated from annual runoff and annual load.  
 ‡ Load based on annual runoff for 1963 and dissolved-solids load: runoff ratios for water years 1962 and 1964.  
 § Estimated.  
 ¶ Partial load data for water years 1964 and 1965 used to calculate an estimated total load for the 2 years. Proportioning of the total load between the 2 years was based on annual runoff for the 2 years.  
 \*\* The identical estimated annual mean concentrations for water years 1964 and 1965 are the result of the method by which the annual loads for those 2 years were estimated.

TABLE 6.—RATES OF CHEMICAL DEGRADATION AND RUNOFF IN THE CANE AND HELTON BRANCH STUDY AREAS, WATER YEARS 1957-62

Water year	Runoff at gaging station (cubic-foot-per-second days per square mile)	Dissolved solids (tons per square mile per year)		Net from degradation of area
		Total discharge at gaging station	In precipitation	
<b>Cane Branch:</b>				
1957	580	227	33	194
1958	619	219	30	189
1959	280	189	24	165
1960	691	414	32	382
1961	485	221	25	196
1962	694	274	33	241
<b>Helton Branch:</b>				
1957	554	46	32	13
1958	607	56	30	26
1959	292	25	22	3
1960	610	54	30	24
1961	478	42	23	19
1962	656	58	32	26

† Dissolved-solids loads for water years 1959-62 are based on annual runoff and assumed constancy of the runoff-concentration relationship during the period 1957-62.

Annual loads per square mile of dissolved constituents transported by Cane Branch are plotted along with data on annual runoff and mining activities. The absence of a direct relationship between annual loads and annual mean concentrations is illustrated by the data for water year 1966. Although the annual mean concentration was the highest calculated for any year since water year 1960, the annual load was the least for any year during the entire 10-year period of record.

There is difficulty of separating natural changes from man-induced changes in environmental studies. Grouping of data on an annual basis can be used to mute seasonal variations and expression of the leaching of soluble materials in terms of concentration can be used to mask the effect of year-to-year changes in precipitation and runoff; but these analytical manipulations do not completely eliminate the effect of natural variations in the hydrologic cycle.

In spite of these difficulties, the general picture obtained from the two illustrations is the same. An increased rate of chemical weathering in Cane Branch basin resulted from strip mining of coal in the southwestern part of the study area in 1955 and 1956. This rate was further increased by additional strip mining in the northeastern part of the study area in 1959. Following cessation of mining in the northeastern area, the rate of chemical weathering gradually decreased until water year 1966 when it was slightly less than that observed in 1957 following the initial mining in the study basin. Nevertheless, it remained much higher than the rate of chemical weathering prior to the initial disruption of bedrock in the basin in 1955. Comparison of chemical erosion in Cane Branch and Helton Branch study areas

The Helton Branch basin was studied because its hydrologic characteristics were believed to be similar to those of the Cane Branch basin prior to coal-mining activities. It has been assumed that any gross differences between the two basins observed during the study period could be attributed to mining of coal in the Cane Branch basin.

During the study period, a distinct difference was observed between the load of dis-

solved solids transported by Helton Branch and the load transported by Cane Branch. On a yearly basis, the dissolved-solids loads removed from the Cane Branch study area are four to eight times greater than those removed from the Helton Branch study area, but this difference does not give a correct indication of the relative rates of chemical erosion in the mined Cane Branch area and chemical erosion in the natural Helton Branch area. A better quantitative comparison of rates can be made by considering not only how much dissolved material leaves each area, but also how much dissolved material is received by each area in precipitation.

The dissolved-solids load transported from each area minus the dissolved-solids load received in precipitation equals the net dissolved-solids load removed due to chemical degradation. Data on these three different dissolved-solids loads for the Cane and Helton Branch study areas for the period 1957 to 1962 are given in table 6. The dissolved-solids loads in precipitation were computed by using the annual precipitation records for each area and a mean concentration of 8 ppm dissolved solids, which had been determined by chemical analysis of precipitation samples. In both study areas, the dissolved solids loads in precipitation are about the same per unit area for corresponding years because there was little difference in the amounts and chemical composition of precipitation received by the two areas. Total dissolved-solids yields for Helton Branch for water years 1957 and 1958 are based on weekly to monthly chemical analyses; yields for 1959-62 are estimated and are based on infrequent analyses and on the similarity

of the runoff-concentration relationship during the two periods.

During the water years 1957-62, Cane Branch transported a net dissolved-solids load of about 1,370 tons per square mile of drainage area and Helton Branch transported a net load of about 111 tons per square mile of drainage area. Thus, the rate of chemical degradation for the Cane Branch area was about 12 times greater than that for the Helton Branch area during the 6-year period. The more rapid rate of chemical degradation in the Cane Branch area was largely due to strip mining of coal in 1955-56 and again in 1959, which exposed significant quanti-

ties of pyrite and other unweathered minerals to agents of weathering and erosion.

A rough estimate of the rate of chemical degradation from the spoil bank areas alone, as compared with that for the total basin, can be obtained if it is assumed that the dissolved-solids load derived from unmined parts of Cane Branch basin is equal to that observed in the unaffected Helton Branch basin. Calculations based on this assumption indicate a net dissolved-solids load of approximately 14,000 tons per square mile of drainage area for the spoil bank areas for the 6-year period, or a rate of chemical degradation for the spoil banks that is 126

times the rate for the unmined Helton Branch area.

#### Upper Beaver Creek Basin

As the acid water from the Cane Branch study area moves downstream in the Beaver Creek basin, streams with bicarbonate alkalinity mix with, dilute, and neutralize the acid water. By the time the water from Cane Branch reaches Beaver Creek, most of the acid load has been neutralized. Beaver Creek is only slightly acid. Table 7 lists chemical analyses of streams in the upper Beaver Creek basin; sampling sites are indicated in table 8.

TABLE 7.—CHEMICAL ANALYSES OF MAJOR STREAMS IN THE UPPER BEAVER CREEK BASIN

[Results in parts per million, except as indicated]

Date of collection	Sampling site <sup>1</sup>	Instantaneous discharge (cfs)	Aluminum (Al)	Iron <sup>2</sup> (Fe)	Manganese <sup>2</sup> (Mn)	Sodium (Na)	Bicarbonate (HCO <sub>3</sub> )	Sulfate (SO <sub>4</sub> )	Dissolved solids (residue on evaporation at 180° C.)	Hardness (divalent cations as CaCO <sub>3</sub> )	Acidity to pH <sup>2</sup> (H <sup>+</sup> )	Specific conductance (micromhos at 25° C.)	pH	
1957: June 6	1						8	6.8		10	.0	33	6.9	
	5						4	12.0		14	.0	43	6.4	
1958: June 2	1						11	7.4		12	.0	40	6.5	
	4						0	139.0		79	.9	376	6.6	
1959:	November 2	1					11	6.4		13		36	7.0	
	November 3	2	0.14	10	18	14	0	318.0	457	158		907	3.0	
	November 2	3					0	174.0		91		528	3.3	
		4					0	158.0		103		472	3.4	
		5					2	40.0		33		116	4.7	
	November 3	7					0	38.0		19		103	4.6	
		8					10	13.0		19		52	6.5	
	November 2	9					2	34.0		29		99	4.8	
	November 3	12					16	7.6		18		45	6.9	
		13					6	24.0		24		68	6.1	
	1964:	August 4	1	.13	.70	.05	1.2	12	3.6	26	13		33	7.0
		August 3	2	.03	3.5	3.4	1.5	0	200.0	298	144	1.2	624	3.2
		August 4	6	.28	.84	4.	1.8	6	10.0	36	12	.1	40	6.0
		7	.16				1	20.0	40	20	.1	70	5.5	
August 5		10	.1	.68	.71	1.9	22	4.8		21		48	7.0	
		11	.13	.1		.6	10	4.		9	.0	19	6.6	
		12	.76		.54	.0	.6	12	2.4	20	.0	28	6.7	

<sup>1</sup> See figure 17.

<sup>2</sup> In solution when collected.

TABLE 8.—Chemical-quality sampling sites on major streams in the upper Beaver Creek basin

Sampling site	Location
1	Hughes Fork above Cane Branch.
2	Cane Branch at gaging station.
3	Cane Branch below West Fork Cane Branch.
4	Cane Branch at mouth.
5	Hughes Fork below Cane Branch.
6	Hughes Fork 1 mile above mouth.
7	Hughes Fork at mouth.
8	Freeman Fork at mouth.
9	Beaver Creek above Little Hurricane Fork.
10	Little Hurricane Fork above Helton Branch.
11	Helton Branch at gaging station.
12	Little Hurricane Fork at mouth.
13	Beaver Creek below Little Hurricane Fork.

As it travels downstream from the Cane Branch gaging station, water in Cane Branch receives relatively unmineralized water containing bicarbonate alkalinity from West Fork Cane Branch. This water neutralizes a small part of the acidity of Cane Branch, but the stream remains acid to its mouth at Hughes Fork.

Hughes Fork above Cane Branch is a relatively unmineralized stream with some bicarbonate alkalinity. During periods of high flow, Hughes Fork effectively dilutes the dissolved constituents and neutralizes the acid it receives from Cane Branch; but during medium and low-flow periods, the water in Hughes Fork does not contain enough alkalinity to neutralize all the acidity from Cane

Branch. During these periods, Hughes Fork contains a small amount of acidity and generally some bicarbonate alkalinity at the mouth.

Beaver Creek begins at the confluence of Hughes Fork and Freeman Fork. A few hundred feet below this confluence, Little Hurricane Fork enters Beaver Creek. In 1959, both Freeman<sup>1</sup> and Little Hurricane Forks had relatively unmineralized water with bicarbonate alkalinity and a near-neutral pH. The two streams completed the neutralization of the acid carried by Hughes Fork, and Beaver Creek below the mouth of Little Hurricane Fork had water of good chemical quality and a pH near that of streams unaffected by mans activities. Only sulfate concentrations and hardness values slightly higher than those found in nearby more dilute streams remained as evidence of the acid mine drainage contributed from the Cane Branch mining area.

#### Conclusions

Cane Branch became a highly mineralized, acid stream during 1956 as a result of strip mining of coal in the basin during the period May 1955 to April 1956. This high level of mineralization and acidity, which prevailed through 1958, increased in 1959 as a result of additional strip mining from December 1958 to August 1959. Exposure of fresh rock

<sup>1</sup> An additional field inspection on May 23, 1961, indicated that Freeman Fork remained largely unaffected by strip mining of coal in the upper part of its basin in 1958; the measured conductance of Freeman Fork water was 100 micromhos at 25° C, and the pH was 7.3.

during this later period of mining resulted in a renewal of rapid chemical weathering and erosion. Concentrations of dissolved solids, sulfate, and acidity in the water of Cane Branch increased significantly after the mining. These concentrations began to decrease in 1960, and by 1962 had reached the 1957 level. Although fluctuations of annual mean concentrations due to climatic variations have made it difficult to identify a definite trend during the period 1962-66, it appears that there was little change in the rate of chemical weathering or in the chemical composition of the water in Cane Branch during the last 5 years of the study.

During the period 1957-62, Cane Branch transported a net dissolved-solids load of about 1,370 tons per square mile compared with about 111 tons per square mile transported by Helton Branch, which was not affected by mining. Thus, the rate of chemical degradation in the Cane Branch study area was about 12 times faster than that in the Helton Branch study area. During the same period, the spoil banks alone contributed a net dissolved-solids load of approximately 14,000 tons per square mile of drainage area on the spoil banks. This represented a rate of chemical degradation of the spoil banks about 126 times the rate for the unmined Helton Branch area.

As the acid mine drainage from the Cane Branch area moves downstream, it is diluted and neutralized by inflow from streams containing bicarbonate alkalinity. The effects of the mine drainage are almost undetectable at the point where water from Little Hurricane Fork enters Beaver Creek, and Beaver Creek below this point has a slightly acid

pH like that of neighboring streams unaffected by acid mine drainage.

#### EROSION AND SEDIMENTATION

(By C. R. Collier, U.S. Geological Survey)

##### Background and scope

Spoil banks, which result from contour strip mining in mountainous regions, consist of vast quantities of disturbed rock and soil. This material, without the protection of a vegetal cover, is subject to rapid erosion and transportation into the local stream system. In the investigation of the hydrologic environment of parts of the Beaver Creek basin, Musser (1963) described the physical environment and mining history of the study areas, and Collier and Musser (in Collier and others, 1964, p. B48-B64) defined the sedimentation characteristics of the unmined Helton Branch basin and of the small unmined subbasins of the Cane Branch basin. The effects of mining on the sedimentation characteristics of the Cane Branch basin from 1956 through September 1959 were described in considerable detail. The purpose of this paper is to describe and evaluate additional effects of strip mining on the rates of erosion, transportation, and deposition of sediment in the Cane Branch basin. Changes in these rates since the beginning of strip mining in 1955 are discussed with emphasis given to changes from 1959 to 1966.

Since 1959, investigations of sedimentation in the Cane Branch study area have included measurement of sediment discharges at the Cane Branch gaging station, measurements of gully erosion and erosion from parts of the southwest spoil bank, and mapping of sediment deposits in a selected reach of the channel of Cane Branch. Methods used in these studies were, in general, the same as those described by Collier and Musser (in Collier and others, 1964, p. B48-B49).

##### Sheet erosion in the study areas

Sheet erosion, the removal of sediment particles by overland runoff from precipitation with the formation of channels, is strongly influenced by land use and by the type and density of the vegetal cover. John W. Roehl and A. S. Johnson reported (in Collier and others, 1964, p. B65-B66) that in the Helton and West Fork Cane Branch study areas the estimated rate of sheet erosion was less than 1 ton per acre per year. In contrast, in the Cane Branch study area, a rate of 7.82 tons per acre per year was estimated for 1959.

In the West Fork Cane Branch study area, 82.8 percent of the sediment removed by sheet erosion during 1959 was derived from areas disturbed by prospecting for coal; in the Cane Branch study area, 98.1 percent of such sediment was derived from strip-mined land.

John W. Roehl, U.S. Soil Conservation Service, described (written commun., March 9, 1966) the changes in vegetal cover and rates of sheet erosion in the study areas during the period 1959-64 as follows:

"The relative importance of several sources of sediment in terms of sheet erosion in the three watersheds under study apparently has not changed significantly during the period 1959-64 when compared with the period 1955-59. In general, field observations indicate that the major land use has remained the same but that the protective ground cover has improved to some degree.

"In Helton Branch, the small amount of cultivated land has continued in a rotation of corn and meadow. It is true that during the years corn is grown this cropland is subject to active sheet erosion. However, the average soil loss over the period 1959-64 is of the same magnitude experienced during the previous period. The quality of the erosion-

resistant cover of the woodland and idle land has improved but not to the degree that would indicate any great decrease in the amount of sheet erosion to be expected on these areas. The same is true for the pasture lands in this watershed.

"In West Fork Cane Branch there also has been an improvement in the ground cover that would indicate a slight decrease in sheet erosion from woodland and idle land areas. The main locale of sheet erosion, however, remains on the old prospect areas in the West Fork.

"In Cane Branch, the situation is much the same as described for the other two watersheds. There has been no change in the major land uses but the cover conditions have improved to the extent that sheet erosion losses on the woodland and idle land areas are somewhat less for the 1959-64 period than for the 1955-59 period. The areas previously laid bare by the strip-mining activities apparently have not yet regained enough vegetative cover to decrease their effect as a source of sediment by the sheet erosion processes.

"The strip-mined areas of Cane Branch remain as the predominant source of sediment derived from sheet erosion in this watershed, still accounting for about 98 percent of the total. While the improvement of the cover on those lands not affected by the mining operations has decreased the erosion on them, this decrease is not of sufficient magnitude to change the relative importance of these various areas as far as sheet erosion is concerned."

The heterogeneous mixture of sandstone, siltstone, claystone, and soil which forms most of the spoil banks in the Cane Branch study area (Musser, 1963, p. A11) is not resistant to weathering. The fresh, unweathered rock fragments were sharp and angular. The particles on and near the surface of the spoil banks were exposed to the agents of chemical weathering described by Musser and Whetstone and to physical weathering described by Collier and Musser (in Collier and others, 1964, p. B27, B49). After the spoil bank was leveled in 1956, the general surface texture was coarse. Weathering soon softened, rounded, and disintegrated the material, and the general surface texture of the spoil banks became finer grained and smoother. The most noticeable change in texture occurred during the first year or so after the spoil bank was leveled. The finer particles were easily removed from the spoil bank by sheet and gully erosion, and new particles were then exposed. This process of weathering and erosion will continue at a rapid rate until the spoil banks are protected by a vegetal cover.

Natural vegetation on the southwest spoil bank in the Cane Branch study area has changed very little since 1959, according to Robert Toblaski, U.S. Forest Service. In areas close to seed sources where natural vegetation had begun prior to 1959, growth was still good and seedlings are becoming established. However, vegetal growth remains poor or nonexistent on about 95 percent of the spoil area. Natural revegetation is not sufficient to cause a visible decrease in the rates of weathering and erosion on the spoil banks.

##### Erosion from a coal haul road

Access roads to the strip mines are areas where accelerated weathering and severe erosion may occur. These roads were cut through the forests, were unsurfaced, and received only minimum maintenance during the period of active mining when they were used by trucks for hauling the coal. After mining, the roads were abandoned and, in total, comprise an appreciable area without vegetal cover and subject to accelerated weathering and erosion.

A small area near the north end of the

southwest spoil bank included 0.15 acre of coal haul road and 0.65 acre of woodland and drained onto the spoil bank. From April 26, 1959 to February 17, 1960, all the runoff from the small drainage basin was trapped in a small pool on top of the spoil bank. The amount of sediment eroded from the drainage basin and deposited in the pool was computed from detailed plane table surveys of the pool bottom.

