

The people who have dreamed up and plan to execute this blast, seem to have no concern or responsibility for whatever may happen. They are obviously not sure of the results themselves. They do know, however, that whatever happens the United States will protect them and pay all the bills for damages. These people are ignoring possibilities of disasters which could very well happen, causing loss of life, property, industry, resources, ecology and other factors which could affect the whole North Pacific basin, with a device which is obsolete.

Several years ago the AEC wanted to blast a harbor in Alaska, with atomic explosives. At that time, the idea was killed. I hope the

people can kill this idea. The blast to excavate a harbor in Alaska would probably have been about one-tenth the power of this blast.

The AEC has given no indication to the public of the purpose of this blast, with an obsolete type of weapon. They have set off enough smaller blasts so that they should be able to calculate the results of any size of blast. Perhaps if there was a good reason, worth great gamble with the possible results, the public would be more understanding.

With no known logical facts to justify this blast, I think the people should demand that the \$113 million cost so far, should be written off as a horrible mistake, and forget the whole fireworks display entirely.

PERSONAL EXPLANATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 14, 1971

Mr. CONYERS. Mr. Speaker, on roll-call No. 226, the motion to recommit the proposed contempt of Congress citation against Dr. Frank Stanton, president of the Columbia Broadcasting System, I was unavoidably absent. If present and voting, I would have voted "yea."

HOUSE OF REPRESENTATIVES—Thursday, July 15, 1971

The House met at 12 o'clock noon.

The Reverend Allen W. Singh, St. John Christian Methodist Episcopal Church, Washington, D.C., offered the following prayer:

Eternal God, we thank Thee for calling these great men and women for Thy service. As they begin their day's work, we beseech Thee to shower Thy blessings upon them.

Make Thy purpose and will known to them. Enlighten their hearts and minds so that they may become sensitive to the needs and aspirations of Thy children. May all of them become aware of their solemn duties and obligations. Bestow upon them the courage and strength to face all the difficulties and hardships which may come in their way. Grant them the wisdom to see that which is true, good, and beautiful. Fill their hearts with love that they may be able to establish justice and righteousness. Help them to lead this great Nation in such a way that it may become a source of blessings to all people; and this world may become a better place to live.

Be with us and hear our prayer.

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 SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate proceeded to reconsider the bill (S. 575) entitled "An act to extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965," returned by the President of the United States with his objections, to the Senate, in which it originated.

The message further announced that the said bill did not pass, two-thirds of the Senators present not having voted in the affirmative.

The message also announced that the Senate agrees to the amendments of the

House with amendments to the bill (S. 991) entitled "An act to authorize the Secretary of the Interior to continue a program of research, development, and demonstration of processes for the conversion of saline and other chemically contaminated water for beneficial use and for the treatment of saline and other chemically contaminated waste water to maintain or improve the quality of natural waters, and for other purposes," in which concurrence of the House is requested.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 581) entitled "An act to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves, insurance and guarantees, to authorize the Bank to issue for purchase by any purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPARKMAN, Mr. WILLIAMS, Mr. MONDALE, Mr. PACKWOOD, and Mr. BENNETT to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON S. 581, EXPORT EXPANSION FINANCE ACT OF 1971

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the bill (S. 581) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, to extend for 3 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves and against full reserves insurance and guarantees, to authorize the Bank to issue for purchase by any

purchaser its obligations maturing subsequent to June 30, 1976, and for other purposes, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. PATMAN and BARRETT, Mrs. SULLIVAN, Messrs. REUSS, ASHLEY, MOORHEAD, WIDNALL, J. WILLIAM STANTON, BLACKBURN, and BROWN of Michigan.

ANNOUNCEMENT OF HEARINGS ON THE ROLE OF THE FEDERAL GOVERNMENT IN COMMUNITY RELATIONS

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

Mr. EDWARDS of California. Mr. Speaker, I would like to announce that the Civil Rights Oversight Subcommittee of the Committee on the Judiciary will hold a series of public hearings on the role of the Federal Government in community relations. These hearings will commence with testimony from the U.S. Department of Justice on July 28, and from the U.S. Commission on Civil Rights on July 29, 1971, at 10 a.m. each day in room 2141 of the Rayburn House Office Building. Public witnesses will be scheduled to testify at later dates.

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 2137, Rayburn House Office Building, Washington, D.C. 20515.

REFERRAL OF BILL TO PRIVATE CALENDAR

Mr. COLLIER. Mr. Speaker, I ask unanimous consent that the signed withdrawals of objection to H.R. 6666 by my colleagues Mr. HAYS and Mr. STANTON be entered in the RECORD and that the bill accordingly be permitted to be placed on the next Private Calendar subject to the approval of the Committee on the Judiciary.

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

There was no objection.

TWO OUTSTANDING EVENTS TO BE HELD IN SIOUX CITY, IOWA, DURING THE NEXT WEEK

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

Mr. MAYNE. Mr. Speaker, I wish to call attention of my colleagues to two outstanding events which will be held in my home city of Sioux City, Iowa, during the next week. The Midwest Governors' Conference will take place in Sioux City and its neighboring community of South Sioux City, Nebr., from July 18 through July 20, with Gov. Robert Ray of Iowa and Gov. J. J. Exon of Nebraska acting as host Governors. Then on Wednesday, July 21, the Eighth Annual Sioux City Rivercade will begin and run through July 25. This great celebration which each year dramatizes the importance of the mighty Missouri River to our Nation will present a varied program of events including boat and land parades, Huck Finn fishing derby, boat races, athletic events, and musical and theatrical entertainment. The central theme will again be the need for continued development of the Missouri's resources consistent with full preservation of the ecology of the region. I want to commend Commodore Toby C. Dellamano and his staff for planning what promises to be the most successful rivercade in history and to congratulate the queen of the river, Miss Cindy Irwin, who has reigned with such distinction during the past 12 months.

It is with great pleasure that I now invite all Members of the House of Representatives and the other body to attend this year's rivercade. Commodore Dellamano assures me that a warm welcome will await you as honored guests in Sioux City.

AMENDMENT TO BE OFFERED BY REPRESENTATIVE SKUBITZ TO DELETE THE LYONS, KANS., RADIOACTIVE WASTE REPOSITORY FROM THE ATOMIC ENERGY COMMISSION BILL

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

Mr. SKUBITZ. Mr. Speaker, during the course of the debate today on the Atomic Energy Commission authorization bill I intend to submit an amendment to strike the \$3.5 million for land acquisition and construction of a waste disposal plant in Lyons, Kans.

Mr. Speaker, I just want the body to know the position of the State of Kansas and the Governor on this project.

Yesterday there was delivered to my office a copy of a letter which the Governor of Kansas has sent to the chairman of the Joint Committee on Atomic Energy.

The Governor says:

The AEC contends that it must have the site and the facilities before it can conduct these additional tests. Kansas scientists disagree; they believe these additional tests can be conducted in laboratories.

I appreciate these attempts to compromise

opposition to the Lyons project, but I cannot accept them.

Then, Mr. Speaker, he ends up his letter with this statement:

As Governor, I am going to use all the authority of the Kansas Governor's office to prevent the AEC from forcing this potentially dangerous project on the people of Kansas.

If Congress approves the AEC project, Kansas Attorney General Vern Miller is making preparations to file a lawsuit to halt the project; I will support him in legal action.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

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

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 9388, TO AUTHORIZE APPROPRIATIONS FOR THE ATOMIC ENERGY COMMISSION, 1972

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 528 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 528

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9388) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. ANDERSON) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 528 provides an open rule with 1 hour of general debate for consideration of H.R. 9388, the purpose of which is to authorize appropriations for the Atomic Energy Commission for fiscal year 1972.

The bill authorizes appropriations to the AEC totaling \$2,321,187,000—\$2,025,571,000 for operating expenses and \$295,616,000 for plant and capital equipment.

Approximately 50 percent of the authorization is for civilian applications of nuclear energy and the balance is for

military purposes. The sum of \$116.4 million is for the high-energy physics program for which the AEC acts as principal funding agent for the entire Government.

The bill was reported by the Joint Committee without a dissenting vote.

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

Mr. ANDERSON of Illinois. Mr. Speaker, I would only like to add a short comment to the excellent statement by my distinguished colleague the gentleman from Texas (Mr. YOUNG) in connection with the rule we are asking for on the bill, H.R. 9388. I am making these remarks as a member of the Committee on Rules, and also as one who is privileged to serve as a member of the Joint Committee on Atomic Energy.

In this authorization bill the Joint Committee has looked very carefully at the twin goals of improving the environment and meeting the growing energy needs of our Nation. The Joint Committee strongly supports the President's goal of achieving the demonstration of a breeder reactor by 1980. This bill does just that. I might add that one of the reasons this bill has been delayed was to make sure we included the necessary provisions of the June 4 Presidential message on energy.

The committee also applauds and supports the goal of developing the breeder reactor as a key element in the national fight against air and water pollution.

The purpose of the bill is to authorize fiscal 1972 funding for the Atomic Energy Commission. The total authorization is for \$2,321,187,000. This figure is \$37,210,000 above the administration's request. The authorization is broken down into two main categories:

Operating expenses.....	\$2,025,571,000
Plant and capital equipment..	295,616,000

The two major increases are for space nuclear propulsion, \$37 million, and the cascade improvement program for the AEC's uranium enrichment plants, \$35 million. These increases are offset by decreases in programs with less priority or where funds could not be effectively spent in fiscal year 1972.

Mr. Speaker, this is an excellent bill. The Joint Committee has put many long hours into its deliberation on this important piece of legislation. I know of no objection to the granting of the rule, and I urge the adoption of the rule.