Precipitation measured at rain gage 2 on the spoil bank and near area 13 equaled 42.60 inches during the period April 26, 1959, to February 17, 1960. Thirty-two storms in this period provided more than 0.5 inch of precipitation per storm, nine of these had more than 1.0 inch per day, and one had more than 2 inches per day.

During the nearly 10-month period, 262 cubic feet of sediment was deposited in the pool. With a measured specific weight of 86.4 pounds per cubic foot, this sediment weighed 11.3 tons. Nearly all this material eroded from the road. Roehl and Johnson (in Collier and others, 1964, p. B66) reported an average annual rate of sheet erosion from wooded areas of 0.14 ton per acre in the Cane Branch study area. Deducting the amount of sheet erosion from the woodland area, the average rate of erosion from the road was computed at 90 tons per acre per year, or 57,600 tons per square mile per year.

A sediment yield of this magnitude is more than twice the yield of 27,000 tons per square mile per year from the spoil bank area reported on page C40 of this report. However, a high sediment yield was expected from this section of road because the road was steep and the runoff gathered into channels and caused gully erosion. This yield should not be considered as representative of all coal haul roads in the study area or in other areas being strip mined. It does show that erosion from roads may be significant in some places and warrants consideration in the planning and construction of road systems so that other resources will not be adversely affected.

##### Erosion from the southwest spoil bank

Selected areas and gullies on the southwest spoil bank in the Cane Branch area were mapped periodically to determine changes due to erosion and to ascertain the principles of spoil-bank erosion. Detailed maps were made of two small drainage areas on the outer edge of the southwest spoil bank in 1958, 1962, and 1966. Also, longitudinal profiles of four gullies were surveyed in 1959, 1962, and 1966. The locations of these areas and gullies are shown.

The stripping operations left a very rugged and irregular surface on the southwest spoil bank. In June 1955, the bank was leveled by bulldozers. The general topography resulting from this leveling was the primary control on the development of the drainage network on the spoil bank. The surface runoff and accompanying erosion of spoil material formed a drainage network of rills and channels on the top of the spoil bank which drain into gullies at the outer edge of the bank.

The magnitude of gully development in the spoil bank is directly related to the drainage area of the gully and to the amount of runoff passing through it. In general, the larger the drainage area, the larger the gully. Storm runoff causes significant and rapid changes in the size and shape of the large gullies. Conversely, rills and small gullies have small drainage areas and consequently carry only small quantities of storm runoff. Rills that have almost no drainage area on top of the spoil bank have shown little change during the study.

The gullies were well incised into the spoil bank at the time of the first survey in August 1959. Subsequent surveys and observations revealed the changes and erosional

processes that lead to enlargement of the gullies. Water flowing in a slightly sinuous gully erodes the channel both vertically and laterally, thereby undercutting the gully walls. Portions of these undercut walls slump into the channel, and some of the slumps are large enough to cause shifting of the channel. The loose and fragmental material that slumped into the channel is transported downslope during subsequent storm events. This sequence of vertical and lateral cutting followed by sediment transport causes the gully to increase in both depth and width.

As the gully widens and deepens, it also increases in length through headward cutting into the top of the spoil bank. The gullies studied now extend more than 60 feet into the spoil bank. Because the difference in elevation between the top and bottom of the spoil bank at a given site remains nearly unchanged, the lengthening of the gully causes a gradual reduction in the channel gradient. The channel gradient of the gullies surveyed in August 1959, August 1962, and October 1966, are given in the following list:

Average gradient	Gully number			
	14	15	16	17
August 1959.....	0.389	0.251	0.344	0.367
August 1962.....	.382	.246	.342	.336
October 1966.....	.368	.240	.313	.302

The gradient of each of these gullies has decreased with time.

The shapes of the longitudinal profiles of the gullies also changed significantly. In the early stage of development, their profiles approximated the profile of the outer edge of the spoil bank. As widening and downcutting progressed, the profiles tended to become concave upward. This is apparent in the profile of gully 14, shown in figure 18. This tendency to reach a concave profile is evident in each of the four gullies surveyed and is in agreement with the characteristic concave channel profile of natural rivers (Leopold and others, 1964). As more spoil material is eroded from the bottoms and sides of the gullies, the profiles are expected to become more and more concave.

In gully 14 and in the others surveyed, there was a general downcutting of the channel throughout the length of the gully. Downcutting occurred where a gentle channel slope was followed by a steep channel slope. In almost all gullies, such riffles and waterfalls either disappeared into a smooth profile or receded during the periods between surveys. At the base of the small waterfalls, where the channel slope became more gentle, temporary deposition often occurred. The greatest downcutting occurred at the outer edge of the top of the spoil bank.

The following tabulation shows the average degradation, in feet, in the surveyed reach of each gully:

Degradation	Gully			
	14	15	16	17
1959-62, average.....	1.17	1.51	1.88	1.48
Per year.....	.39	.50	.63	.49
1962-66, average.....	1.12	2.32	1.02	1.86
Per year.....	.28	.58	.26	.46

In gullies 14 and 16, the annual rate of downcutting was appreciably less during 1962-66 than during 1959-62. In gullies 15 and 17, the annual rate of downcutting was much the same during the two periods. These differences in rates of degradation may result from differences in the spoil material in the gully and in the size of the gullies drainage areas on the spoil bank, which were not defined in this study. Differences in the

number and intensity of storms and amount of precipitation between the periods also would have affected the rate of gully development. For the period between the 1962 and 1966 surveys, which nearly coincided with the 1963-66 water years, precipitation and runoff were generally below normal and considerably less than that which occurred between the 1959 and 1962 surveys. (See "Precipitation and Runoff.")

Selected areas of the southwest spoil bank were surveyed in detail to obtain a measure of the erosion and to record changes in the channels and gullies. Each area was comprised of one or more small drainage basins. Elevation contour maps made in 1958 of two of these areas are shown in figures 19 and 20; the areas are located, a map of area 11, shows a small drainage basin on the spoil bank in which a major gully has developed. The spoil bank is partly terraced, and although the steep slope has a number of well-defined rills, no major gully has formed.

Most of the headwater channels on top of the spoil bank are nothing more than slight linear depressions. These depressions are sometimes obliterated by sheet erosion, and then new depressions form a few feet away. As the rills deepen and become better defined on the gently sloping top of the bank, stream piracy is common. Significant changes in the drainage area of some rills were noted as they both gained and lost sizable areas to other channels. The drainage patterns are still developing and are becoming more stable each year.

On the top of the spoil bank, the divides between the mapped areas and adjoining small drainage basins were very poorly established, and some shifting of the divides was noticed. This shifting of divides resulted in areas being both lost and gained by the mapped basins. Between the surveys of October 1958 and September 1962, for example, net increases of 3 percent in the size of area 11 and 0.7 percent in the size of area 12 were measured. Along the sides of the gully in area 11, drainage area was gained as the gully walls slumped and captured adjoining rills on the steep slope of the bank.

The southwest spoil bank was leveled by a bulldozer and patrol grader in June 1956 (Musser, 1963, p. A23), so more than 2 years elapsed between the leveling of the bank and the first survey of areas 11 and 12. The spoil bank was compacted by the equipment used in the leveling operations, and further settling may have occurred during the following years. It is believed, however, that settling has been insignificant since 1958. Abrupt changes in contours were not observed on top of the spoil bank in areas 11 and 12, and bench marks established on the spoil bank have remained stable.

In area 11, erosion was most noticeable along the main gully, but the gently sloping top of the bank eroded to a significant degree also. The profiles shown in figure 21 illustrate the amount of material removed from the upper surface of the bank in area 11. From 1958 to 1962, the top of the spoil bank was lowered by sheet erosion an average of about 0.2 foot. From 1962 to 1966, loss by sheet erosion averaged only about 0.1 foot for the same period of time. The right side of the profile cuts across the area's main gully, which has advanced into the top of the spoil bank. The gully widened noticeably and downcut about 1.7 feet from 1958 to 1962. From 1962 to 1966, the gully grew even more. It widened from 3 feet to nearly 10 feet and downcut an additional 0.6 foot.

Runoff causes sheet erosion on the top of the bank as particles of spoil material are washed into minor channels for transport to the main gully. As the runoff is collected by the minor channels, the channels are deepened and widened. This concentration of flow causes removal of material by downcutting of the channel beds, undercutting

of the channel walls, and slumping of the sides of the channel; and a gully is formed.

Channel development on the spoil bank in area 11 is shown in the photographs in figure 22. The well-defined channel, which is the upstream part of the main gully in the area, appears more incised in 1962 than it was in 1958, but the minor channels have undergone little change. By 1966, the gully has deepened and widened, and the tributary channels have become well established.

The gully has deepened considerably as shown by the increased exposure in the more recent pictures of the tree stump standing vertically near the center of the gully. The gully has also widened by slumping of the walls. Notice the large mass of spoil material that had recently slumped from the right side of the gully wall. By 1962 the slump has been rounded by weathering and erosion. In October 1966 only a small hump in the gully side as evidence of this slump.

The rate of erosion from area 11, which contains a major gully, is significantly greater than from the rilled and partly terraced part of the spoil bank in area 12. Area 11, which contained 0.1743 acre, lost 88.0 cubic yards of material from 1958 to 1962 and 132 cubic yards from 1962 to 1966. This is equal to 126 and 192 cubic yards per acre per year, respectively, or an average annual loss of 159 cubic yards per acre. Area 12 contained 0.2649 acre and lost only 19.8 and 9.8 cubic yards of spoil during each of the 4-year periods, with an average annual loss of 14.8 cubic yards per acre. The drainage area as originally mapped in 1958 was used as the base area for the computations of spoil loss; base elevations were 68 feet for area 11 and 105 feet for area 12.

In "Precipitation and Runoff," McCabe shows that lesser amounts of precipitation and runoff occurred during 1962-66 than in the preceding 4 years. In table 25, he reports 15 storms with precipitation in excess of 2 inches from October 1958 to September 1962, and only nine storms for the period October 1962 to October 1966. Total precipitation for these storms at rain gage 2, which is close to areas 11 and 12, was 38.12 inches for the earlier period and 21.30 inches for the later period. Most erosion and transport of material from the spoil banks probably occurs during intense storms.

The amount of material lost by sheet erosion from areas 11 and 12 has decreased with time. In both areas less material was removed by sheet erosion during the period 1962-66 than during the previous 4 years, as evidenced by the change in the elevation of the top of the spoil bank. (See fig. 21.) This decrease in sheet erosion may be attributed to fewer intense storms and less precipitation and runoff during the later period.

Although sheet erosion decreased during the period 1962-66 in comparison with that during the preceding 4 years, the loss of material by gully erosion increased greatly with time. Although there were fewer storms and less runoff in the 1962-66 period, erosion from area 11, which is drained by a major gully, increased by about 50 percent from the erosion during 1958-62. The removal of material along the major gully accounted for most of this increase.

The data on erosion in areas 11 and 12 illustrate the effect of topography and channel development on rates of erosion. For a unit area, much more material is eroded and transported from the spoil bank from areas drained by major gullies than is removed from rilled or terraced areas. In gullies, large quantities of surface runoff are gathered into a single main channel, where the turbulence and velocities of the water are sufficient to transport large volumes of material from the spoil bank. Also, large quantities of loose material are made available for transport by slumping of the gully

walls. In the rilled and terraced sections of the bank runoff is not gathered into one main channel. Material that is eroded during a given storm may be transported only a short distance, or to the next terrace, where it is temporarily deposited. Thus, lesser volumes of material are completely removed from the spoil bank.

#### Sediment transport

Material that is eroded from the spoil bank during a storm may be carried directly into Cane Branch or it may be deposited on the forest floor and in the channels of the tributaries. The deposited sediment is commonly eroded by runoff from succeeding storms and transported further downstream. Even material that reaches Cane Branch immediately after erosion from the spoil bank may pass through numerous cycles of erosion, transportation, and deposition before reaching the gaging station where it is measured. The sediment discharge measured at the gaging station defines the amount of material removed from the study area and is not a measure of the total erosion taking place within the area. The following sections describe the sediment concentration in runoff from mined and forested areas, changes in the rate of sediment discharge, and storage of sediment in the channel of Cane Branch by deposition.

#### Comparison of sediment transport in mined areas with sediment transport in forested areas

The same processes of weathering, erosion, and sediment transport are active in both the mined and unmined areas, but the quantities of sediment involved are much less in unmined and forested areas. The soil in unmined areas is protected from erosion by vegetation, and there are no large areas of loose material available for transport.

Storm runoff from strip-mined areas has a much higher sediment concentration than does runoff from forested areas. The sediment concentration of Cane Branch exceeded 30,000 ppm during 37 storm events in the more than 10 years of sediment record between February 1956 and September 1966, and has exceeded 20,000 ppm 68 times during that period. For comparison, the maximum sediment concentration measured in the forested Helton Branch basin during the 2½ years of record, February 1956 to September 1958, was only 553 ppm.

The higher sediment concentration and loads carried in storm runoff from strip-mined areas are further illustrated in figure 24, which shows hydrographs of the May 7, 1960, storm. The rainfall accumulation during the storm was about 2.7 inches in each study area, and the rainfall intensities during the 12 hours of precipitation were similar. The basin of West Fork Cane Branch is forested, except for 1.3 acres which were disturbed by prospecting for coal and by construction of an access road to the gaging stations. In the Cane Branch basin, 44.6 acres were disturbed by strip mining. Runoff from the storm on May 7 caused a peak sediment concentration of 1,210 ppm in West Fork Cane Branch and produced a sediment load of 9.6 tons for the drainage basin, or 36.9 tons per square mile. In Cane Branch, the sediment concentration reached 11,500 ppm and 217 tons of sediment, equal to 324 tons per square mile, was discharged from the basin.

#### Sediment transport at Cane Branch Gaging Station

The annual sediment yield from unmined parts of the study area is probably in the range of 20 to 30 tons per square mile. A yield of this magnitude was established by Collier and Musser (in Collier and others, 1964, p. B53) from measurement of the sediment discharge of Helton Branch and from the similarity of sediment concentrations measured at Helton Branch and at recon-

naissance sites in unmined subbasins of Cane Branch. Prior to mining, the Cane Branch basin, which had a hydrologic environment similar to that of Helton Branch (Musser, 1963), probably had a sediment yield of about 25 tons per square mile. During two periods 1955-56 and 1958-59, strip mining disturbed a total of 10.4 percent (44.6 acres) of the Cane Branch basin and provided large quantities of loose material, unprotected by vegetation, for erosion and transport by surface runoff.

Since the 1956 mining, the annual sediment yield of Cane Branch has ranged from 617 to 3,010 tons per square mile (table 9). The highest weighted mean concentration, 1,640 ppm, occurred during the 1959 water year and was due partly to active strip mining on the northeastern side of the basin.

TABLE 9.—SUMMARY OF SEDIMENT DISCHARGE BY WATER YEARS, CANE BRANCH NEAR PARKERS LAKE

Water year	Water discharge (c.f.s./days)	Sediment concentration (p.p.m.) <sup>1</sup>	Sediment discharge (tons)	Sediment yield (tons per sq. mi.)
1956 <sup>2</sup>	333.032	437	393.64	588
1957	388.698	537	562.74	840
1958	414.882	1,160	1,294.65	1,930
1959	187.711	1,640	830.84	1,240
1960	464.119	1,380	1,731.00	2,580
1961	324.726	689	603.89	901
1962	464.928	1,600	2,018.42	3,010
1963	265.95	-----	-----	-----
1964	190.38	-----	-----	-----
1964 <sup>3</sup>	28.28	2,510	191.66	286
1965	285.80	1,550	1,199.76	1,790
1966	120.88	1,270	413.07	617

<sup>1</sup> Weighted with water discharge.

<sup>2</sup> February to September only (part).

<sup>3</sup> October to January and July to September only (part).

The average sediment yield from the Cane Branch study area for 4 water years, 1959-62, was 1,934 tons per square mile. If an average annual sediment yield of 25 tons per square mile is assumed for unmined parts of the Cane Branch study area (Collier and others, 1964, p. B53), the sediment yield from the mined areas was calculated and found to average more than 27,000 tons per square mile per year. The sediment yield computed for the mined area for the 1962 water year exceeded 42,700 tons per square mile.

In table 9, there is no correlation between annual water discharge and annual sediment discharge. The 1960 and 1962 water years, for example, had nearly identical water discharges, but about 288 more tons of sediment was discharged in 1962 than in 1960. The increase in sediment discharged in 1961 as compared with 1957, a year of similar water discharge, is as expected because an additional 17.1 acres of the study area was strip mined in 1958-59 and provided additional loose and unprotected material for erosion and transport by runoff.

Lower sediment yields during the 1965 and 1966 water years resulted from a deficiency in precipitation and runoff and are not indicative of a decrease in the potential erosion of the mined area. The annual sediment yield was lowest during the 1966 water year, the year having lowest streamflow. The high amounts of precipitation and runoff during the summer of 1966 resulted in a proportionately higher weighted mean concentration for those months. The Cane Branch basin averaged 7.34 inches of rainfall in August 1966 (see table 24), and the sediment discharge of Cane Branch was 145 tons (see table 33), more than one-third of the sediment discharge for the year.

Few storms occurred during the period of record in the 1964 water year also, as shown by the extremely low total water discharge for the period. The weighted mean sediment concentration for that period of record was high, however, because 176 of the 192 tons was discharged during three storms in Au-

gust and September, months when storm runoff causes relatively high sediment concentrations in Cane Branch.

An inspection of the summary of the monthly sediment discharge of Cane Branch, shown in table 33, reveals that during the warm months the weighted mean sediment concentration was highest and was frequently greater than 2,000 ppm. In other words, for a given amount of runoff, considerably more sediment was transported during the warm months than during cold months when the spoil material was frozen and more resistant to erosion. Also, high intensity rainstorms, which generally occur in the warm months, loosen material by the impact of raindrops and produce high rates of runoff to transport the sediment.