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

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SALINE WATER CONVERSION ACT OF 1971

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the

Speaker's desk the bill (S. 991), to authorize the Secretary of the Interior to continue a program of research, development, and demonstration of processes for the conversion of saline and other chemically contaminated water for beneficial use and for the treatment of saline and other chemically contaminated waste water to maintain or improve the quality of natural waters, and for other purposes, with Senate amendments to the House amendments thereto, and concur in the Senate amendments to the House amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendments, as follows:

Page 7, of the House engrossed amendments, strike out lines 11 to 16, inclusive, and insert:

"(b) The Secretary will cooperate with the Administrator of the Environmental Protection Agency to insure that research and development work performed under this Act makes the fullest possible contribution to the improvement of processes and techniques for the treatment of saline and other chemically contaminated waters and to avoid the duplication of the experience, expertise, and data regarding desalting technologies which have been acquired in the performance of the Saline Water Conversion Act."

Page 9, line 2, of the House engrossed amendments, strike out "2" and insert "3".

Page 9, line 5, of the House engrossed amendments, strike out "subsection (a) of this section" and insert "subsection 10(b) of this Act".

Page 9, line 7, of the House engrossed amendments, strike out "subsection 2(e) and section 3" and insert "subsection 3(e) and section 4".

Page 9, of the House engrossed amendments, strike out lines 17 to 22, inclusive, and insert:

"(c) the term 'other chemically contaminated water' refers to waters which contain chemicals susceptible to removal by desalting processes;"

Resolved, That the Senate agree to the amendment of the House of Representatives to the title of the above-entitled bill.

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

Mr. HALL. Mr. Speaker, reserving the right to object, do I understand that the amendments of the other body are purely technical, as the gentleman has indicated to me, and that there is no increase in the cost of the bill?

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

Mr. HALL. I am glad to yield to their gentleman.

Mr. ASPINALL. Mr. Speaker, the Senate amendments to the amendment of the House to S. 991 to expand and extend the desalting program being conducted by the Secretary of the Interior, and for other purposes, are of two categories. First, there are three technical amendments to correct certain internal cross references in the House amendment.

Second, there are two amendments which deal with language changes. The other body feels that these two amendments are necessary to preserve the agreement on language between the Senate Interior Committee and the Senate Public Works Committee. The first of these substitutes a new subsection 6

(b) having to do with coordination between the Secretary of the Interior and the Administrator of the Environmental Protection Agency. This amendment makes no real change in the central thrust of the language in subsection 6(b) of the House amendment. It merely makes explicit that which was already implicit; to wit, that the saline water conversion research program and the water quality research program be coordinated in the interest of avoiding duplication and waste.

The second language change effected by the Senate amendments is found at subsection 8(c) where a substitution is made in the definition of the term "other chemically contaminated water." The Senate amendment defines this term to refer to waters which contain chemicals susceptible to removal by desalting processes. This is a somewhat more precise definition than that in the House amendment to S. 991 which enumerated a number but not all sources of potential chemical contamination.

Mr. Speaker, these amendments do not weaken or alter the central objectives sought by the House in its amendment to S. 991. If anything, they provide a more explicit expression of the House's intentions in this area; namely that these two programs—saline water conversion research and water quality enhancement research—be conducted in such a way as to be mutually supporting with a minimum of duplication of effort and expense.

Accordingly, I urge the House to agree to the amendments to the Senate to the amendment of the House to the bill S. 991.

Mr. Speaker, may I assure my colleague, the gentleman from Missouri, that the amendments are germane. They make certain language more explicit and they are in accordance with the rules of the House. The majority and minority members of the committee of which I am the chairman are in support of these amendments.

Mr. HALL. The gentleman's answer to my question is that there is no increase in the cost?

Mr. ASPINALL. The gentleman is correct.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

Mr. HOSMER. Mr. Speaker, reserving the right to object, I wish to state on behalf of the minority, we have examined the motion being made and find it in accordance with the intent and purposes of the legislation.

Therefore, Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Colorado (Mr. ASPINALL)?

There was no objection.

The Senate amendments to the House amendments were concurred in.

A motion to reconsider was laid on the table.

U.N. PARTICIPATION ACT

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

Mr. HORTON. Mr. Speaker, through inadvertent error, I am listed as a cosponsor of H.R. 6589, a bill to amend the United Nations Participation Act of 1945 to prevent the imposition thereunder of any prohibition on the importation into the United States of any strategic and critical material from any free world country for so long as the importation of like material from any Communist country is not prohibited by law. I wish at this time to withdraw my cosponsorship of this proposed legislation.

CALL OF THE HOUSE

Mr. SCHERLE. 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. 191]		
Abourezk	Gray	Pepper
Adams	Hanna	Pettis
Alexander	Hansen, Wash.	Rees
Blanton	Hawkins	Reid, N.Y.
Brasco	Hébert	Saylor
Carey, N.Y.	Hicks, Wash.	Scheuer
Clark	Hollifield	Steed
Clay	Kastenmeier	Steiger, Ariz.
Daniel, Va.	Landrum	Stephens
Danielson	Long, La.	Stuckey
Davis, Ga.	McCloskey	Teague, Tex.
Dellums	McCormack	Thompson, Ga.
Donohue	McCulloch	Tiernan
Dow	Meeds	Van Deerlin
Edwards, La.	Melcher	Whitten
Eshleman	Metcalfe	Wilson
Flynt	Mills, Ark.	Charles H.
Foley	Mollohan	Wright
Fraser	Pelly	Zwach

The SPEAKER. On this rollcall, 377 Members have answered to their names, a quorum.

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

AUTHORIZING APPROPRIATIONS FOR THE ATOMIC ENERGY COMMISSION, 1972

Mr. PRICE of Illinois. 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. 9388) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9388, with Mr. BURKE of Massachusetts in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. PRICE) will be recognized for one-half hour, and the gentleman from California (Mr. HOSMER) will be recognized for one-half hour.

The Chair recognizes the gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois, Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this will be the first time in 25 years that this legislation will have been presented to the House by anyone other than our esteemed colleague, the gentleman from California (Mr. HOLIFIELD). Unfortunately, Mr. HOLIFIELD is not able to be with us today since it was necessary for him to return to California because of a death in his family.

This authorization bill is the product of many days of hearings by the Joint Committee on Atomic Energy, searching questions by our committee and its staff, and several months of careful consideration by the committee after which the committee reached unanimous agreement.

I regret that we have not been able to bring this bill before you until today. However, the administration submitted two amendments to its requested authorization bill, the last of which was received by the Joint Committee on June 11. These amendments delayed by about 2 months final committee action on the bill.

Last year and the year before when our distinguished former chairman, CHET HOLIFIELD, had the privilege of seeking favorable action in the House on the AEC authorization bill for fiscal years 1970 and 1971, he pointed out that each bill was one of the most austere fiscal measures reported out by the Joint Committee in recent years. The bill now before you is, in many respects, even more stringent, especially considering the inflationary trends which exist today.

This bill would authorize appropriations to the Atomic Energy Commission totaling \$2,321,187,000. This amount includes both operating expenses and plant and capital equipment costs. This total dollar amount is essentially the same as for fiscal year 1971. However, a more precise comparison would show a reduction in purchasing power of 5.9 percent because of the cost-of-living increase that has occurred in the past year. In terms of constant dollars, H.R. 9388 contains the lowest dollar amount authorized in the last 6 fiscal years.

Section 101(a) of H.R. 9388 would authorize appropriations of \$2,025,571,000 for operating expenses of the Atomic Energy Commission, including the addition of \$50 million for the liquid metal fast breeder reactor demonstration program set forth in section 105(d). Sections 101(b) and 105 of the bill would authorize appropriations of \$295,616,000 for plant and capital equipment. Tables summarizing the authorization amounts for the AEC's major programs are set forth on pages 3 and 55 of the Joint Committee's report accompanying the bill. These tables show the changes which the Joint Committee has recommended in relation to the amounts requested. These changes reflect the committee's judgment concerning the funding necessary to achieve the Commission's high-priority program goals.

Just over 50 percent of the total program costs reflected in the Joint Committee's recommended authorization bill would be applied to the civilian applications of atomic energy. The majority of the program costs associated with

the AEC authorization for the past 3 years has been for military applications. The committee hopes that the program will continue to be predominantly civilian oriented. Of course, we recognize that the funds for military applications must be sufficient to meet our vital national security needs.

Turning now to the most significant items in this bill.

URANIUM ENRICHMENT

I am pleased to report that progress is planned in the coming fiscal year toward providing the necessary uranium enrichment capacity needed to meet the rapidly growing civilian demand for nuclear fuel. The administration has released the impounded \$16.1 million appropriated for fiscal year 1971 to begin a Cascade improvement program—CIP. The CIP ultimately will modernize and expand by more than 25 percent the capacity of our Nation's only three uranium enrichment plants.

Also very significant is the fact that the President asserted in his June 4 Energy Message to the Congress:

The Government must carry out its responsibility to ensure that our enrichment capacity expands at a rate consistent with expected demands.

For several years the present and previous administrations have moved far more slowly in implementing the CIP than, in the judgment of the Joint Committee, the need for additional enrichment capacity demands. For 3 successive years the Atomic Energy Commission has recommended that substantial funds for CIP be requested in the Presidential budget. However, the fiscal 1971 budget request contained only \$5 million for architect-engineering work and the fiscal 1972 budget request contained no funds at all.

Therefore, the Joint Committee has responded this year as it did last year when \$16.1 million was added. This year the committee is recommending the addition of \$35 million in construction funds for the CIP in fiscal 1972 and it strongly urged that the Congress authorize and appropriate this full amount.

NUCLEAR REACTOR, HANFORD, WASH.

H.R. 9388 contains funds to bring back on line this month the dual purpose nuclear reactor at Hanford, Wash. The administration had decided in January to cut back on plutonium production by shutting down that reactor in the hope of saving budget dollars. Reconsideration of the plutonium production picture, the impact on the community of the proposed action, and the actual financial benefit to the Government from such action led to a reversal of that decision by the President.