The monthly data for the period February 1956 to September 1959 were given by Collier and others (1964, p. B56). The daily sediment discharges, daily mean concentrations, and particle-size analyses for water years 1956-63 were published annually by the U.S. Geological Survey (1956-63) in its water-supply paper series. The data for the 1964-66 water years were released in the series of annual State reports of the U.S. Geological Survey (1964-66).

#### Changes in sediment yield of Cane Branch study area

Although no records of sediment discharge for Cane Branch were obtained previous to mining, Collier and Musser (in Collier and others, 1964, p. B52-B58) showed that the sediment yields of the Helton Branch and Cane Branch basins were probably similar. Therefore, substantial changes in the relationship of sediment discharge to water discharge in Cane Branch must be attributed to mining and associated activities in the Cane Branch basin because these were the only activities that altered the hydrologic environment of the basin.

Changes in the relation between water discharge and sediment discharge of Cane Branch from 1956 to 1959 were described by Collier and Musser (in Collier and others, 1964, p. B60-B61). This relation is extended in figure 25 by including the data for storm runoff during the 1960-62, parts of 1964, and the 1965-66 water years. As in the earlier analysis, only the water and sediment discharged by direct runoff from storms that produced more than 1 cfs per sq mi (cubic feet per second per square mile) were used in the analysis of the period 1960-66. The curves that were developed, therefore, represent 40.8 percent of the total water discharge and 95.6 percent of the total sediment discharge. One curve is for the intense summer-type storms and the other curve is for the longer duration winter-type storms. The points shown are plots of the cumulative totals for each month; if several storms occurred in a given month, they are shown as one point. McCabe (see "Precipitation and Runoff") found no progressive change in runoff characteristics of Cane Branch during the 11-year period of study; changes in the slope of the curves result from a change in the water-sediment relationship.

Each change in slope of the curves can be related to events or changes that took place in the strip-mining activity in the study area. Mining started on the southwest side of Cane Branch in 1955 and was nearly completed when the sediment record was begun in February 1956.

The sediment discharge of Cane Branch probably began to increase shortly after the beginning of mining. The discharge-weighted mean sediment concentration in storm runoff averaged 501 ppm in February 1956. The quantity of sediment transported by winter storms continued to increase during 1956; the weighted mean concentration of the direct runoff averaged 896 ppm from February 1956 until January 1957. During

the succeeding two winters, it averaged slightly less, 585 ppm. Few winter storms occurred from February 1957 to January 1959 (see Collier and others, 1964, p. B6, and table 5), and the runoff and sediment concentrations were both less than in the previous years.

The effects of the new mining started on the northeast side of Cane Branch during late 1958 caused an increase in the weighted mean concentration in winter storms. Since January 1959 it has averaged 1,300 ppm, a greater concentration than during any previous period. This new mining caused an even greater increase in the amount of sediment transported by summer-type storms; from 1956 to June 1959, the mean concentration was 4,760 ppm. It increased to 18,600 ppm during the summer of 1959. By the summer of 1960, the immediately available loose material from the northeast spoil bank apparently had been transported past the gaging station and the weighted mean concentration decreased. It remained at an average of 5,650 ppm through September 1966. A comparable decrease was not noted for the winter-type storms.

As vegetation becomes established on the spoil banks, the spoil will gradually become more protected from weathering, erosion will decrease, and the mean concentration of sediment transported by Cane Branch will no doubt decrease. Later extensions of the curves in figure 21 would have a lesser slope. This reduction in sediment transport, however, has not yet occurred in the Cane Branch study area. The heterogeneous material of the spoil banks continues to erode at an excessive rate and may do so until a vegetal cover provides stability for the rocks and soil.

#### *Changes in particle-size distribution of fluvial sediment in cane branch*

Sediment concentration increases and the particle-size distribution of the sediment becomes coarser as the water discharge increases in Cane Branch. Collier and Musser (in Collier and others, 1964, p. B61-B62) showed that at low concentrations the material in transport was predominantly clay. At higher concentrations, which resulted from increased direct runoff with greater turbulence and higher velocities, larger particles were picked up by the water, and the percentage of coarser material increased.

The average particle size for a given range in concentration has become coarser since 1959. This is illustrated in figure 26, which shows the average particle-size distribution from analyses of samples with concentrations ranging from 1,040-7,790 ppm for the period 1956-59, and also for the combined periods of 1960-62 and 1964-66. At this concentration range, the average percentage of clay decreased from 67 percent during the earlier period to 59 percent during the later period; silt increased from 32 percent to 34 percent, and sand increased from 1 percent to 7 percent.

This increase in particle size is the result of several factors. The 1959 mining, which was done on the northeast side of the Cane Branch basin, provided a source of loose material closer to the gaging station than the earlier mining; the coarser material, therefore, had a shorter distance to migrate to the gage and reached it relatively soon after erosion. Also, after initial erosion of finer material, the coarser silts and sands from the southwest spoil bank may have had enough time to migrate to the gage in quantities sufficient to contribute to the change in particle-size distribution.

An increase in the particle size also was noted in the sediment deposits along the channel of Cane Branch in area 1, a short distance upstream from the Cane Branch gaging station. In the early years of this investigation, the deposits consisted of mucky, unconsolidated, fine material through which it was difficult to walk. These deposits became coarser during the period 1960-61 and

after a severe storm in February 1962. The deposits are now firm and contain a higher percentage of sand. They are discussed further in the following section.

#### SEDIMENT DEPOSITION IN CANE BRANCH

Large quantities of sediment were deposited in the channels of the streams affected by strip mining in the Cane Branch basin. Along Cane Branch, many pools in the stream were almost completely filled with sediment, and additional deposition occurred on the flood plains along the channel. This deposition is, in many places, temporary and ever changing; the material is alternately eroded, transported, and redeposited as it migrates downstream during storm events.

Selected reaches of the Cane Branch channel and flood plain were mapped repeatedly to define erosional and depositional changes. The locations of these areas are shown.

In April 1958, the rather straight reach of channel in area 1, located a short distance upstream from the Cane Branch gaging station, consisted of a shallow pool containing clay and silt with some sand particles. At the downstream end of area 1, just behind a log and brush dam, there was a large hole more than 1 foot deep in the channel bed.

In March 1960, area 1 was essentially the same as in 1958 except that several inches of sediment had been deposited on the bed of the shallow pool. The log and brush dam had moved 3 feet downstream, but the hole was still present behind the dam.

A severe storm in February 1962 resulted in the highest runoff in Cane Branch for the period of record and caused many of the deposits in the Cane Branch channel from the spoil bank to the gaging station to be flushed downstream. During this storm, extensive scouring along the channel in area 1 removed much of the material that had been deposited on the streambed and on some parts of the channel banks.

By May 1962, the pool in area 1 had again become partly filled with sediment, but in July 1962, entirely new conditions were noted along the channel. The long shallow pool was almost completely filled with sediment, and the stream had a braided pattern through the reach rather than the single channel and pool as before. The sediment deposits contained more sand, whereas clay and silt had predominated in 1958-59. A small tributary draining part of the northeast spoil bank and entering Cane Branch in area 1 had built a delta of about 30 square feet along the side of the channel. This delta was not present during previous observations. Sandbars filled the holes in the stream bed behind the brush dam. Thus, within only 6 months after the February storm, the channel had become refilled with sediment. By October 1966, additional deposition was evident. The delta was still present, but it had enlarged to about 50 square feet, and the pool was nearly filled with sediment.

Changes in the appearance of the channel in area 1 are evident in the comparative photographs in figure 28. Water discharges at the times of these photographs were 0.53 cfs on April 20, 1958, and 0.11 cfs on October 26, 1966. In April 1958 the channel was well defined, although recent deposits of dark gray sediment covered the flood plain along the left bank and partly filled the pool. In October 1966, the channel was nearly filled with sediment. The elevation of the flood plain along the left bank was less than 1 foot above the water surface in the 1966 picture compared with about 2 feet above in 1958.

The longitudinal profile and cross sections of area 1, illustrate the amount and location of sediment deposition in the channel. The longitudinal profile, section C-C', through the deepest part of the channel shows that from 1958 to 1962 net sediment deposition varied from 0.1 foot in the upstream end of the pool to as much as 1.7 feet near the brush dam and averaged about 0.6 foot. From 1962 to 1966, additional deposition averaged about 0.8 foot and extended nearly 30 feet further

upstream, with the sediment being more evenly distributed throughout the length of the pool.

Sediment deposition in the channel and on the flood plains in area 1 is shown best in sections A-A' and B-B' in figure 29. Prior to strip mining in the Cane Branch basin, an overflow channel apparently existed along the west flood plain in the upstream part of the area. In 1958, this channel was nearly filled with sediment, and only shallow depressions remained. From 1958 to 1962, the overflow channel was completely filled with sediment, as shown in section A-A'. The maximum thickness of this new deposit was 2.2 feet.

The total thickness of sediments deposited on the west flood plain since the 1956 mining activity ranges from about 0.5 to 2.8 feet, as determined by probing. A considerable amount of deposition also occurred in the swampy area on the east flood plain.

During the period 1956-1959, the flood-plain deposits consisted of about 40 percent sand and 60 percent silt and clay. The sediment deposited since 1959 contains about 60 percent sand. The larger particle sizes in the flood-plain and channel deposits since 1959 resulted from the increased size of sediment transported by Cane Branch.

Considerable change occurred in the downstream part of area 1. From 1958 to 1962, the brush dam just downstream from section B-B' was forced downstream approximately 15 feet. During this period, deposition was greater near the dam than in the upstream end of the pool. The deep hole in the channel just above the dam was almost completely filled with 1.8 feet of newly deposited sediment by 1962. Along the east side of the channel (stations 20-25), between the main channel and an overflow channel, rhododendron and other brush trapped nearly a foot of sediment. From 1962 to 1966, the brush dam remained stable, but the overflow channel to the east of the dam was enlarged.

In 1958, the overflow channel at the downstream end of the pool was blocked by roots and debris. In succeeding years, these obstructions were undercut, and by 1966 the overflow channel had eroded headward about 10 feet nearer to the pool in the main channel. If the brush dam continues to block the main channel, the stream will in time move to the present overflow channel.

Sediment deposits similar to those in area 1 are apparent in the other pools in Cane Branch downstream from the strip mine. Deposition in Hughes Fork was reported to extend 4,000 feet downstream from the mouth of Cane Branch in November 1959 (Collier and others, 1964, p. B64). These deposits were also observed in August 1964 and will probably continue to exist as long as the spoil banks in the Cane Branch basin contribute large volumes of sediment to the stream system.

#### Conclusions

The sediment characteristics of Cane Branch were greatly affected by strip mining in the headwaters of the stream. The sediment yield from unmined areas averaged about 25 tons per square mile per year, whereas from 1959 to 1962, erosion of the spoil banks in the Cane Branch basin resulted in an average yield of more than 27,000 tons per square mile of spoil bank per year.

Sheet erosion on the gently sloping top of the spoil bank decreased appreciably during the latter part of this study period, whereas loss of material by gully erosion increased with time. The gullies have become well incised into the spoil bank and enlarged by downcutting and slumping of the gully walls.

Erosion of abandoned coal haul roads in the Cane Branch basin was severe in places where the roads had steep grades. Measurements of sediment loss from one short length of steep road indicated an annual sediment yield of 90 tons per acre of road. This is

equivalent to an erosion loss of 57,600 tons per square mile.

Since the fall of 1959, when mining ended on the northeast side of Cane Branch, there has been no overall reduction in the amount of sediment discharged by Cane Branch. However, the particle size of the sediment in transport and in the channel and flood-plain deposits of Cane Branch has become coarser since the 1959 mining. Many of the pools in Cane Branch have been nearly filled with sediment deposited since strip mining in the study area. Deposits of fine material were observed in Hughes Fork at the mouth of Cane Branch in August 1964 and were noticeable for several thousand feet downstream from the confluence.

**STREAM BOTTOM FAUNA**

(By J. P. Henley, Kentucky Department of Fish and Wildlife Resources)

Strip mining of coal in the Cane Branch basin of Beaver Creek affected the invertebrate bottom fauna of both Cane Branch and its receiving stream, Hughes Fork. Effects on the two streams during the period 1956-58

were reported by Bernard T. Carter (in Collier and others, 1964, p. B77-B80). This report summarizes, for the years 1959-65, (1) the changes in the invertebrate bottom fauna composition of Cane Branch and Hughes Fork, (2) the invertebrate bottom fauna composition of the two control streams, Helton Branch and Little Hurricane Fork, and (3) the benthic repopulation of Hughes Fork. However, reported conclusions are based on the entire period of study, 1955-65.

**Methods**

Bottom fauna collections were taken during the month of June in 1959, 1960, 1961, 1962, and 1965, and in August 1964. During each collection period, sampling was done at sites throughout the entire length of each stream, with the exception of Little Hurricane Fork in 1964. Sampling stations were established on each stream, and bottom fauna collections were taken at these same stations each year when water conditions permitted. Only Cane Branch and Helton Branch were sampled in 1965.

Bottom samples were collected from the

riffle areas at each station with a Surber square foot sampler. The large bottom material was washed and sorted for macrobenthos, and the remaining benthic organisms and detritus were preserved in alcohol for later identification. The data are presented on a square-foot basis so the bottom fauna from each stream can be compared directly.

**Results**

Data for Cane Branch, which is immediately affected by strip-mine drainage, and Helton Branch, which is similar in respect to bottom types and morphology but is unaffected by mining activities, are presented in table 10. On the basis of the six samplings during the period 1959-65, Helton Branch supported a mean of 178 benthic organisms per square foot. In this same 7-year period, Cane Branch supported a mean of 30 benthic organisms per square foot, strongly indicating that adverse environmental factors were still present. Variations in annual production of benthic organisms per square foot of stream bed in Cane and Helton Branches are shown in figure 30.

TABLE 10.—AVERAGE NUMBER OF BOTTOM FAUNA PER SQUARE FOOT IN RIFFLES, CANE BRANCH AND HELTON BRANCH, JUNE 1959, 1960, 1961, 1962, AND 1965, AND AUGUST 1964

[Tr., trace]

Organisms	Cane Branch						Helton Branch					
	1959	1960	1961	1962	1964	1965	1959	1960	1961	1962	1964	1965
Ephemeroptera.....	Tr.	0	0	0	0	0	45	28	86	20	3	22
Plecoptera.....	2	0	0	0	0	0	48	44	62	18	16	17
Trichoptera.....	0	0	0	0	0	0	46	6	18	16	2	15
Megaloptera.....	1	1	0	3	4	2	2	2	0	Tr.	0	1
Coleoptera.....	Tr.	1	Tr.	0	0	0	6	7	26	6	8	7
Diptera.....	36	17	18	85	2	10	39	91	150	82	11	82
Odonata.....	Tr.	0	0	0	0	0	4	1	4	2	9	1
Oligochaeta.....	0	0	0	0	0	0	0	1	Tr.	0	0	0
Crustacea.....	0	0	0	0	0	0	0	0	0	0	6	2
Amphipoda.....	0	0	0	0	0	0	0	2	Tr.	2	0	0
Totals.....	39	19	18	88	6	12	190	190	346	146	55	147

Mayflies (*Ephemeroptera*) and caddis flies (*Trichoptera*), insect orders which form the bulk of the diet of most small stream fishes, were almost entirely lacking from Cane Branch. In Helton Branch, these two orders comprised 28 percent of the total samples collected during the 7-year period.

Cane Branch supported six insect orders in 1959, three orders in 1960, and two orders in 1961, 1962, 1964, and 1965. Helton Branch, on the other hand, supported a total of seven insect orders in 1959, 1961, 1962, and 1964, and eight orders in 1960 and 1965.

The paucity of bottom fauna in Cane

Branch and Helton Branch in 1964 was due not only to stripmine drainage but also to low streamflow and to sampling later in the year. Low water conditions, which prevailed in both streams in August, made sampling of suitable areas very difficult. Also, samples were taken in August after the emergence of the two-winged midges (*Diptera*). In previous samplings, the *Diptera* group represented 92 percent of the combined total numbers of benthic organisms in Cane Branch and 41 percent in Helton Branch. In 1964, the relative abundance of this group decreased to only 33 percent of the total

number in Cane Branch and 20 percent of the total number in Helton Branch.

An analysis of data collected from Hughes Fork below the confluence of Cane Branch and from Little Hurricane Fork, the control stream, further illustrates the adverse effect of Cane Branch effluent on bottom fauna (table 11). Hughes Fork, during the 6-year sampling period, supported a mean of 48 benthic organisms per square foot. In the same 6-year period, Little Hurricane Fork supported a mean of 211 benthic organisms per square foot.

TABLE 11.—AVERAGE NUMBER OF BOTTOM FAUNA PER SQUARE FOOT IN RIFFLES, HUGHES FORK AND LITTLE HURRICANE FORK, JUNE 1959, 1961, AND 1962, AND AUGUST 1964

Organisms	Hughes Fork					Little Hurricane Fork				
	1959	1960	1961	1962	1964	1959	1960	1961	1962	1964
Ephemeroptera.....	(1)	(1)	(1)	(1)	1	44	102	117	21	20
Plecoptera.....	63	24	24	18	36	41	70	100	11	25
Trichoptera.....	(1)	(1)	6	2	4	10	42	53	16	15
Megaloptera.....	2	3	2	2	3	2	2	3	2	1
Coleoptera.....	(1)	(1)	1	(1)	1	6	48	55	12	8
Diptera.....	3	5	26	7	6	10	103	58	14	19
Odonata.....	(1)	0	(1)	0	1	2	6	5	3	1
Hemiptera.....	0	0	0	0	0	0	(1)	0	0	1
Oligochaeta.....	1	(1)	(1)	0	0	0	1	0	(1)	1
Crustacea.....	(1)	0	0	0	0	4	(1)	(1)	1	(1)
Amphipoda.....	0	0	(1)	0	0	(1)	(1)	0	(1)	0
Total.....	69	32	58	29	54	119	374	391	80	91

<sup>1</sup> Trace.