Under a new agreement to keep the facility operating for 3 years the Washington Public Power Supply System will pay up to \$20 million per year for the availability of nuclear reactor steam to produce electric power.

WEAPONS

This year, the Joint Committee examined the AEC weapons program budget with particular care and in great detail. The committee concluded that the request for operating funds was in

consonance with the stated aims of assuring that the Nation's current and future security requirements are met. The full AEC request of \$848.6 million is recommended for authorization.

Within this amount is \$19.7 million for project Cannikin, an underground nuclear test to be conducted during fiscal 1972 at Amchitka Island, Alaska. A total of over \$165 million has been spent to date on the Amchitka Island program.

An earlier 1 megaton nuclear underground test—Milrow—was conducted at Amchitka to determine the feasibility of conducting the Cannikin nuclear test, which will be less than 5 megatons. The AEC and the Department of Defense have indicated that this underground test is necessary for the defense and security of the Nation.

CIVILIAN NUCLEAR POWER

During the past several years voltage reductions, scheduled interruptions of service to local areas, and unusual arrangements for wheeling electric power over extreme distances have made the general public increasingly aware of the seriousness of electric power shortages. Delays in getting new plants on the line—both fossil and nuclear fueled—have caused a narrowing of capacity reserve margins in a number of regions throughout the country. Compounding this situation is the scramble by utilities to find and contract for the limited supplies of low-sulfur content coal and oil in order to meet newly imposed air quality standards. Meanwhile, supplies of natural gas, one of the cleanest energy sources, are being consumed at an ever increasing rate. Moreover, in recent years, for the first time in our history, consumption of natural gas has substantially exceeded additions to reserves.

The Joint Committee endorses and fully supports the movement within this Nation to achieve an environment which is both esthetically pleasing and healthful to the general populace. But we must not lose sight of the fact that the availability of electricity is a vital factor in our everyday life. It affects our health and general welfare both directly and indirectly. New arrangements at both Federal and State level are being considered to assure that full consideration is given to the potential environmental impact resulting from the siting and operation of electric powerplants. The committee is hopeful that procedures for considering and approving sites and operating characteristics of steam powerplants will be developed and utilized in a manner which will provide for full consideration of all significant environmental factors without undue delay in processing.

FAST BREEDER REACTORS

In his June 4, 1971, message to the Congress concerning the need for and the means of achieving an abundant supply of clean energy, President Nixon announced a national commitment to the successful demonstration of the liquid metal fast breeder reactor by 1980. Additional to the AEC budget in furtherance of that message included \$27 million for base technology under the civilian power reactor program and LMFBR-related efforts in general reac-

tor technology and nuclear safety. An additional \$50 million for direct assistance in the demonstration program also was requested. This brings the total amount of AEC support to \$130 million for the LMFBR demonstration plant. The Joint Committee has recommended authorization of these funds.

The Joint Committee believes that it would be appropriate for the administration to carefully consider the advisability of building at least two breeder demonstration plants not only would provide a broader technological base for the emerging LMFBR industry, but also would add the element of true competition to the development and contribute significantly to assuring timely achievement of the goal the President has set.

I want to call attention to two features of this program mentioned specifically in the committee's report. The committee has recommended authorization of \$1 million less than the amount requested by the Commission for modifications to the Liquid Metal Engineering Center facility and \$1 million less than the amount requested for modifications to existing AEC reactors, critical assemblies, and major test facilities for the reactor development program. The Joint Committee did not intend by that action to obstruct in any way the progress in the overall LMFBR program which is absolutely mandatory if the President's announced goal for demonstration of the breeder is to be achieved.

With respect to these two items, it is the intent of the committee that the Commission should proceed with modifications to the LMEC and other vital test facilities as soon as the scope and estimated costs of the necessary construction projects have been identified and the necessary funding authorized. Sufficient funds might not be available in fiscal 1972 to accomplish the necessary modifications and improvements at LMEC. The committee expects that any additional funds needed for LMEC, as well as reactor modifications, will be included in the AEC's fiscal 1973 budget request.

With respect to both of these line items, the committee encourages the Commission to use its existing authority to do advance architect-engineering work on projects which would qualify under line items of this nature in fiscal 1973.

Also in connection with the breeder reactor program, section 107 of H.R. 9388 would authorize the Commission to enter into an arrangement, for a period not to exceed 7 years, for the continued operation of Enrico Fermi Atomic Power Plant Unit 1 using fuel materials to be leased by the AEC with fuel use charges waived up to a total amount of \$9.1 million subject to future adjustment for any AEC changes in fuel prices or use charges. The arrangement also is to provide for research and development activities of programmatic interest to the AEC.

DESALTING

During its public hearings on the civilian nuclear power program, the Joint Committee expressed special interest in Commission studies which have been

conducted under the budget categories of desalting program and other processes and general research and development. The committee has recommended the addition of \$1.5 million to the amount requested for civilian nuclear power which is intended to restore to last year's level of \$4 million the funds for general research and development. The added funds would be available for desalting studies.