The 6-year trend in bottom fauna production in Hughes Fork did not show a definite upward or downward pattern, indicating that Hughes Fork remained relatively constant in bottom fauna production with only minor year-to-year variations. The stream sub-

strate in Hughes Fork has become very unstable following prolonged acid water drainage. The aquatic vegetation in the stream channel, once a stabilizing factor, has been killed, leaving the stream substrate to shift and be washed out during periods of high

water. Because of this unstable condition, the benthic organisms are periodically washed out of the study areas by storm runoff.

Bottom fauna production in Little Hurricane Fork increased from 1959 through 1961, dropped to a low in 1962, and then

experienced a slight recovery in 1964. In spite of these variations, it is evident from that data collected that Little Hurricane Fork, which has clear flowing water and a stable substrate, consistently supported a faunal complex greater than that observed in Hughes Fork.

Evidence of an increase in aquatic vegetation in Hughes Fork was noted in 1964. Algal growth on the substrate was noticeably greater than that observed during the period 1959-62, and *Diantha*, a higher form of aquatic vegetation, was beginning to recur along the shoreline.

Selected water-quality data for the above streams at the time of sample collection for benthic organisms in August 1964 are presented in table 12. It is evident from the data that Cane Branch was still receiving a relatively large amount of acid mine drainage in 1964, as shown by the high concentration of sulfate and the low pH in the stream. The pH of 3.2 in Cane Branch on August 4-5, 1964, is well below the tolerance level for most benthic organisms. However, during the same period, Hughes Fork had a pH of 6.0, only slightly below the low range found in many eastern Kentucky streams not affected by acid mine drainage and well within the tolerance range for most benthic organisms.

TABLE 12.—STREAM WATER TEMPERATURES, WATER DISCHARGE, ALKALINITY, SULFATE, AND pH FOR CANE BRANCH, HELTON BRANCH, HUGHES FORK, AND LITTLE HURRICANE FORK, AUG. 4-5, 1964<sup>1</sup>

Stream	Temperature (°F)	Water discharge (cfs)	Alkalinity (ppm)	Sulfate (ppm)	pH
Cane Branch.....	69	0.06	0	242.0	3.2
Helton Branch.....	67	.13	10	.4	6.6
Hughes Fork.....	74	.28	6	10.0	6.0
Little Hurricane Fork.....	70	.76	12	2.4	6.7

<sup>1</sup> Chemical analyses by U.S. Geological Survey.

The mayfly nymph, *Ephemeroptera*, caddis fly larva, *Trichoptera*, and beetle larva, *Coleoptera*, are important insect groups and are indicative of clean natural streams in eastern Kentucky, as observed in Helton Branch and Little Hurricane Fork. These three orders were used as indicator species to test for improvement in stream habitat in Hughes Fork.

No significant increase in abundance occurred in the order *Ephemeroptera* in Hughes

Fork during the 6-year sampling period. A very minor increase in abundance occurred in 1964, but this increase was not great enough to be considered a positive indication of improved conditions. A noticeable increase occurred in the order *Trichoptera* in Hughes Fork in 1961, 1962, and 1964; however, the abundance per square foot was still well below those values recorded in Little Hurricane Fork. The order *Coleoptera* did not increase in any significant numbers in Hughes Fork during the 6-year period. In 1961 and again in 1964, only one specimen was taken per square foot.

The above data indicate that a limited amount of repopulation of benthic organisms has occurred in Hughes Fork. If the stream had not been severely affected by extensive silt and sand deposition, repopulation probably would have occurred much faster. The stream channel must become stabilized again and the benthic habitat reestablished before normal repopulation will occur.

#### Conclusions

These and previous data show conclusively that strip mining of coal and the resulting acid water and sediment that were subsequently transported to the stream from the strip-mined areas have resulted in a loss of invertebrate bottom fauna in Cane Branch and Hughes Fork. In spite of a limited repopulation of benthic fauna observed in Hughes Fork in 1964, this loss can be expected to persist in both streams for many years. Not until the strip-mined area is healed and stream habitat restored will aquatic life return to the two streams in any great numbers.

#### FISH POPULATION

(By J. R. Sheridan, U.S. Bureau of Sport Fisheries and Wildlife)

Fish life disappeared from Cane Branch when its water became highly acid as a result of strip mining of coal during the period 1955-56. The fish population in Hughes Fork, which received the acid water from Cane Branch, was severely restricted. The results of fish population studies in Cane Branch and other streams in the Beaver Creek basin during the period 1956-58 were reported by Marvin A. Smith (in Collier and others, 1964, p. B80-B83). In this report, data on fish production in the sampled streams during the period 1959-66 are presented, and results for the entire study period are summarized. A more detailed discussion of the 1964 sampling is included to illustrate the distribution of species and individuals at the time of the most recent complete sampling of the basin.

#### Methods of conducting fish population studies

Fish population sampling was coordinated with bottom fauna sampling and with the collection of related water-quality samples from 1956 to 1965, but only the fish population was sampled in 1966. Generally the same areas in each stream were sampled throughout the study period (fig. 33), but the 1965 and 1966 samplings were confined to Cane Branch and Helton Branch.

Fish population samples were collected by the use of cresol. Streamflow was estimated, and the cresol was applied at the head of the sampling section at the rate of 1 quart of cresol per cubic foot per second of flow. The chemical was mixed with water in order to maintain a sustained flow of cresol. Pick-up of distressed fish began within 5 minutes after application of the cresol. The fish were first sorted according to species and then grouped by length. The groups were weighed and the data recorded. Mortality was negligible, and overall collection was essentially complete, except for the sample at station 2 on Little Hurricane Fork, where turbidity due to road construction made recovery of fish almost impossible in 1964. The water temperatures, pH, and surface areas of the sampling stations were recorded along with fish-population information.

#### Results of 1964 fish population sampling

The results of fish population sampling during 1964 are presented in table 13 by species for comparison of fish production in streams affected by acid mine drainage with that in unaffected streams. This was the last year that a complete survey of the upper Beaver Creek basin was made.

The interpretation of the data is straightforward because the only fish found in either Cane Branch or Hughes Fork below Cane Branch (the affected streams) were collected at station 1, just above the confluence of Hughes Fork with Freeman Fork. This fish production was less than 9.0 pounds per acre. Production of all species of fish in unaffected streams ranged from 15.9 to 33.6 pounds per acre and averaged 22.0 pounds per acre. The largest creek chubs observed were only 7 inches long.

In addition to difference in the total weight of fish per acre in affected streams as compared with unaffected streams, differences occurred in number of species. Three species were found in the affected streams, as compared with eight species in the unaffected streams (table 13).

TABLE 13.—ABUNDANCE OF FISH IN TRIBUTARIES TO BEAVER CREEK ACCORDING TO SPECIES, AUGUST 1964

[Abundance, in pounds per acre]

Species	Length range (inches)	Streams affected by acid mine drainage		Streams unaffected by acid mine drainage			
		Cane Branch above West Fork Cane Branch at gage	Hughes Fork, Cane Branch to Freeman Fork Station 1      Station 2	Hughes Fork above Cane Branch	Helton Branch at gage	Little Hurricane Fork, station 1 <sup>1</sup>	
Creek chub.....	1 to 7	0	8.9	0	30.6	14.7	10.2
Arrow darter.....	1 to 4	0	(2)	0	0	1.2	.9
Striped darter.....	1 to 4	0	(2)	0	0	0	1.1
Rainbow darter.....	1 to 4	0	0	0	0	0	.1
Hogsucker.....	1 to 6	0	0	0	1.3	0	2.9
Rock bass.....	3	0	0	0	0	0	(2)
White sucker.....	1 to 5	0	0	0	1.4	0	1.6
Southern redbelly dace.....	1 to 2	0	0	0	.3	0	0
Total.....		0	8.9	0	33.6	15.9	16.8

<sup>1</sup> Data for fish pickup at station 2 incomplete owing to highly turbid water resulting from road construction.

<sup>2</sup> Trace.

TABLE 14.—AVERAGE NUMBER OF FISH PER ACRE OF WATER IN TRIBUTARIES TO BEAVER CREEK, AUGUST 1964

Species	Affected streams		Unaffected streams <sup>1</sup>	
	Number	Percent	Number	Percent
Creek chub ( <i>Semotilus atromaculatus</i> )	96	78.6	1,387	77.6
Arrow darter ( <i>Etheostoma sagitta</i> )	26	21.4	52	2.9
Striped darter ( <i>Etheostoma virgatum</i> )	(?)	0	140	7.8
Rainbow darter ( <i>Etheostoma caeruleum</i> )	0	0	39	2.2
Hogsucker ( <i>Hypentelium nigricans</i> )	0	0	32	1.8
Rock bass ( <i>Ambloplites rupestris</i> )	0	0	11	.6
White sucker ( <i>Catostomus commersoni</i> )	0	0	21	1.2
Southern redbelly dace ( <i>Chrosomus crythrogaster</i> )	0	0	105	5.9
Totals	122	100.0	1,787	100.0

<sup>1</sup> Does not include Little Hurricane Fork, station 2.  
<sup>2</sup> Trace.

A comparison of the average number of individual fish per acre in the two categories of streams (table 14) shows an average of 122 in the affected streams as compared with an average of 1,787 in the unaffected streams. Creek chubs comprised slightly more than 75 percent of the populations in both affected and unaffected streams. This is a reduction in the percentage of chubs as compared with previous samplings, in which they comprised 93.3 percent of the population, and is due to an increase in the abundance of darters in the 1964 sampling.

The chemical and physical properties of the affected and unaffected streams at the time of fish population sampling in 1964 are presented in table 15 for comparison. Streamflows in the several streams were not appreciably different except for the slightly higher discharge of Little Hurricane Fork near its mouth. Water temperatures were similar also.

Differences in pH among the streams are very evident, especially the contrast between Cane Branch and the unaffected streams. The pH of 3.2 measured in Cane Branch is

lethal to fish; pH values of 5.5 and 6.0 for the affected part of Hughes Fork (stations 1 and 2, respectively) suggest that the stream is certainly not toxic to all species; yet fish were not present at station 2 and were extremely sparse at station 1. The limited fish population in Hughes Fork may be due to the limited abundance of bottom organisms that provide food for the fish. (See "Stream Bottom Fauna.")

*Comparison of accumulated fish sampling data*

Fish population samplings in Cane Branch and in Hughes Fork below Cane Branch show that fish have not been present in those streams since June 1956, when Cane Branch became highly acid, except for very limited poundages in 1957, 1959, and 1964 in Hughes Fork (table 16). In 1964, fish were found only at the lower end of Hughes Fork at station 1. Cane Branch continued to be devoid of fish through November 1966, as shown by samplings in the early summer of 1965 and fall of 1966. Its highly acid water (pH of 3.0-3.5) is assumed to have prevented return of fish to the stream.

TABLE 15.—CHEMICAL AND PHYSICAL PROPERTIES OF STREAMS IN THE BEAVER CREEK BASIN, AUG. 4-5, 1964<sup>1</sup>

	Cane Branch at gage	Hughes Fork from Cane Branch to Freeman Fork		Hughes Fork above West Fork Cane Branch	Helton Branch at gage	Little Hurricane Fork	
		Station 1	Station 2			Station 1	Station 2
Discharge (c.f.s.)	(?)	0.16	0.28	0.13	0.13	0.76	0.10
Temperature (°F)	69	74	74	76	76	70	67
Average width of sampling section (feet)	4.0	9.0	15.0	9.0	11.0	13.0	(?)
pH	3.2	5.5	6.0	7.0	6.6	6.7	7.0
Suspended sediment (p.p.m.)	(?)	(?)	(?)	(?)	(?)	(?)	17
Conductance (microhmhos at 25° C.)	689	70	40	33	19	28	48
Hardness, as CaCO <sub>3</sub> (p.p.m.)	178	20	12	13	9	11	21
Noncarbonate hardness as CaCO <sub>3</sub> (p.p.m.)	178	19	7	3	1	1	3
Dissolved solids (p.p.m.)	(?)	40	36	26	(?)	20	(?)
Aluminum (p.p.m.)	(?)	(?)	(?)	(?)	.1	(?)	.1
Iron (p.p.m.)	5.8	.32	.84	.7	(?)	.54	.68
Manganese (p.p.m.)	13	.46	4.2	.05	(?)	.02	.71
Sodium (p.p.m.)	1.5	1.5	1.8	1.2	.6	.6	1.9
Bicarbonate (p.p.m.)	(?)	1.0	6.0	12.0	10.0	12.0	22.0
Sulfate (p.p.m.)	242	20	10	3.6	.4	2.4	4.8

<sup>1</sup> Chemical analyses by U.S. Geological Survey.

<sup>2</sup> Not determined.

TABLE 16.—FISH PRODUCTION IN AFFECTED AND UNAFFECTED STREAMS

AFFECTED STREAMS				UNAFFECTED STREAMS			
Date	Sample area (square feet)	Fish per acre (pound)	pH	Date	Sample area (square feet)	Fish per acre (pound)	pH
<b>Cane Branch above West Fork Cane Branch (at gage):</b>				<b>Hughes Fork between Freeman Fork and Cane Branch:</b>			
May 16, 1956		(?)	3.2	Sept. 13, 1956	80	0	6.8
June 27, 1956	350	0	3.0	June 5, 1957	2,050	4.0	6.0
Sept. 12, 1956	350	0	2.7	Oct. 10, 1957	164-180-320	0	5.0
June 5, 1957	350	0	5.1	June 3, 1958	240-790	(?)	4.8
Oct. 10, 1957	350	0	3.9	Oct. 22, 1958	164-310	0	4.2
June 3, 1958	350	0	3.2	May 25, 1959	835	(?)	5.4
Oct. 22, 1958	350	0	3.7	Sept. 15, 1959	1,800	1.6	5.2
May 25, 1959	350	0	3.6	May 25, 1960	835	0	5.2
Sept. 16, 1959	350	0	3.6	Aug. 4, 1964	+1,656	8.9	5.5
May 24, 1960	350	0	3.3	Do	+3,000	0	6.0
Aug. 5, 1964	648	0	3.3	Median			5.3
June 22, 1965	670	0	3.6	<b>UNAFFECTED STREAMS</b>			
Nov. 3, 1966	670	0	4.4	<b>Helton Branch at gaging station:</b>			
Median			3.5	June 27, 1956	610	17.0	6.6
<b>Cane Branch below West Fork Cane Branch:</b>				Sept. 12, 1956	610	10.0	6.7
May 16, 1956		(?)	3.5	June 5, 1957	610	9.3	7.1
June 27, 1956	240	0	3.5	Oct. 10, 1957	610	19.3	7.2
Sept. 12, 1956	240	0	5.1	June 3, 1958	610	10.7	7.1
June 5, 1957	240	0	5.2	Oct. 22, 1958	610	21.4	7.2
Oct. 10, 1957	240	0	3.5	May 25, 1959	610	12.1	6.8
June 3, 1958	240	0	4.0	Sept. 15, 1959	610	9.9	7.5
Oct. 22, 1958	240	0	3.4	May 25, 1960	610	15.1	6.8
May 25, 1959	240	0	3.9	May 24, 1961	300	13.6	7.0
May 25, 1960	350	0		Aug. 5, 1964	682	15.9	6.6
Median			3.9	June 22, 1965	1,077	31.9	6.8
				Nov. 3, 1966	918	26.7	
				Average		16.4	
				Median			6.9
				<b>Hughes Fork above Cane Branch (station 3):</b>			
				May 16, 1956		(?)	
				Sept. 13, 1956	320	84.4	6.8
				June 5, 1957	270	4.8	6.8
				Oct. 10, 1957	420	69.5	7.3
				June 3, 1958	290	111.0	7.0
				Oct. 22, 1958	340	128.0	6.7
				May 26, 1959	344	24.1	6.8
				Sept. 16, 1959	344	51.7	7.5
				May 25, 1960	344	39.0	7.4
				Aug. 4, 1964	1,800	33.6	7.0
				Average		60.7	
				Median			7.0
				<b>Little Hurricane Fork (station 1):</b>			
				May 26, 1959		(?)	6.8
				Aug. 5, 1964	1,664	16.8	6.7
				Median			6.8
				<b>West Fork Cane Branch:</b>			
				Sept. 13, 1956	28	228.0	
				June 5, 1957	28	218.0	6.8
				Oct. 10, 1957	21	207.0	7.2
				June 3, 1958	27	370.0	6.8
				Oct. 22, 1958	28	233.0	6.8
				May 26, 1959	30	166.0	6.8
				Sept. 16, 1959	100	61.5	7.5
				May 25, 1960	100	54.2	7.0
				Average		192.2	
				Median			6.8

<sup>1</sup> One creek chub was observed.  
<sup>2</sup> Several unidentified fish were observed.  
<sup>3</sup> Fry were observed.  
<sup>4</sup> Station 1.  
<sup>5</sup> Station 2.  
<sup>6</sup> Trace.  
<sup>7</sup> Numerous fish were observed.

Throughout the study period, fish populations were present in the unaffected streams. On the basis of individual surveys, fish production in pounds per acre ranged from 4.8 in the upstream part of Hughes Fork at station 3 to 370.0 in West Fork Cane Branch. Average production in pounds per acre, based on all samplings, ranged from 16.4 in Helton Branch to 192.2 in West Fork Cane Branch. The fish population in Helton Branch was low but consistent throughout the study period. Data on total fish production in both affected and unaffected streams for the entire study period are shown in table 16.

The results of sampling in Hughes Fork above Cane Branch (station 3) indicate considerable variation in the poundage of fish present, although the 1960 and 1964 results were about the same. Fish production in the upstream part of Hughes Fork and in West Fork Cane Branch declined after 1958, but results of the 1964 sampling appear to show leveling off in Hughes Fork for the time being. The reason for this decline is not known.