RADIOACTIVE WASTE REPOSITORY

The bill reported by the Joint Committee contains \$3.5 million in construction funds for site acquisition and design of the proposed radioactive waste repository to be located at Lyons, Kans. The administration had requested the full authorization of \$25 million for the project.

Questions and objections have been raised concerning the desirability of moving forward on the repository, particularly before research has been completed on such factors as three dimensional studies on heat transfer at a salt-shale interface, areal hydrology and geology, possible environmental damage, the transportation of the waste to the salt mine, and waste retrieval after burial. The Joint Committee believes that these areas can be explored while further steps are taken.

The committee explored these issues in 2 days of public hearings. The AEC has indicated that many questions cannot be answered until small amounts of high-level radioactive waste, to be supplied from Government sources, are actually deposited in the salt mine to demonstrate the feasibility of using this facility for its intended purpose. The Joint Committee agrees that such research should be done but also completely agrees that all reasonable questions raised must be answered from the standpoint of satisfying Kansas and Federal officials before the Lyons facility is put into operation as a Federal repository for industrial wastes.

Sufficient operating funds of \$1.85 million are being recommended for further research and development related to the Lyons project to obtain additional data deemed desirable before full project authorization.

The Joint Committee is fully cognizant of the concern about this program expressed by Members of the Kansas congressional delegation and the Governor of Kansas. The committee has recommended that the Council on Environmental Quality or the Environmental Protection Agency take the initiative to establish an advisory council to render advice to the executive and congressional branches of the Government. Such an advisory council should include representatives of those two agencies, the AEC, and the State of Kansas.

SPACE NUCLEAR PROPULSION

The Joint Committee has recommended that a total of \$52 million in operating funds be authorized for AEC's research, development, engineering, and test efforts on space propulsion systems, an increase of \$37 million over the amount included in the President's fiscal year 1972 budget, but the same as requested by AEC in its budget submission

to the Office of Management and Budget. The primary effort within that program is the development of a nuclear engine for rocket vehicle application—the NERVA program.

The Joint Committee has long supported the efforts of the Commission and the National Aeronautics and Space Administration—NASA—to develop a reusable and refuelable space nuclear propulsion system which would be uniquely qualified for a multitude of space missions planned as part of the U.S. space program for the late 1970's and 1980's. The reduction in effort proposed by the administration would decimate this program.

It is necessary that the AEC funded portion of the NERVA nuclear subsystem be continued while NASA is proceeding toward construction of the first ground test reactor and engine. Moreover, it is imperative that the total NERVA program move along with harmony and synchronization among the many facets involved, since disproportionate levels of effort by either NASA or the AEC would cause unacceptable and expensive delays on the overall program. Therefore, the Joint Committee has recommended increases for the AEC program to bring it up to the level of the AEC's request to OMB and comparable to the authorization of funding for NASA approved by both bodies.

NAVAL NUCLEAR PROPULSION

The Joint Committee has recommended authorization of \$140 million—the amount requested by AEC—for the operating costs of the naval propulsion program. These funds will enable the Commission to proceed with its advanced development program for naval propulsion reactors. The unprecedented challenge from Soviet nuclear submarines makes imperative the retention of the U.S. technological advantage in this field. In the past year the United States lost its lead in numbers of nuclear submarines. In addition the total submarine force level of the United States is only one-third the size of the total Soviet submarine fleet.

Because of the Joint Committee's deep concern over the impact on national security of recent decisions of the Defense Department concerning nuclear-powered warships, the committee has directed its Military Applications Subcommittee to investigate Defense Department and Navy plans for application of nuclear propulsion to surface warships and submarines.

The Joint Committee expects that this investigation will assemble all the facts needed by the Congress to evaluate the appropriate level of continued development and application of nuclear propulsion to surface warships and submarines.

CONTROLLED THERMONUCLEAR RESEARCH

H.R. 9388 contains nearly \$30 million in authorization of operating costs for the controlled thermonuclear research program, the full amount requested by the AEC.

This program holds great promise for the development of an unlimited and clean source of electric power. However, three benchmarks—scientific, technical, and economic feasibility—must be

achieved in order to bring this technology to commercial realization. The final benchmark possibly could be reached sometime between the years 1995 and 2005 if all goes well.

The Joint Committee has followed the CTR program closely since its inception in the early 1950's. To date, the Congress has authorized and appropriated more than \$400 million for research in CTR. It will take more funds and more time to ascertain even fundamental feasibility. This most likely will be accomplished, but our Nation can ill-afford to place total reliance on so great an uncertainty for a major portion of known power needs in the near future.

EFFECT OF RADIATION EXPOSURES ON MAN

The Joint Committee has recommended authorization of additional funds—\$770,000—for the AEC's biology and medicine program to assure that maximum scientific knowledge is gained from the examination of certain unfortunate humans exposed to high radiation doses during the first third of the 20th century through radium painting of watch dials and medical applications of radiation.

This work is conducted at the Center for Human Radiobiology, Argonne National Laboratory, Illinois. Failure to take full advantage of the opportunity to derive this rare data would likely forever deny our having this information, because our improved knowledge and safety precautions today render remote the possibility of such exposures.

The committee also has been following closely the study of mortality of atomic energy workers being conducted by the University of Pittsburgh under contract with the AEC. The population under study includes personnel who have worked and lived in the vicinity of nuclear reactors from the early days of the atomic energy program. Only tentative conclusions can be drawn at this early stage of the project. The committee has been informed, however, that when compared against suitable controls, no health differences appear between the atomic energy workers examined thus far and the control groups.

The Joint Committee is ever conscious of the need to obtain the best scientific data available on human exposure resulting from the uptake of radionuclides and human exposure from radiation sources. This has been a matter of prime responsibility and of special interest by the committee for 25 years.

CAPITAL EQUIPMENT

Included in H.R. 9388 is authorization of \$153.3 million for capital equipment not related to construction. The committee has reiterated its urging of last year that the Commission continue to increase its standards for assuring maximum use of existing equipment and reducing procurement of new equipment to a minimum. Accordingly, the committee made a general reduction of \$7 million.

TITLE II

Section 201 of the bill amends sections 31 and 33 of the Atomic Energy Act of 1954 without adding any costs to the AEC program. The amendments broaden the authority of the AEC to conduct

environmental and energy-related research for others or under its own programs in areas other than those related strictly to nuclear missions. The dual need for protecting the environment and supplying adequate sources of clean electric power, and research and development programs to meet that need, were stressed by the President in his energy message to the Congress. The amendments in section 201 would provide additional authority for AEC to use the talent and resources of its national laboratories to facilitate research and development for clean energy from all energy sources.

CONCLUSION

The Joint Committee believes H.R. 9388 provides the minimum authorization for the continuation of the major programs and activities of the Atomic Energy Commission in an economic manner. The effect of all the careful adjustments made by the committee in relation to the administration's request to the Congress is that \$44.8 million was added by the committee to the total amount for operating expenses, and \$7.6 million was subtracted by the committee from the total amount for plant and capital equipment. In total net effect, the committee added \$37.2 million to the overall budget, or a net increase of 0.2 percent over the amount authorized for fiscal 1971.

The Joint Committee on Atomic Energy unanimously urges the enactment of H.R. 9388 as reported by our committee.

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

Mr. Chairman, I commend the distinguished vice chairman of the Joint Committee on Atomic Energy on his excellent summary of the principal features of H.R. 9388, and I am pleased to rise with him to urge passage of this bill.

The report on this bill is complete and it shows that every effort has been made by the Joint Committee to obtain the maximum value for each dollar included in this bill. Thus, despite the Joint Committee's addition of \$37 million to the operating costs of space nuclear propulsion program, and its addition of \$35 million for the necessary improvements to our gaseous diffusion plants, the total amount recommended by the Joint Committee is only 0.2 percent higher than the amount authorized by the Congress for fiscal year 1971. In reality, considering the effect of inflation, the total amount to be authorized by H.R. 9388 is more than 5 percent less in purchasing power than was authorized for fiscal year 1971.

While our able vice chairman has mentioned the major features of the bill, there are a few programs that I should like to touch upon briefly. The first is the AEC's source materials program. December 31, 1970, marked the end of the AEC procurement of uranium concentrate and the financial support which that procurement provided to the uranium industry. That program was exceptionally successful in bringing the United States from a position of total dependence on foreign uranium sources of supply in 1942 to our present status of world leadership in uranium production. The do-

mestic uranium mining industry is a vigorous, up-to-date industry with every indication of being fully capable of responding to the anticipated future demands. This represents yet another phase of our Nation's nuclear program which has become completely self-sufficient.

Another program which I feel warrants special comment is the plowshare program—the peaceful uses of nuclear explosives. The Joint Committee has recommended an increase of \$3.1 million in operating funds for this program. This additional amount consists of \$2.6 million to embark on a 5-year program to provide nuclear stimulated natural gas in consumer pipelines and \$0.5 million to initiate efforts to resolve the major technical questions relative to nuclear stimulation of geothermal heat sources. A feasibility study on nuclear-geothermal potential has been conducted jointly by industry and the Government, and these funds will be used to address some of the technical issues generated through that study. These two energy sources—natural gas and geothermal heat—can be of significant aid in solving our energy needs in an environmentally acceptable manner.

Mr. Chairman, once again, I want to commend President Nixon for the commitment he made in his June 4 energy message to the Congress to begin work on modernization and expansion of our uranium enrichment capacity at a rate consistent with expected demands. We now know that, within just a few short years, the capacity of our uranium enrichment plants will not be sufficient to meet the demand for nuclear fuel. Quite naturally, the President's budget planners seek to postpone the investment of funds in this needed capacity expansion as long as possible. Unfortunately, by doing so, they are forcing all of us to take an increasing risk of a nuclear fuel shortage near the end of this decade. The Joint Committee's recommendation of \$35 million for the Cascade improvement program will enable the AEC to move forward in expanding this Nation's uranium enrichment capacity at a rate which the committee deems absolutely essential.