#### Conclusions

Fish population sampling in the Beaver Creek basin during the period 1956-66 showed that fish could not live in Cane Branch, owing to the acidity of the water and were severely restricted in number and species in Hughes Fork below the entry of the acid Cane Branch water. Some recovery apparently had occurred in 1964 in Hughes Fork just above Freeman Fork, but it certainly did not result in a fishable population.

#### MICROBIOLOGY OF STREAMS

(By R. H. Weaver and H. D. Nash, Department of Microbiology, University of Kentucky)

#### Introduction

Microbiological investigations of Cane Branch and Helton Branch were begun in the spring of 1966 and continued through the winter of 1967-68. Although preceding sections of this report pertain only to data collected prior to October 1966, data for the entire 2-year study period are reported here in order to present as complete a picture as possible of the microbiology of the streams during all four seasons of the year.

Both streams are comparatively small and carry low volumes of water except after heavy rains, when the beds are thoroughly scoured out. The Cane Branch basin contains areas in which coal was strip mined between 1955 and 1959; no stripping has been done in Helton Branch basin.

This investigation was supported by grant 14-01-0001-10A5 from the University of Kentucky Water Resources Institute.

#### Sampling program

Samples were collected seasonally from six sampling stations in the Cane Branch basin (fig. 34) and one station in the Helton Branch basin during the 2-year sampling period. Sampling stations 1 and 2 are on tributaries to Cane Branch which receive drainage from the southwest spoil bank. Station 3 is on Cane Branch downstream from these tributaries and at the foot of a 40-foot waterfall. Station 4 is on a tributary which drains the northeast spoil bank. Station 5 is on a tributary which drains the northern part of the southwest spoil bank and a nearby prospect pit. Station 6 is at the Cane Branch gaging station, downstream from the other five sampling sites. Station 7 is at the Helton Branch gaging station and serves as a control station. Numbers and types of bacteria, fungi, and algae have been determined from the samples in an attempt to gain some insight into changes produced in the microbial ecology of Cane Branch by drainage from the strip-mined areas. Also, changes in the microbiology with distance from the strip-mined area were studied in an attempt to tie

the effects of dilution to the partial recovery of microbiota in the stream. Both surface and bottom samples were studied. The temperature and pH of the stream were recorded at the time of sampling.

#### Temperature and pH

Characteristic pH values for the four sampling seasons are given in table 17. The pH values at stations 3-6 are higher during the winter than during the other seasons. This is probably largely the result of dilution by other contributing drainage, but may also be due in part to reduced biological activity at lower temperatures. Since there appears to be no natural buffering in Cane Branch, changes in pH tend to persist for an appreciable time and distance downstream.

TABLE 17.—CHARACTERISTIC pH AT MICROBIOLOGY SAMPLING STATIONS, BY SEASONS, 1966-68

Station	Summer	Autumn	Winter	Spring
Cane Branch tributary.....	3.0	3.0	3.2	3.0
Do.....	3.5	3.0	3.2	3.5
Cane Branch below falls.....	3.2	3.3	3.6	3.2
Cane Branch tributary.....	3.3	3.2	3.8	3.3
Do.....	3.5	3.5	4.1	3.5
Cane Branch at gage.....	3.3	3.4	3.9	3.3
Helton Branch at gage.....	6.5	6.7	6.3	6.5

The samples from stations 1 and 2 show less variation in pH than the samples from stations 3-6 because the water at stations 1 and 2 consists of relatively undiluted drainage from the nearby spoil banks. The characteristic pH at station 7 (Helton Branch) is lower in the winter than during the other seasons, possibly because of increased solution of carbon dioxide at the lower winter temperatures.

The water temperatures averaged 19°C (43°F) in the summer, 10°C (38°F) in the autumn, 3°C (34°F) in the winter, and 14°C (40°F) in the spring.

#### Bacteria

Lowering of pH, increase of sulfate, and almost total elimination of bicarbonate alkalinity in Cane Branch in the area that was strip mined (see "Geochemistry of Water") have resulted in the alteration of the bacterial population of the stream. These conditions have resulted in the establishment of *Ferrobacillus ferrooxidans*, which biologically contributes to the acidity of the stream. *F. ferrooxidans* is a chemosynthetic autotroph which oxidizes ferrous iron to ferric iron. This organism grows at a pH of 3.5 and utilizes ferrous iron as its sole energy source, producing ferric hydroxide and, where ferrous sulfate is present, sulfuric acid. It was isolated from Cane Branch during each of the four seasons and from Helton Branch once during the summer. Its isolation from Helton Branch is not surprising since *F. ferrooxidans* is believed to be indigenous to bituminous coal regions. However, the numbers in Helton Branch are probably small since it was found only once, and no pronounced biological effects were evident.

Standard plate counts were made at 20° and 35°C to determine the number of saprophytic bacteria in both Cane and Helton Branches. As a result of sporadic streamflow and turbidity in both streams, consistent counts were not obtained. However, counts did show a fluctuation between 100 and 2,000 bacteria per milliliter in Cane Branch and between 4,000 and 50,000 bacteria per milliliter in Helton Branch during the four seasons.

Attempts were made to observe periphytic bacteria by suspending slides in the streams. However, distance of the streams from the laboratory made frequent observation im-

possible, and many slides were lost during flooding. Those saved were covered with such a large amount of precipitate as to have little value.

#### Fungi

The occurrence of filamentous fungi, yeasts, and true aquatic fungi in Cane and Helton Branches was investigated also. In tables 34-40 are listed the filamentous fungi isolated and identified at each sampling site during the four seasons. Certain genera were more abundant in spring, summer, and autumn than in winter—for example, *Gladosporium*, *Epicoccum*, *Mucor*, and *Phoma*. *Penicillium* was prevalent in all seasons but most abundant during the winter. *Trichoderma* also appeared regardless of the season. Except at station 2, more isolates were obtained from bottom samples during the spring and autumn and from the surface during the winter. Distribution was about equal during the summer.

Table 18 summarizes the filamentous fungi isolated from Cane and Helton Branches. The fungi were more numerous and diversified in Cane Branch; total of 42 genera were identified. Of these, 17 were isolated from both areas, 21 were found only in Cane Branch, and four were found only in Helton Branch. Drainage from the strip-mined area appears to have led to an increased fungal flora in Cane Branch.

TABLE 18.—Summary of occurrence of genera of fungi in Cane Branch and Helton Branch, 1966-68

CANE BRANCH AND HELTON BRANCH	
<i>Gladosporium</i>	<i>Cephalosporium</i>
<i>Fusarium</i>	<i>Beauveria</i>
<i>Phoma</i>	<i>Zygorhynchus</i>
<i>Rhizopus</i>	<i>Stemphylium</i>
<i>Epicoccum</i>	<i>Pestalotia</i>
<i>Penicillium</i>	<i>Monilia</i>
<i>Mucor</i>	<i>Gliocladium</i>
<i>Trichoderma</i>	<i>Aspergillus</i>
<i>Aternaria</i>	
CANE BRANCH	
<i>Septonema</i>	<i>Cunninghamella</i>
<i>Curvularia</i>	<i>Thysanophora</i>
<i>Rhizotrichum</i>	<i>Mortierella</i>
<i>Abisidia</i>	<i>Nematogonium</i>
<i>Thielaviopsis</i>	<i>Aureobasidium</i>
<i>Phialophora</i>	<i>Monosporium</i>
<i>Botrytis</i>	<i>Humicola</i>
<i>Geotrichum</i>	<i>Chaetomium</i>
<i>Calcarisporium</i>	<i>Verticillium</i>
<i>Oidiodendron</i>	<i>Myrothecium</i>
<i>Gongronella</i>	
HELTON BRANCH	
<i>Chrysosporium</i>	<i>Monochaetia</i>
<i>Peyronellaea</i>	<i>Stachyliidium</i>

Representatives of only three genera of true aquatic fungi were found: *Achlya*, *Aphanomyces*, and *Saprolegnia* were identified from Helton Branch.

Yeast isolates were identified from the spring samples (table 19). Representatives of five genera were found: three only from Cane Branch, one only from Helton Branch, and one from both. The genus *Rhodotorula* was consistently found in Cane Branch but never in Helton Branch. The yeast flora in the two streams appear to be different; however, the only conclusive statement which can be made is that *Rhodotorula* is characteristic of Cane Branch. *Trichosporon* may be expected to be found in cultures not yet identified from Cane Branch.

Both *Rhodotorula* and *Trichosporon* have been associated with streams draining strip-mined areas. *Rhodotorula glutinis* accelerates acid formation by *Thiobacillus ferrooxidans*, whereas the fungus *Penicillium waksmani* retards acid formation by the same organism.

Sufficient information is not available concerning the physiology and biochemistry of

the fungi to determine their specific role in recovery of streams from the effects of acid mine drainage.

TABLE 19.—Yeasts identified from spring samples, Cane Branch and Helton Branch, 1966-67

STATION AND ISOLATES

1. Cane Branch tributary: *Rhodotorula glutinis*, *Candida Krusei*.
2. Cane Branch tributary: *Torulopsis candida*, *Rhodotorula glutinis*, *Cryptococcus laurentii*.
3. Cane Branch below falls: *Candida parapsilosis*.
4. Cane Branch tributary: *Rhodotorula glutinis*, *Rhodotorula mucilaginosa*, *Candida parapsilosis*, *Torulopsis versatilis*.
5. Cane Branch tributary: *Candida humicola*, *Candida parapsilosis*.
6. Cane Branch at gage: *Cryptococcus laurentii*, *Candida humicola*, *Candida parapsilosis*, *Rhodotorula glutinis*, *Candida krusei*.
7. Helton Branch at gage: *Trichosporon cutaneum*, *Candida parapsilosis*.

Algae

The algae identified during the four seasons in both Cane and Helton Branches are listed in table 41. The algae identified during the winter were found only in the winter of 1967-68. The sampling schedule may have been responsible for the failure to observe any algae during the preceding winter. Representatives of 23 genera (table 20) were found. Of these, four genera were found in both areas, 11 only in Cane Branch, and eight only in Helton Branch.

TABLE 20.—Summary of occurrence of genera of algae in Cane Branch and Helton Branch, 1966-68

CANE BRANCH AND HELTON BRANCH

*Mougeotia* *Ulothrix*  
*Microthamnion* *Stauroneis*

CANE BRANCH

*Rhizoclonium* *Zygnemopsis*  
*Bumilleria* *Tribonema*  
*Monocilia* *Zygogonium*  
*Cladophora* *Zygnema*  
*Euglena* *Eunotia*  
*Hormidium*

HELTON BRANCH

*Gyrosigma* *Oscillatoria*  
*Fragilaria* *Oedogonium*  
*Lyngbya* *Meridion*  
*Micrasterias* *Bulbochaete*

In Cane Branch, the amount of algal growth and the diversity of types increased from close to the strip-mined area, where algal growth was essentially confined to *Euglena* in pools with direct sunlight, to station 6, where extensive algal growth occurred. *Bumilleria sicula* was found only in Cane Branch and only at some distance from the strip-mine drainage area. *Bumilleria* was the predominant alga in the main stem of Cane Branch during the winter of 1967-68. During this particular season, it was found in Cane Branch at station 6 and upstream too, but not above the entry of the tributary sampled at station 4. *Bumilleria* was observed in all seasons except autumn, and was the dominant form near station 6 during these seasons. *Tribonema*, an alga belonging to the same order, Heterothricales, and family, Tribonemataceae, as *Bumilleria*, was also found at the same locations as *Bumilleria* during the summer.

The morphology of *Bumilleria* in Cane Branch suggests a close relationship with acid mine drainage streams. The brown color of the "H-piece," located along the filament, suggests that *Bumilleria* may utilize ferrous compounds or that ferric compounds are precipitated by it in some manner. On the basis of this observation, similar acid-mine-drain-

age streams other than Cane Branch were investigated to determine if this genus was present. *Bumilleria* was found in one other stream, pH 2.7, which drains an active strip-mine area. It has not been found in any stream examined that does not contain acid mine wastes.

Conclusions

Drainage from strip-mined areas appears to have affected the microflora of Cane Branch. Chemical oxidation of pyritic compounds found extensively in spoil banks has resulted in the formation of ferrous sulfate and sulfuric acid. This appears to have led to the establishment in the mined part of the Cane Branch study area of *Ferrobacillus ferrooxidans*, which contributes to the production of acid entering the stream. The lowering of pH has enabled this organism to exist throughout the stream from the vicinity of the spoil banks downstream to the gaging station. Standard plate counts show a much smaller number of saprophytic bacteria in Cane Branch than in Helton Branch. This, too, can be attributed to the low pH of Cane Branch.

The filamentous fungi are more numerous and diversified in Cane Branch than in Helton Branch. In addition, the yeast, *Rhodotorula*, which is associated with increased acid production by *Thiobacillus ferrooxidans*, and the alga *Bumilleria* were isolated only from Cane Branch. The fact that *Bumilleria* was found some distance from the mining area may tie it in some manner to the natural recovery of the stream. On the basis of observations in the Cane Branch basin, *Bumilleria* appears to be associated with streams containing acid mine drainage.

TREE GROWTH

(By R. S. Sigafos, U.S. Geological Survey)

Strip mining in forested regions destroys trees in the stripped area and may also destroy trees downslope from the mine through burial by sediment and landslide deposits. Nevertheless, downslope from mines in regions of steep relief, many trees survive and are irrigated by flow from the mine. Elsewhere, tree seedlings become established on bare mine spoil banks. The objectives of this study are to determine the effect of mine drainage on tree growth and to determine the rate of establishment of trees on the mine spoil banks.

An earlier analysis of 10 years of data from 228 trees (Colliers and others, 1964, p. B76) suggested that a significant percentage of trees watered by mine drainage grew faster than trees not irrigated by mine drainage. However, subsequent analysis of 20 years of growth of 143 trees, presented in this report, suggests that for the 10 years following mining, 1955-64, irrigation by mine drainage has not had a beneficial effect upon tree growth. In fact, there is some indication that trees irrigated by mine drainage grew more slowly than did trees not irrigated by mine drainage during the 10 years following mining.

The collection, compilation, and analysis of data for this study differ from those that formed the basis for the earlier study. In the earlier study, one core was collected from each tree, ring widths were measured, and radial growth rates were calculated. In an attempt to obtain a more accurate measure of growth for the present study, four cores were taken from each tree, at least one of which contained the innermost ring. From these cores the diameters of three circles were measured and their cross-sectional areas calculated. These consisted of an inner circle delimited by the 1945 ring, a middle circle delimited by the 1954 ring, and an outer circle delimited by the outer ring that grew in 1964. From these areas it was possible to calculate the cross-sectional areas of the

trunk formed in the 10-year period prior to mining (1945-54) and in the 10-year period during and after mining (1955-64). In these calculations, the cross section of a trunk was assumed to be circular as is assumed in other methods of forest measurement, whether by plotless, basal area, or cruising methods. The area of wood formed after mining was then compared with that formed for an equal period prior to mining for trees irrigated by mine drainage and those not irrigated.

The 143 trees sampled for this study grow in 17 areas; 107 trees grow in 13 areas irrigated by mine drainage, and 36 trees grow in four areas not so irrigated. Each tree was identified, its trunk diameter was measured, and its position in the canopy or subcanopy was recorded. Trees at the two crown levels are not separated here because of the small number of subcanopy trees that were sampled and because of similar growth rates within the two groups. Criteria for the selection of areas and trees and a brief summary of the mechanism of tree growth were presented in the earlier report (Collier and others, 1964, p. B68-B69).

The cross-sectional area of wood formed during the 10-year period prior to mining was plotted against the area of wood formed during the period following mining for trees irrigated by mine drainage (fig. 36) and for trees not so irrigated. Growth data for these groups of trees are summarized in table 21. Relative growth is given in the summary as a percentage and was computed as follows:

Cross-sectional area, 1955-64 divided by cross-sectional area, 1945-54 times 100 equals percentage.

The graphs show that tree growth, both above and below the mined area, was more rapid during the 10-year period following mining than during the 10-year period preceding mining. The summary indicates that after mining ended, a somewhat higher percentage of trees grew faster above the mine than below the mine, suggesting the possibility of a detrimental effect of mine drainage on tree growth. Thus, the sampling failed to support the previous evidence of a beneficial effect of mine drainage on trees growth in the Cane Branch study area. The reason why these later results contradict those of the earlier study are not known.

A few observations were made in places where sediment from the mines had buried trees. Some of these trees had died, but evidence that burial alone had caused these deaths was lacking.

The numbers of trees in sample plots on the mine spoil banks were not counted because all plots could not be re-located, and trees in one plot had been cut for an electric power line. Although in places the spoil banks support trees that are growing rapidly, large areas of the banks are barren. Near the headwaters of Cane Branch, the fields of a farm that was abandoned sometime between 1950-55 are now almost completely stocked with pine saplings. Superficial comparison of the area of the mine covered by pines with the area of pines in the abandoned fields show that natural reforestation of the mined area is only a fraction of natural reforestation on abandoned farmland in a nearly comparable period of time, possibly because of toxic minerals in the spoil.

The net effect of strip mining upon the forests in the Cane Branch basin is negative. The area mined was cleared of trees at the time of mining, and after a recovery period of 10 years did not support the number of trees that a comparable area of abandoned cultivated land supported. Furthermore, some trees that were not destroyed at the time of mining subsequently died, probably because of burial by sediment, and other trees may have had their growth inhibited as a result of irrigation by mine drainage.

TABLE 21.—SUMMARY OF TREE GROWTH DATA, CANE BRANCH STUDY AREA, 1945-64

Species	Number of trees sampled	Trees having larger growth since 1955		Relative growth (percent)		Species	Number of trees sampled	Trees having larger growth since 1955		Relative growth (percent)	
		Number	Percent	Range	Average			Number	Percent	Range	Average
<b>Above the mine:</b>						<b>Below the mine:</b>					
White oak	15	12	80	76-1053	312	White oak	52	42	81	50-1228	353
Chestnut oak	6	5	83	98-504	245	Red maple	14	8	57	76-245	149
Pignut hickory	4	4	100	111-467	225	Yellow poplar	10	9	90	60-641	250
Black oak	2	2	100	166-700	433	Hemlock	8	7	88	85-550	301
Scarlet oak	2	2	100	143-167	155	Sweet gum	4	3	75	90-222	150
Virginia pine	2	2	100	101-257	179	Sweet birch	3	2	67	75-162	115
Red maple	2	2	100	380-754	567	Red oak	3	1	33	84-107	94
3 other species	3	2	67	28-264	179	Pignut hickory	3	2	67	49-150	111
						Cucumber tree	2	2	100	124-152	138
Total	36	31	86			8 other species	8	5	63	44-345	129
						Total	107	81	76		

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Water year	Water-supply paper	Year published
1957	1506	1959
1958	1556	1960
1959	1626	1960
1960	1706	1961

—Issued annually, 1961-64, Surface water records of Kentucky.

—Issued annually, 1965-66, Water resources data for Kentucky, part 1, Surface water records.

—Issued annually through 1963, Quality of surface waters of the United States, Parts 3 and 4, Ohio River basin and St. Lawrence River basin:

Water year	Water-supply paper	Year published
1956	1450	1960
1957	1520	1960
1958	1571	1962
1959	1642	1965
1960	1742	1968
1961	1882	1968
1962	1942	1964
1963	1948	1965

—1964, Water quality records in Kentucky and Tennessee.

—1965, 1966, Water resources data for Kentucky, part 2, Water quality records.

**NEEDED: AN HONEST UNION TO REPRESENT COAL MINERS**

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the coal miners of this Nation deserve something better than the present corrupt leadership of the United Mine Workers of America. I agree with those who conclude that the whole train of illegal activities by the present leadership of the UMWA point to the need for an impartial monitorship over the affairs of the union. The case for such a monitorship has been persuasively set forth in a letter dated May 7, 1971, to Secretary of Labor James D. Hodgson from the attorneys for Miners for Democracy, Joseph L. Rauh, Jr., Joseph A. Yablonski, and Clarice R. Feldman, the text of which follows:

MAY 7, 1971.

HON. JAMES DAY HODGSON,  
Secretary of Labor,  
Washington, D.C.

DEAR MR. SECRETARY: In the name of Miners for Democracy, the internal reform organization seeking to bring integrity and democracy to the United Mine Workers of America, we call upon the Department of Labor to move promptly and forcefully for a monitorship over the affairs of the union until the miners can themselves choose different leadership in a new election. If there was ever any doubt as to the Department's legal and moral obligation to move for such a monitorship over the UMWA, those doubts must long since have been put to rest. And last week's decision by District Judge Gesell is the final proof of the desperate need to remove Tony Boyle from his dictatorial control over the welfare of the miners of the Nation and to place the affairs of the union temporarily in the hands of an honorable and neutral third party.

There is a ready vehicle at hand for an immediate Labor Department move for a monitorship over the affairs of the UMWA. Boyle's "election" on December 9, 1969 was riddled with flagrant illegality and the Labor Department brought suit in March, 1970, to upset the election. Although that suit did not include a request for a monitorship over the union's affairs, Undersecretary Silberman later promised the Senate Committee considering his nomination that he would do "everything in [his] power to see that the lawsuits which the Department has brought against the United Mine Workers are vig-

orously prosecuted and that such equitable remedies authorized by law as will be necessary to fully remedy violations of the Landrum-Griffin Act [including the appointment by the Court of some form of monitorship or other third party with appropriate supervisory power to preserve the union's assets] are sought." For many reasons this would appear the appropriate time for the Department to move in the election suit for a monitorship over the affairs of the union:

1. Boyle has now been indicted for embezzlement from the union and for corrupt political practices with union funds and has been forced to resign as Director of the National Bank of Washington because of this indictment.

2. Boyle has been removed as a trustee of the United Mine Workers Welfare and Retirement Fund because of his illegal conduct in increasing pensions during the election campaign for the purpose of winning reelection, a breach of his fiduciary duty to the Fund.

3. Boyle and the UMWA have been found guilty of failing to maintain required records for the expenditure of millions of dollars of union funds.

4. Boyle and the UMWA have been found guilty of forcing pensioners to maintain membership in the union involuntarily as the price of receiving the pensions due them; Judge Gesell ruled last week that "There is ample documentary and testimonial evidence that applicants were improperly led by this form [the pension application] and by the locals to believe that Union membership was a prerequisite for eligibility, and were often forced to make substantial payments, sometimes running into hundreds of dollars, as 'back dues' to reinstate their Union membership" and the NLRB has issued a complaint against the UMWA on the same premise.

5. Boyle has continued the flagrant misuse of the UMW Journal of which he was found guilty by the courts during the 1969 election campaign. The April 15, 1971, issue of the Journal, for example, is largely a build-up of General Counsel Carey for Vice President of the UMWA on the Boyle slate and a violent attack on the leaders of Miners for Democracy.

6. A local UMWA president has been indicted for the murder of Jock Yablonski and enough has already been revealed to leave no doubt that the murder was directly related to the UMWA election.

Under all these circumstances, it is a national scandal to leave Boyle as President of the UMWA. He has been removed as a director of the National Bank of Washington because one accused of embezzlement cannot retain a fiduciary position; but under LMRDA a union president acts as a fiduciary with respect to the union's funds. Are the deposits of the well-to-do in a bank more entitled to honest management than the dues of the miners paid into their union? Boyle has been ordered by the District Court to give up his post as a trustee of the UMWA Welfare and Retirement Fund because he irresponsibly used the treasury of the Fund

for his own political ends. Is a man who has evidenced such fiscal irresponsibility to pensioned and disabled miners fit to handle the funds and affairs of the working miners? Boyle failed to have the UMWA keep the financial records required by LMRDA. Should a man who directs the expenditure of millions of dollars of funds without legally required records continue to manage the funds of the union? Boyle has forced pensioners into the union involuntarily and illegally in order to maintain his political control over the union. Is such a man fit to continue his office?

Boyle still operates the union as though he owns it, using its personnel, funds, newspaper, etc. as his private domain. The continuation of this situation makes a mockery of what Congress sought to do in LMRDA. Ironically the Teamsters were placed under a monitorship for far less corruption before there ever was an LMRDA. The failure of the Department of Labor to act under a law specifically passed for the purpose of cleaning up the very type of corruption here involved would be a sad inversion of Congressional intention.

The failure of the Labor Department in the past to take certain actions urgently requested by the Yablonski forces inside the UMWA compounds the necessity for a monitorship and the near hopelessness of any rerun election with Boyle in continuing control of the union. The Department's suit to lift the trusteeships in the various districts filed back in December 1964 remains untried after almost 6½ years despite our pleas for action; unless Boyle is neutralized by a monitorship over the union's affairs, he will continue to maintain dictatorial control over the union machinery in 23 of the 27 UMWA districts in the United States through district officials appointed by him. The Department's failure to act against Boyle's continuing misuse of the UMW *Journal* leaves him in control of the major means of reaching miners. The Department's refusal to include in its election suit the misuse by the incumbent officers of "bogus" locals (ones without working miners) leaves Boyle free to continue the practice of voting pensioners as a block for the incumbent officers. And the Department's refusal to include in its complaint Boyle's illegal conduct in increasing pensions for the purpose of winning reelection (for which Judge Gesell removed him as trustee of the pension fund) makes it possible for Boyle to appeal to this block of voters on the very basis of judicially-declared illegal conduct. What makes even worse the failure to outlaw the "bogus" locals and stop Boyle's appeals to the pensioners on his illegal use of their funds is the fact that Boyle's margin in the 1969 election, even on his figures, came from pensioner votes. See Statement, Mr. Nagle, *Senate Labor Subcommittee Hearings*, March 20, 1970. Only a monitorship can neutralize Boyle's misuse of his position and make any sort of fair reelection possible.

There can be no question concerning the authority of the Department of Labor to move in the election case for a monitorship over the union. The power of the Court to appoint a monitor over a corrupt union existed even before the LMRDA was enacted. And Section 402(b) of LMRDA expressly provides that "The court shall have power to take such action as it deems proper to preserve the assets of the labor organization." Furthermore, such authority is inherent in the Department's power to insure a fair election; there will never be a fair election in the UMWA as long as Boyle controls the coffers of the union, the personnel of the union, the votes of the pensioners, the district officials in the trustee areas whom he appoints and directs and the union's newspaper and continues to wield the mighty

power of Godfather in a Mafia-like government outside the laws of the land. Indeed the relevant officials of the Justice Department informed counsel for Miners for Democracy long ago that they believed the authority for such a monitorship exists.

In the name of the miners of America, we call upon the Department of Labor to reverse its previous halting course and swing into action. We call upon you, Mr. Secretary to move with new-found determination and zeal to help us remodel the UMWA from an ugly dictatorship into an honest and democratic union.

Respectfully submitted.

MINERS FOR DEMOCRACY,

JOSEPH L. RAUH, JR.,

JOSEPH A. YABLONSKI,

CLARICE R. FELDMAN,

Attorneys for Miners for Democracy.

#### IMMEDIATE REVIEW OF NATIONAL GAMBLING POLICY NEEDED

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, for more than half a century it has been well known in law enforcement circles that the primary lifeline of organized crime is the huge illegal gambling operation that it maintains and fosters in every part of the country. In testimony before the House Government Operations Subcommittee on Legal and Monetary Affairs which I chair, the Internal Revenue Service in 1968 stated that persons who place illegal bets provide untaxed profits to the underworld at a rate of more than \$600,000 per hour. The IRS also states that its review of the activities of 113 top organized crime figures reveals that 98 of them have proprietary interests in 159 different "legitimate" businesses around the Nation. An ample body of evidence exists that organized crime profits from illegal gambling operations are also used to finance large-scale heroin importation and distribution operations in this country—report of the Senate Committee on Government Operations, "Organized Crime and Illicit Traffic in Narcotics," Report No. 72, 89th Congress, first session.

The harm caused to our Nation's economic, social, and moral wellbeing by illicit drug operations and infiltration of legitimate business by organized crime is of incalculable proportions. It is of such magnitude that an immediate review of the national policy toward gambling is fully warranted. If for no other reason it is warranted because organized crime derives as untaxed profits an estimated \$5.2 billion annually which should be recaptured and applied to our Nation's crying social ills.

The initial success of the recently established New York City Off-Track Betting Corp. and the New Jersey State Lottery seem to indicate that if properly structured and managed a Government-operated legalized gambling program can begin to compete with the underworld gambler. While I am not convinced that outright legalization of gambling on a broad scale is a sound course for the Nation to take, it is evident that the Nation has no coherent policy to-

ward gambling and is suffering serious harm from the continuation of massive illegal gambling operations controlled and operated by organized crime.

The Organized Crime Control Act of 1970, enacted on October 15 of last year, took some meaningful first steps toward addressing this problem and filling the void. In addition to the evidence-gathering provisions of the act which will enhance the Government's capability to prosecute organized crime leaders, Title VIII specifically deals with syndicated gambling operations. It makes it unlawful for persons to conspire to obstruct the enforcement of State or local criminal law with the intent to facilitate an illegal gambling business as defined in the act; it prohibits illegal gambling businesses and empowers the Attorney General to seize property and money used in violation of the section. Title VIII also established a Commission to Review National Policy Toward Gambling. However, under the act the Commission will not be established until 2 years after the enactment of the act, or in October 1972, and the final report of its findings and recommendations is not scheduled to be submitted until 4 years after the Commission is established, or October 1976.

I do not believe that we can afford to wait that long for the formulation of a coherent national policy toward gambling. Too much is at stake in monetary and human terms. The problems and issues to be addressed are not suitable to treatment by a committee of Congress. Rather, we need an interdisciplinary approach that will include the moral, tax, operational, and other consequences of an alteration of our presently diverse attitudes of gambling. This is the approach that I believe the Commission can make to this task. However, the task must be commenced now.

Today I am introducing legislation to amend Title VIII of the Organized Crime Control Act of 1970 to provide that the Commission to Review National Policy Toward Gambling be established by October 15 of this year and that it submit interim reports containing legislative and administrative proposals by December 1972 and each year thereafter through December 1976.

It is evident to me that little if any review of national gambling policy is currently underway in the executive branch. Indicative of this is the following recent exchange of correspondence between the Legal and Monetary Affairs Subcommittee and the Treasury Department which, in part, deal with the National Council on Organized Crime, which the President established in June 1970:

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS, SUBCOMMITTEE ON LEGAL AND MONETARY AFFAIRS,  
January 20, 1971.

HON. DAVID M. KENNEDY,  
Secretary of the Treasury, Department of the Treasury, Washington, D.C.

DEAR MR. SECRETARY: On April 22, 1970, the Governor of the State of New York signed into law a series of provisions dealing with off-track pari-mutuel betting and establishing the New York City Off-Track Betting

Corporation. (Chapters 143, 144, and 145, Laws of New York.)

The President and Chairman of the Board of the Off-Track Betting Corporation, Mr. Howard Samuels, has recently initiated efforts to obtain exemption of all off-track winnings from the State income tax. Concurrently, Mr. Samuels proposes that the Federal Internal Revenue Code be amended to exempt off-track winnings from Federal income taxation.

As you know, by far the biggest source of revenue for organized crime is illegal gambling. In recognition of this the recently enacted Organized Crime Control Act of 1970 established a Commission to Review National Policy Toward Gambling. Under the Act the Commission will not come into being until October, 1972, and its final report is not scheduled to be submitted until four years after the establishment of the Commission.

In the interim a number of policy and operational questions require consideration and resolution. In that regard, the Subcommittee would appreciate receiving an explanation of the Department's policy regarding the aforementioned proposal of the President of the New York City Off-Track Betting Corporation.

In addition, the Subcommittee would appreciate receiving a report of the status of gambling enforcement activities including citation of laws and regulations which are still viable in the aftermath of recent Supreme Court decisions.

Finally, please inform the Subcommittee as to whether the National Council on Organized Crime, of which you are a member, has commenced any study or review of the Federal Government's policy toward gambling and the enforcement operations against illegal gambling. If so, please furnish the Subcommittee with copies of the Council's findings and conclusions. If the Council has not initiated such studies please indicate whether you will move to place such items on the agenda of future meetings of the Council.

Sincerely yours,

DANTE B. FASCELL,  
Chairman.

THE SECRETARY OF THE TREASURY,  
Washington, D.C., April 7, 1971.

HON. JOHN S. MONAGAN,  
Chairman, Subcommittee on Legal and Monetary Affairs, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I refer to the letter of the Subcommittee on Legal and Monetary Affairs from Congressman Dante Fascell dated January 20, 1971, to former Secretary Kennedy requesting information for use of your Subcommittee regarding Government policy toward gambling, enforcement operations against illegal gambling and the exemption of certain gambling receipts from income tax.

That inquiry concerned a proposal, advanced by Mr. Howard Samuels, President and Chairman of the Board of the Off-Track Betting Corporation in New York, to exempt from Federal income tax off-track betting gains. The Treasury Department would be opposed to such a proposal. We are, of course, interested in all proposals relating to the improvement of law enforcement and national policy in relation to gambling, but we believe it would clearly be unwise to exempt from Federal income tax gains from one particular form of gambling to the exclusion of all others.

Concerning the request for a report of the status of gambling enforcement activities, presumably of the Internal Revenue Service, including citation of laws and regula-

tions which are still viable in the aftermath of recent Supreme Court decisions, I wish to advise as follows:

*Current Wagering Enforcement—Applicable Statutes*

The Internal Revenue Service may continue to conduct criminal investigations directed toward prosecution for the following violations:

*Section 2701, IRC*—willful attempt to evade or defeat the payment of wagering tax.

*Section 2706, (1) IRC*—false statements on Form 11-C, Special Tax Return and Application for Registry-Wagering, or Form 730, Tax on Wagering.

*Section 1001, Title 18, USC*—false statements.

*Section 7302, IRC*—property used in violation of Internal Revenue laws. (Seizures of coin-operated gaming devices may be effected pursuant to this section.)

In addition to the above statutes, the Internal Revenue Service may, in the course of its investigations, uncover possible criminal violations of laws which are not within its jurisdiction. Frequently, the Department of Justice which has jurisdiction requests that the Service complete the investigations. The Department of Justice has requested such investigations in the wagering area under the following sections of Title 18, United States Code:

1084—Transmission of wagering information.

1952—Interstate transportation or travel in aid of illegal enterprises (gambling).

*Current Wagering Enforcement Activities*

With respect to wagering, in general, the Internal Revenue Service enforcement effort consists of three major approaches:

1. Through contact with the other law enforcement agencies, and other methods, the Internal Revenue Service continues to gather intelligence on individuals in the business of wagering and on the nature and extent of wagering activity throughout the country. If, as we have requested, the Congress passes the necessary amendments to the wagering tax law, this information will enable immediate resumption of enforcement by the Internal Revenue Service. Absent such legislation, the information is useful for purposes described in (2) and (3) below.

2. The tax affairs of individuals identified as being engaged in the wagering business are carefully examined for possible non-compliance with income tax, employment tax or other tax requirements. Criminal or civil proceedings are instituted, as appropriate.

3. Strike Force representatives are kept informed concerning wagering activities in their area. Indications of wagering activity in violation of Federal laws, other than those enforceable by the Internal Revenue Service, are made available, through channels, to the agencies having jurisdiction.

Concerning the request relative to the National Council on Organized Crime's activities toward gambling and the enforcement operations against illegal gambling, in September, 1970, a Gambling Rackets Committee of the National Council was created. Its members include representatives of the Criminal Division, Department of Justice; the FBI; the Office of the Commissioner of Internal Revenue Service; and the Office of the Assistant Secretary of the Treasury for Enforcement and Operations. This Committee is actively involved in reviewing the gambling enforcement programs of the constituent members. The Committee has not commenced any study or review of the Federal Government's policy toward gambling. As pointed out, the Organized Crime Control Act of 1970 established a Commission to Review National Policy Toward Gambling, and it is expected that

we will await the results of that Commission's study.

H.R. 1010, the bill containing the amendments to the wagering tax law sponsored by this Administration and introduced January 22, 1971, by Representative Poff, will cure the constitutional defects found in the existing statute by the Supreme Court of the United States by its *Marchetti* and *Grosso* decisions and make possible once again the strong enforcement contribution in this area by the Internal Revenue Service.

Sincerely yours,

JOHN B. CONNALLY.

OUT OF A JOB—WHAT ONE MAN DID

(Mr. TALCOTT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. TALCOTT. Mr. Speaker, winding down the war in Vietnam, the reduction in force of civilian employees of the Department of Defense, the discharge of servicemen and the reduction of military and space oriented contracts has caused a severe unemployment problem to many highly skilled and trained individuals.

The adjustment to unemployment is particularly traumatic and distressing. It is more than a statistic—it is highly individualistic.

I have always assumed that the overwhelming desire of the great body of U.S. citizens was to wind down the war as rapidly as possible—knowing full well that considerable employment adjustments would be required.

One very interesting and ingenious adjustment to a traumatic unemployment problem of one constituent is told by Wally Trabling, an outstanding reporter and columnist of the Santa Cruz Sentinel, in the April 30, 1971, edition of the Sentinel.

Although Mr. Ed Thompson's case is almost stereotype, his response to his unemployment predicament is unique, admirable, and newsworthy.

I applaud Ed Thompson. The courage, perseverance, effort, and individualism of Mr. Thompson and his family are laudatory.

His agonizing story of adjustment points up the problem of many thousands, most of whom cannot cope with their circumstances so competently. With unanimous consent I insert a copy of Mr. Trabling's column here:

OUT OF JOB—WHAT ONE MAN DID

(By Wally Trabling)

Ed Thompson's case is almost stereotype. Mechanical design engineer, 44, wife and two young children, buying a house, years of working in the aircraft and scientific field—unemployed.

Last August, Thompson, a modest, practical man with thinning hair and glasses, found himself caught in the surge of economic cutbacks that swept a sea of educated, technical men into the roll of the jobless.

How he gutted his way back from Christmas dinner with the Salvation Army to solvency, keeping the family intact, is a satisfying story.

An 11-year resident of Santa Cruz, buying his home at 1111 Morrissey Blvd., he had worked for three years at Lockheed Test Base, three years at the Davenport cement

plant developing anti-pollutant equipment, and was employed in August at UCSC with the Lick Observatory group, helping to design instruments associated with research in astronomy.

A graduate of San Diego State's industrial arts department "with distinction," in 1956, he had always found work in the aero-space industry in design development, even though his restless nature saw him often changing firms.

Leaving Lick, he joined the engineer's route for re-employment and sent out 261 resumes, often receiving the discouraging word that he was one of the top considerations among 400 other resumes, but never quite making it.

Savings dwindled, Thompson, in the meantime seeking mechanical type work, experienced the curious phenomenon of being told time and again that he was "over qualified."

"I'll admit that on a couple of these frustrating occasions it brought tears to my eyes."

By November the Thompsons' budget had reached a critical level. Some friends who had won a turkey provided their Thanksgiving dinner.

Depression and fear hung in the pit of his stomach. For a few months they used the surplus food program and over Christmas they received help from the Salvation Army and took a holiday meal at the Seabright Area Service Center.

Something had to be done.

"I realized that I had to keep my spirits up and that work was a good therapy. I was one of eight children and had worked at many jobs. For awhile I tried salesmanship, but I failed at that.

"So I applied at the employment office for anything.

"In the meantime, I started going door to door with a stencil offering to paint house numbers on curbs for \$1.50, and soon I was making \$20 to \$25 a day. It put food on the table."

Through the unemployment office, Thompson was sent to a mobile home to install an outdoor light. Where others felt this might be beneath their dignity, Thompson went willingly. He did such a good job, the man sent him across the way to another party who needed work done. When it was done in a couple of days, he acquired \$70. It helped pay rent, for food, for bills.

He mowed lawns, fixed roof gutters, built shelves.

Thompson made out cards by hand, penned "The Handyman Craftsman," and his address and stuck them on bulletin boards in laundromats, at supermarkets, health food stores and got results.

With spare cash he put an ad in the classified section of The Sentinel and his phone began to jingle.

Since then he has been able to stabilize his finances. His wife, a former school teacher and graduate from Utah State, helps out by working as a school yard monitor a few hours a week.

As Thompson went from job to job, cleaning a sink trap here, installing light fixtures there, he began to realize that he liked his work.

"The work is varied, the hours my own, and people thank me for my work. Working for large corporations I was part of the machinery, and the bosses never bother to thank you for your efforts.

"It's like being really appreciated for the first time. I've become humanized. I often chat with people as I work and they sometimes pour out their troubles and I try to give help and advice where I can.

"I guess the upshot of all this is that I feel freer. I find myself working 10 to 12 hours

a day and liking it. It's sort of put me back into a proper perspective again," he said.

"We've had to cut corners, sure, but last month I made \$700 and I have enough work to keep four men busy. The status of doing menial work doesn't bother me because I take pride in my work and really feel that I am doing something for people.

"We can take time off in the middle of the week to go camping if we want and I'm not tied down to the eight-hour shift," he said.

Will he return to the halter?

"I don't know. Maybe, but I am working on some marketable craft items I've had time to develop and we are doing all right and I'm happy.

"Two weeks ago I received a call offering a chance to return to Lockheed.

"Do you know what I did? I passed it up."

#### PROTECTION FOR THE MOST IMPORTANT HISTORICAL RUSSIAN STRUCTURE IN ALASKA—THE RUSSIAN MISSION SCHOOL AND ORPHANAGE IN SITKA, ALASKA

(Mr. BEGICH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BEGICH. Mr. Speaker, it is with a sense of pride and urgency that I introduce a bill today to provide for the protection of a unique and important part of the historical heritage of Alaska and the Nation. The bill provides for an addition to the Sitka National Monument at Sitka, Alaska, which would permit the acquisition and protection of the Russian Mission and Orphanage which was built in Sitka in 1842. I hope to convince this body that such protection is not only merited in the highest sense but also that such protection must be provided very soon if the building is to be saved.

Sitka, besides being one of the most beautiful scenic areas in the world, is a historical site of major importance. It was Sitka where Vitus Bering first came in 1841, and where ships from France, Spain, and England followed in later years to seek the rich resources of Alaska. In 1799, the Russians came to Sitka, led by Alexander Baranof, to establish a fort and a center for fur trading.

This early Russian settlement was contested by the Tlingit Indians of southeastern Alaska, a proud people having a rich and valuable culture for 8,000 years. After a series of battles in which the Russians were at one time driven from the area, a final settlement was established at Sitka in 1805. This was the beginning of a unique period in American history—the period of Russian America.

That period saw the struggle of Russian and Tlingit cultures, the establishment of the Russian Orthodox Church in North America, and finally in 1867, the purchase of Alaska from Russia for \$7,200,000. The bargain was closed in Sitka on October 18, 1867, and Sitka was the territorial capital until 1906.

During the period of Russian America, many important buildings and sites were established in Sitka. Among them were the old Sitka townsite, 1799; St. Michael's Cathedral, 1844; the Russian Mission School and Orphanage, 1842; and the

Castile Hill area, site of Lord Baranof's castle, which was the headquarters of the Russian American Co. and the site of the transfer of Alaska to the United States.

The Sitka National Monument was established some years ago to preserve the site of the 1804 Battle of Alaska in which the Tlingits fought a last battle to forestall foreign domination of Alaska. Protection of all the other sites I have mentioned has been done by the city of Sitka, the Russian Orthodox Church, the State of Alaska, private citizens, and other individual efforts. Now, the time is at hand where action must be taken immediately just to save what is left of some of these historical sites.

The bill I am introducing today provides for only one part of the area to be added to the Sitka National Monument, and this is the Russian Orphanage and School, which was a part of the old Russian mission in Sitka. Later, I hope additional sites will be provided for, but action cannot wait on the Russian Mission Building.

The Russian Mission School and Orphanage is in need of immediate protection. Built in 1842, it is very likely the most important Russian structure remaining in Alaska. Until recently, members of the Russian Orthodox clergy lived in the mission, but now they are gone, and it is deteriorating rapidly. I am told by the Park Service superintendent in the area that vandalism is occurring, and that the building cannot stand long without protection. In recent conversations with Mayor Les Sheppard, of Sitka, these reports were all confirmed. The people of Sitka have bitter memories of what can happen, because the original St. Michael's Cathedral, built in 1844, was destroyed by fire on January 2, 1966. The same threat exists for the Russian mission if action is not taken.

The proposal made in the bill has been approved by every agency and group which has examined it. It has the warm support of the citizens of Sitka, and the approval of the director of the northwest region, National Park Service.

I want you, my colleagues, to know of this situation, and to ask for your support in providing prompt and necessary protection for this part of our history.

Thank you.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. BEVILL (at the request of Mr. TAYLOR), for week of May 10, 1971, on account of official business.

Mr. POFF (at the request of Mr. GERALD R. FORD), on account of illness.

Mr. HOSMER (at the request of Mr. GERALD R. FORD), on account of official business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MOORHEAD, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. MOORHEAD, for 30 minutes tomorrow, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. ROBINSON of Virginia) to address the HOLSE and to revise and extend their remarks and include extraneous matter:)

Mr. MIZELL, for 5 minutes, today.

Mr. CHAMBERLAIN, for 5 minutes, on May 12.

Mr. BLACKBURN, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. MCKAY), to revise and extend their remarks and to include extraneous matter:)

Mr. MATSUNAGA, today, for 15 minutes.

Mr. DENT, today, for 10 minutes.

Mr. STUCKEY, today, for 10 minutes.

Mr. HENDERSON, today, for 5 minutes.

Mr. ASPIN, today, for 30 minutes.

Mr. RARICK, today, for 10 minutes.

Mrs. ABZUG, today, for 30 minutes.

Mr. COTTER, on May 12, for 60 minutes.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. NATCHER, to revise and extend his remarks and include extraneous matter on second supplemental appropriation bill today.

Mr. BADILLO, to revise and extend his remarks after those of Mr. GONZALEZ on the IADB and the IBRD.

Mr. TEAGUE of California, to extend his remarks following those of Mr. BOLAND on Mr. BOLAND's amendment pertaining to veterans' hospitals.

Mr. SMITH of Iowa, to extend his remarks following those of Mr. FLOOD.

Mr. MAHON and to include certain tables and excerpts.

Mr. BOW, to extend his remarks and include certain tables in the body of the RECORD immediately preceding the offering of the amendment of the SST.

Mr. DULSKI, in the body of the RECORD following Mr. ROONEY of Pennsylvania.

(The following Members (at the request of Mr. ROBINSON of Virginia) and to include extraneous matter:)

Mr. ZION.

Mr. TALCOTT in three instances.

Mr. CONTE.

Mr. WHALEN.

Mr. RAILSBACK.

Mr. RIEGLE.

Mr. FRELINGHUYSEN.

Mr. FISH.

Mr. BIESTER.

Mr. GROSS in two instances.

Mr. HILLIS.

Mr. SCHERLE in 12 instances.

Mr. CARTER in two instances.

Mr. RUPPE.

Mr. SPENCE.

Mr. VEYSEY in two instances.

Mrs. HECKLER of Massachusetts in two instances.

Mr. HOSMER in two instances.

Mr. SCHMITZ in two instances.

Mr. CHAMBERLAIN in two instances.

Mr. ESHLEMAN.

Mr. MILLER of Ohio.

Mr. RED of New York.

Mr. DON H. CLAUSEN.

Mr. MCKINNEY.

Mr. TERRY.

Mr. DERWINSKI.

Mr. MCKEVITT.

Mr. SEBELLUS in two instances.

Mr. WIDNALL.

Mr. LUJAN in two instances.

Mr. HORTON.

Mr. WYMAN in two instances.

Mr. BAKER.

Mr. BLACKBURN.

Mr. PRICE of Texas.

Mr. ANDERSON of Illinois.

Mr. GERALD R. FORD.

(The following Members (at the request of Mr. MCKAY), and to include extraneous matter:)

Mr. MURPHY of New York in two instances.

Mr. MATSUNAGA in two instances.

Mr. JAMES V. STANTON in four instances.

Mr. BEGICH in eight instances.

Mr. PICKLE in five instances.

Mr. MITCHELL.

Mr. PUCINSKI in six instances.

Mr. COTTER in five instances.

Mr. RODINO in two instances.

Mr. WALDIE in five instances.

Mr. FRASER in two instances.

Mr. DORN in two instances.

Mr. RARICK in five instances.

Mr. FOLEY.

Mr. ROONEY of New York.

Mr. JACOBS in two instances.

Mr. JOHNSON of California.

Mr. SEIBERLING.

Mr. ROSENTHAL.

Mr. GONZALEZ in three instances.

Mr. HAGAN in five instances.

Mr. DELLUMS in six instances.

Mr. MATHIS of Georgia in three instances.

Mr. DRINAN in two instances.

Mr. EVINS of Tennessee in five instances.

Mr. PODELL in two instances.

Mr. BENNETT in three instances.

Mr. BARING in two instances.

Mr. WOLFF in five instances.

Mr. MACDONALD of Massachusetts in three instances.

Mr. MOORHEAD in two instances.

Mr. RANGEL.

Mr. DONOHUE in two instances.

Mr. PURCELL in two instances.

#### ADJOURNMENT

Mr. MCKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 12, 1971, 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:

700. A letter from the Secretary of the Army transmitting a letter from the Chief of Engineers, Department of the Army, dated November 25, 1970, submitting a report, together with accompanying papers and an illustration, on Ouachita and Black Rivers Navigation project, Arkansas and Louisiana, in response to the River and Harbor Act of August 13, 1968 (H. Doc. No. 92-109); to the Committee on Public Works and ordered to be printed with an illustration.

701. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

702. A letter from the Secretary of the Interior, transmitting 54 projects selected for funding through grants, contracts, and matching or other arrangements with educational institutions, private foundations or other institutions, and with private firms, pursuant to section 200(b) of the Water Resources Research Act of 1964; to the Committee on Interior and Insular Affairs.

703. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Public Health Service Act so as to promote the public health by strengthening the national effort to conquer cancer; to the Committee on Interstate and Foreign Commerce.

704. A letter from the Attorney General, transmitting a draft of proposed legislation to provide for the appointment of U.S. marshals by the Attorney General; to the Committee on the Judiciary.

#### RECEIVED FROM THE COMPTROLLER GENERAL

705. A letter from the Comptroller General of the United States, transmitting a list of the reports of the General Accounting Office made during April 1971, pursuant to section 234 of Public Law 91-510; to the Committee on Government Operations.

706. A letter from the Comptroller General of the United States, transmitting a report that more reliable data is needed as a basis for providing Federal assistance to economically distressed areas by the Departments of Commerce and Labor; to the Committee on Government Operations.

#### 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. DULSKI: Committee on Post Office and Civil Service. H.R. 7964. A bill to liberalize eligibility for cost-of-living increases in civil service retirement annuities; with amendment (Rept. No. 92-194). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 7614. A bill to amend titles 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes. (Report No. 92-195). Referred to the Committee of the Whole House on the State of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DANIELSON: Committee on the Judiciary. H.R. 3201. A bill for the relief of

Faith M. Lewis Kochendorfer; Dick A. Lewis; Nancy J. Lewis Keithley; Knute K. Lewis; Peggy A. Lewis Townsend; Kim C. Lewis; Cindy L. Lewis Kochendorfer; and, Frederick L. Baston. (Rept. No. 92-196). Referred to the Committee of the Whole House.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABOUREZEK (for himself, Mr. ABBITT, Mr. BAKER, Mr. CAFFERY, Mr. FOLEY, Mr. FRASER, Mr. KASTENMEIER, Mr. MOLLOHAN, Mr. PURCELL, Mr. TIERNAN, and Mr. MANN):

H.R. 8235. A bill to amend part II of the Interstate Commerce Act in order to completely exempt certain farm vehicles and farm vehicle drivers from the provisions thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER:

H.R. 8236. A bill to amend the Internal Revenue Code of 1954 to exempt the American Cancer Society, and its affiliates, from the communications tax; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 8237. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI (for himself, Mr. AD-DABBO, Mr. O'KONSKI, Mr. HAWKINS, Mr. ELBERG, Mr. HARRINGTON, Mr. DENT, Mr. MAZZOLI, Mr. CLARK, Mr. RODINO, Mr. GALLAGHER, Mr. ROYBAL, Mr. BEGICH, Mr. RANGEL, Mr. ROE, Mr. FORSYTHE, Mr. RONCALIO, Mr. FREY, Mr. DIGGS, Mr. HORTON, Mr. COLLINS of Illinois, Mr. RYAN, Mrs. MINK, Mr. ROSENTHAL, and Mr. NIX):

H.R. 8238. A bill to amend title II of the Social Security Act to increase to \$750 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. METCALFE, Mr. GARMATZ, Mrs. CHISHOLM, Mr. REES, Mr. WILLIAMS, Mr. KYROS, Mr. DRINAN, Mrs. ABZUG, Mr. O'NEILL, Mr. HALPERN, and Mr. MIKVA):

H.R. 8239. A bill to amend title II of the Social Security Act to increase to \$750 in all cases the amount of the lump-sum death payment thereunder; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. WOLFF, Mr. HICKS of Washington, Mr. DONOHUE, and Mr. BUCHANAN):

H.R. 8240. A bill to amend the Internal Revenue Code of 1954 to provide that the personal exemption allowed a taxpayer for a dependent shall be available without regard to the dependent's income in the case of a dependent who is over 65 (the same as in the case of a dependent who is a child under 19); to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. WOLFF, Mr. HICKS of Washington, and Mr. DONOHUE):

H.R. 8241. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first \$5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age; to the Committee on Ways and Means.

By Mr. BIAGGI (for himself, Mr. HICKS of Washington, and Mr. DONOHUE):

H.R. 8242. A bill to amend the Internal

Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

By Mr. BROWN of Ohio (by request):

H.R. 8243. A bill to establish the Department of Health; to the Committee on Government Operations.

By Mr. CARNEY:

H.R. 8244. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. EILBERG:

H.R. 8245. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER:

H.R. 8246. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON (for himself, Mr. BEGICH, Mr. BURKE of Massachusetts, Mr. DANIELSON, Mr. EILBERG, Mr. HALPERN, Mr. MATSUNAGA, Mr. MORSE, Mr. ROSENTHAL, Mr. SCHWENDEL, and Mr. CHARLES H. WILSON):

H.R. 8247. A bill to encourage and help implement improvements in the judicial machinery of our State and local courts by creating an Institute for Judicial Studies and Assistance, the purpose of which shall be to make grants to State and local courts and nonprofit organizations to carry out the objectives of the act and to serve as a reservoir of up-to-date information on court management and organization; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.R. 8248. A bill to amend the National Housing Act to give priority in the selection of tenants with respect to certain rental housing projects to families who have been displaced as a result of the construction of any such project; to the Committee on Banking and Currency.

H.R. 8249. A bill to amend the National Housing Act to give priority in the selection of tenants with respect to certain rental housing projects to families from the surrounding neighborhood; to the Committee on Banking and Currency.

H.R. 8250. A bill to amend the National Housing Act for the purpose of imposing a ceiling on the rent to be paid by any family living in certain federally aided private housing projects for lower income families, and for other purposes; to the Committee on Banking and Currency.

By Mr. McMILLAN:

H.R. 8251. A bill to restore the investment credit and to increase the amount of such credit to 10 percent of the qualified investment; to the Committee on Ways and Means.

By Mr. MAZZOLI:

H.R. 8252. A bill to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials on the local, State, and Federal levels of government; to the Committee on Education and Labor.

By Mr. MEEDS:

H.R. 8253. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of

supplementary medical insurance for the aged; to the Committee on Ways and Means.

By Mr. PODELL:

H.R. 8254. A bill to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise the eligibility conditions for annuities, to change the railroad retirement tax rates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 8255. A bill to require the Secretary of the Interior to make a comprehensive study of the polar bear and walrus for the purpose of developing adequate conservation measures; to the Committee on Merchant Marine and Fisheries.

H.R. 8256. A bill to establish a national policy and programs with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 8257. 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; to the Committee on Merchant Marine and Fisheries.

H.R. 8258. A bill to amend the Endangered Species Conservation Act of 1969 to extend the provisions therein to rare species of fish and wildlife, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RODINO (for himself and Mr. DENNIS):

H.R. 8259. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ROE:

H.R. 8260. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. SCHEUER:

H.R. 8261. A bill to amend the Railroad Retirement Act of 1937 to provide a full annuity for any individual (without regard to his age) who has completed at least 30 years of railroad service; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHEUER (for himself and Mr. BEGICH):

H.R. 8262. A bill to amend the Foreign Assistance Act of 1961 to provide for international drug control assistance; to the Committee on Foreign Affairs.

By Mr. SCHWENDEL:

H.R. 8263. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS:

H.R. 8264. A bill to amend the Federal Aviation Act of 1958 with respect to the transportation of Government traffic by civil air carriers of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE:

H.R. 8265. A bill to amend title 5, United States Code, to provide that individuals be apprised of records concerning them which are maintained by Government agencies; to the Committee on Government Operations.

By Mr. TEAGUE of Texas (by request):  
H.R. 8266. A bill to amend title 38 of the United States Code to provide, in certain cases, for the reimbursement of veterans for cost incurred by them for flight school course work for private pilot licenses; to the Committee on Veterans' Affairs.

By Mr. VEYSEY:  
H.R. 8267. A bill to amend title VII of the Public Health Service Act by providing for the establishment of a family physician scholarship and fellowship program; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES H. WILSON (for himself, Mr. DANIELSON, and Mr. MIKVA):

H.R. 8268. A bill to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

By Mr. WYATT:  
H.R. 8269. A bill to amend the Internal Revenue Code of 1954 to restore the investment credit; to the Committee on Ways and Means.

By Mr. BEGICH:  
H.R. 8270. A bill to authorize certain additions to the Sitka National Monument in the State of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROOMFIELD:  
H.R. 8271. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. CEDERBERG (for himself, Mr. HUTCHINSON, Mr. BROWN of Michigan, Mr. BROOMFIELD, Mr. CHAMBERLAIN, Mr. ESCH, Mr. HARVEY, Mr. McDONALD of Michigan, Mr. GERALD R. FORD, Mr. VANDER JAGT, Mr. RIEGLE, and Mr. RUPPE):

H.R. 8272. A bill to provide for congressional redistricting; to the Committee on the Judiciary.

By Mr. CELLER:  
H.R. 8273. A bill to amend section 301(b) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

By Mr. DANIEL of Virginia:  
H.R. 8274. A bill to establish a national policy relative to the revitalization of rural and other economically distressed areas by providing incentives for a more even and practical geographic distribution of industrial growth and activity and developing manpower training programs to meet the needs of industry, and for other purposes; to the Committee on Government Operations.

By Mr. DIGGS:  
H.R. 8275. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. DINGELL:  
H.R. 8276. A bill for the relief of the city of Riverview, Mich.; to the Committee on the Judiciary.

By Mr. FASCELL:  
H.R. 8277. A bill to require the protection, management, and control of wild free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. FLOWERS:  
H.R. 8278. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in mak-

ing repairs and improvements to his residence; to the Committee on Ways and Means.

By Mr. FOLEY:  
H.R. 8279. A bill to provide for a study and evaluation of the ethical, social, and legal implications of advances in biomedical research and technology; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY:  
H.R. 8280. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in certain lands located in the State of Florida to the record owner or owners of such lands; to the Committee on Interior and Insular Affairs.

By Mr. FULTON of Pennsylvania:  
H.R. 8281. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

H.R. 8282. A bill to amend chapter 34 of title 38 of the United States Code to restore entitlement to educational benefits to veterans of World War II and the Korean conflict; to the Committee on Veterans' Affairs.

By Mr. HANSEN of Idaho:  
H.R. 8283. A bill to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable; to the Committee on Interior and Insular Affairs.

By Mr. HAYS (for himself and Mr. ABBITT):  
H.R. 8284. A bill to limit campaign expenditures by or on behalf of candidates for Federal elective office; to provide for more stringent reporting requirements; and for other purposes; to the Committee on House Administration.

By Mr. KOCH (for himself, Mr. BURKE of Massachusetts, Mr. CARNEY, Mr. COUGHLIN, Mr. CULVER, Mr. DANIELS of New Jersey, Mr. DENT, Mr. EVINS of Tennessee, Mr. FISH, Mr. FOLEY, Mr. GIBBONS, Mr. HAGAN, Mrs. HICKS of Massachusetts, Mr. HORTON, Mr. LLOYD, Mr. McCLOSKEY, Mr. MILLER of California, Mr. SEIBERLING, Mr. SHRIVER, and Mr. CHARLES H. WILSON):

H.R. 8285. A bill for the relief of Soviet Jews; to the Committee on the Judiciary.

By Mr. LONG of Maryland:  
H.R. 8286. A bill limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and setting penalties for the violation of this act, and for other purposes; to the Committee on Public Works.

By Mr. MATSUNAGA:  
H.R. 8287. A bill to amend the Sugar Act of 1948 to prescribe minimum wages and conditions of employment for farm workers, and for other purposes; to the Committee on Agriculture.

By Mr. MELCHER:  
H.R. 8288. A bill to provide compensation to the Crow Tribe of Indians, Montana, for certain lands embraced within the present boundaries of the Crow Indian Reservation, for the validation of titles, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 8289. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MELCHER (for himself, Mr. ABOUREZK, Mr. ANDREWS of North Dakota, Mr. BERGLAND, Mr. KASTENMEIER, Mr. LINK, and Mr. VIGORITO):

H.R. 8290. A bill to protect producers' incomes when rebuilding reserve stocks of wheat or feed grains; to the Committee on Agriculture.

By Mr. MILLS:  
H.R. 8291. A bill to amend title 10 of the United States Code to establish an equitable survivors' annuity plan for the uniformed services; to the Committee on Armed Services.

H.R. 8292. A bill to amend title 10, United States Code, to restore the system of recomputation of retired pay for certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. MILLS (for himself and Mr. BYRNES of Wisconsin):  
H.R. 8293. A bill to continue until the close of September 30, 1973, the International Coffee Agreement Act of 1968; to the Committee on Ways and Means.

By Mr. MONAGAN:  
H.R. 8294. A bill to amend the Organized Crime Control Act of 1970 to provide for an acceleration of the date on which the Commission to Review National Policy Toward Gambling shall be established and shall submit interim and final reports; to the Committee on the Judiciary.

By Mr. MYERS (for himself, Mr. BURKE of Massachusetts, Mr. HALPERN, Mr. GIBBONS, Mr. MORSE, and Mr. CHARLES H. WILSON):

H.R. 8295. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to require the establishment of standards related to rear mounted lighting systems; to the Committee on Interstate and Foreign Commerce.

By Mr. NEDZI:  
H.R. 8296. A bill to amend titles 10 and 32 of the United States Code; to the Committee on Armed Services.

By Mr. PUCINSKI:  
H.R. 8297. A bill to amend the Internal Revenue Code of 1954 to permit the value of personal services to be taken into account in determining the amount deductible for charitable contributions; to the Committee on Ways and Means.

By Mr. RARICK:  
H.R. 8298. A bill to amend the Internal Revenue Code of 1954 to provide that tax-exempt organizations which engage in activities of carrying on propaganda, or otherwise attempting to influence legislation, shall lose their exemption from tax; to the Committee on Ways and Means.

By Mr. ROSENTHAL:  
H.R. 8299. A bill to amend title II of the Social Security Act to provide a 35-percent benefit increase with a \$100 minimum and subsequent cost-of-living increases, to improve the computation of benefits and eligibility therefor, to raise the earnings base, to eliminate the actuarial reduction and lower the age of entitlement, to provide optional coverage for Federal employees, and to liberalize the retirement test; to amend title XVII of such act to reduce to 60 the age of entitlement to medicare benefits and make such benefits available to the disabled without regard to age, to provide coverage for certain governmental employees, and to include prescription drugs under the supplementary medical benefits program; and for other purposes; to the Committee on Ways and Means.

By Mr. SCHMITZ:  
H.R. 8300. A bill to amend the Export Administration Act of 1969 to require the publication of lists on a quarterly basis of individuals and firms who export any goods or services valued at \$1,000 or more in any calendar quarter to any Communist-dominated nation; to the Committee on Banking and Currency.

By Mr. SEBELIUS (for himself, Mr. ABOUREZK, Mr. ANDREWS of North Dakota, Mr. CLEVELAND, Mr. DANIEL of Virginia, Mr. DENHOLM, Mr. DENNIS, Mr. DERWINSKI, Mr. HANSEN

of Idaho, Mr. KING, Mr. KUYKENDALL, Mr. MAZZOLI, Mr. McCLOSKEY, Mr. RUNNELS, Mr. SHRIVER, and Mr. SIKES):

H.R. 8301. A bill relating to the conservation and restoration of marginal farmland; to the Committee on Agriculture.

By Mr. SPRINGER:

H.R. 8302. A bill to extend the act of September 30, 1965, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE:

H.R. 8303. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

H.R. 8304. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, to provide assistance for the development of nonlethal weapons and police protection equipment, and for other purposes; to the Committee on the Judiciary.

By Mr. VIGORITO (for himself, Mr. HECHLER, of West Virginia, Mr. NIX, Mr. REES, Mr. HARRINGTON, Mrs. GRASSO, Mr. EILBERG, Mr. SCHEUER, Mr. EDWARDS of Louisiana, Mr. HAWKINS, Mr. MITCHELL, Mr. WILLIAM D. FORD, and Mr. SEIFERLING):

H.R. 8305. A bill to provide that no department, agency, or instrumentality of the United States shall contract to purchase coal which has been mined by the surface mining method; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 8306. A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes; to the Committee on Agriculture.

By Mr. FOUNTAIN:

H.J. Res. 628. Joint resolution proposing an amendment to the Constitution of the United States relating to attendance assignments in public schools on the basis of race or color; to the Committee on the Judiciary.

By Mr. HAGAN:

H.J. Res. 629. Joint resolution proposing an amendment to the Constitution of the United States relating to the freedom of choice; to the Committee on the Judiciary.

By Mr. O'HARA:

H.J. Res. 630. Joint resolution providing for the designation of the third week of October of 1971 as "National German Shepherd Dog Week"; to the Committee on the Judiciary.

By Mr. PETTIS:

H.J. Res. 631. Joint resolution proposing an amendment to the Constitution of the United States with respect to the flag of the United States; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.J. Res. 632. Joint resolution amending title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new State medical schools and the improvement of existing medical schools affiliated with the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. BENNETT (for himself, Mr. DELLENBACK, and Mr. HALPERN):

H. Con. Res. 295. Concurrent resolution; Joint Committee on Impoundment of Funds; to the Committee on Rules.

By Mr. WHITEHURST:

H. Con. Res. 296. Concurrent resolution that it is the sense of Congress that the Federal Government should take appropriate steps to determine if new research methods for its research projects can be developed, where feasible, to complement or eliminate current methods involving the direct or indirect use of animals; to the Committee on Science and Astronautics.

By Mr. ZABLOCKI (for himself, Mr. NIX, Mr. FRASER, Mr. BINGHAM, Mr. BROOMFIELD, Mr. MORSE, Mr. FINDLEY, Mr. FULTON of Pennsylvania, Mr. THOMSON of Wisconsin, and Mr. MAILLIARD):

H. Con. Res. 297. Concurrent resolution calling for the humane treatment and release of U.S. prisoners of war held by North Vietnam and its allies in Southeast Asia, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. HICKS of Massachusetts:

H. Res. 435. Resolution calling upon the United Nations to help to eliminate the illegal international traffic in narcotics and

other dangerous drugs, and for other purposes; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

167. By the SPEAKER: memorial of the Legislature of the State of Nevada, relative to the recreational values of public lands; to the Committee on Interior and Insular Affairs.

168. By the SPEAKER: memorial of the Legislature of the State of Alabama, relative to designating an "American Creed Week"; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGICH:

H.R. 8307. A bill for the relief of Michael A. Korhonen; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 8308. A bill for the relief of John and Libera Chimenti; to the Committee on the Judiciary.

By Mr. MILLER of California:

H.R. 8309. A bill to grant a Federal Charter to the National Association Legions of Honor; to the Committee on the District of Columbia.

By Mr. ROYBAL:

H.R. 8310. A bill for the relief of Kang-Be Chu; to the Committee on the Judiciary.

By Mr. TERRY:

H. Res. 436. Resolution commending the Shriners Hospitals for Crippled Children and Burns Institutes; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

71. The SPEAKER presented a petition of the city council, Brook Park, Ohio; relative to restoring a bulk mail handling station to the greater Cleveland area; to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

WHITE HOUSE WORSHIP SERVICE  
FEATURES GRAFTON, W. VA., HIGH  
SCHOOL CHOIR AND STIRRING  
SERMON BY REV. JOHN C. HARPER

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 11, 1971

Mr. RANDOLPH. Mr. President, the White House worship service this past Sunday, was impressive and inspiring. The occasion was of especial significance to Representative HARLEY STAGGERS and me, with members of the Grafton, W. Va., High School concert choir were present to sing the moving anthem, "Gloria," by Franz Schubert, and other selections.

President Richard Nixon, in opening remarks, noted that the proclamation designating the second Sunday in May as Mother's Day was signed by President Woodrow Wilson on May 8, 1914.

Mother's Day, which has become a permanent part of American life, is the work of one woman, Miss Anna Jarvis. A native of West Virginia and Taylor County, Miss Jarvis campaigned dauntlessly for a special day of the year on which Americans could honor mothers.

I knew Miss Jarvis personally, and recall our mutual fondness for the words of the poet Henry Van Dyke, in the tribute to his mother:

I cannot pay my debt  
For all the love that she has given;  
But thou, love's Lord,  
Will not forget  
Her due reward  
Bless her in Earth and Heaven.

The project to create a special day for mothers became the life's work of Miss Jarvis in memory of her own mother. She buttonholed industrialists, businessmen, politicians, and church officials in her ceaseless drive for a national observance.

Fittingly, the first organized Mother's

Day observance occurred exactly 63 years ago yesterday in the Andrews Methodist Episcopal Church at Grafton. Today that church is the center of a developing International Mother's Day Shrine.

The Grafton Senior High School choir, under the direction of Kenneth Godwin, Jr., had 25 participating members of the larger choir group in the chorus. They include:

Bob Bryan, Roger McCauley, Fred Smith, Chuck Kelley, Bob Leonard, Pam Stevens, Kathy Davis, Dawn Jenkins, Mike Fawcett, Nancy Ludwick, Janine Manley, Steve Thompson, Bob Weaver, Judy Godwin, Linda McWilliams, Mary Reneau, Pam Sapp, Nancy Warder, Laura Ferrell, Pam Knotts, Ron Wolfe, Dave Phillips, Tom Walls, Joe Radcliff, and Lloyd Spring.

Other participants in the White House visit, in addition to Mr. Godwin, were faculty members and staff, including: Ted Thompson, Mrs. Calvin Morrison, Mrs. Frank Sador and James Havenner,