There are, of course, many other aspects of this total program too numerous to comment upon in detail. I shall attempt to answer any questions my colleagues may wish to ask about the bill or the accompanying report.

As noted by the gentleman from Illinois, Vice Chairman PRICE, this bill represents the results of thorough inquiry and careful consideration by the members of the Joint Committee and the report before you was filed without dissent. The bill has the committee's unanimous support and I commend it to you for your favorable consideration.

Mr. PRICE of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. ASPINALL).

Mr. ASPINALL. Mr. Chairman and members of the committee, I support the purposes and aims of H.R. 9388.

I wish to commend the vice chairman of the Joint Committee on Atomic Energy and also the ranking minority member of the committee on the House side for

the work they have done on this legislation.

The funds to be authorized by H.R. 9388 include an additional \$2.2 million for the new plutonium recovery facility at the Atomic Energy Commission's Rocky Flats weapons production plant near Golden, Colo. That amount is \$12.8 million less than the \$15 million requested by the AEC as part of its line item construction project 71-9, the so-called fire, safety, and adequacy of operating conditions projects, various locations.

For fiscal year 1971, the Congress authorized and appropriated \$9.9 million to begin the preliminary work on the new plutonium recovery facility and to permit renovation of the existing recovery facility. The total cost of this project, including renovation of the existing facility, could range as high as \$63 million. The Joint Committee fully supports the prompt completion of the new plutonium recovery facility. The committee was advised, however, that certain preliminary design work for this facility is several months behind schedule and that title I design will not be completed until May or June 1972.

The total cost of title I and title II design and renovation of the existing plutonium recovery facility is estimated by the AEC at \$12.1 million, which will be provided by the \$2.2 million recommended for authorization for fiscal 1972 plus the \$9.9 million authorized and appropriated for fiscal 1971. The additional \$12.8 million included in the AEC's fiscal 1972 request, but not recommended for authorization, would have provided part of the funds to construct the new facility. In view of the delay in the design of the project, the Joint Committee deleted the \$12.8 million from the bill. The deletion represents merely a deferral of the funding until fiscal year 1973 and the Joint Committee in its report has urged the AEC to request the full amount needed for construction of the plutonium recovery facility in its fiscal 1973 budget submission.

BACKGROUND

In May 1969 a fire caused extensive damage at the Rocky Flats nuclear weapons plant. Thereafter, the AEC made a thorough fire and safety review of all its facilities to be certain that the latest in improved materials and procedures were being fully implemented. An extensive review was conducted by the AEC staff and its contractor personnel, and by two well-qualified insurance consultants—the Factory Insurance Association and the Factory Mutual Research Corp.

After making provision to utilize available resources, such as general plant project funds, the Commission identified a number of high-priority construction projects to be undertaken which required additional authorization and appropriation of funds. These are the facilities to be funded under project 71-9. One of these is the new plutonium recovery facility at Rocky Flats.

Let me say at this point that the Joint Committee obtained assurance from the AEC in December 1970, when the supplemental authorization to begin these projects was reported, that no existing AEC

plant—including the Rocky Flats plant—is operating in an unsafe manner. On the contrary, the objective of these improvements is to provide maximum assurance that a major accident, such as the Rocky Flats fire of May 1969, will not occur.

In the case of the existing plutonium recovery facility, the AEC had developed a number of alternatives for its replacement, including construction of a new facility in various configurations above and/or below ground, or complete renovation of the existing facility. Also, the AEC proposed certain improvements in the recovery building currently in use. Implementation of these improvements is now underway.

The first step toward construction of the new plutonium recovery facility was a study of the various alternatives under consideration. The AEC advised the Joint Committee in December 1970, that about 6 months would be needed to complete preliminary design work on the projects to be funded under 71-9, including the plutonium recovery facility. However, it was not until the first of May 1971, that an architect-engineering firm for the plutonium recovery facility was selected to perform the study of the various alternatives and a letter contract was signed between it and the AEC.

The preliminary study of alternatives is now scheduled to be completed in September or October of this year. Upon completion, the AEC will furnish to the Joint Committee and the appropriations committees of the House and Senate the results of the preliminary study in accordance with the desire of the Senate Appropriations Committee expressed in its report on the 1971 supplemental appropriation bill.

Upon selection of an agreed-upon alternative for construction of the new facility, title I design work will be initiated. The title I design is expected to be completed about May or June 1972, after which the detailed—title II—design will be undertaken. A contract for full construction conceivably could be awarded at about the time title I design work is completed but that contract more likely will be awarded and construction undertaken when title II design work is well underway or nearing completion. In the meantime, the AEC may need to contract for some long-lead time equipment or initiate construction such as excavation and placement of foundations for the new recovery facility. The Joint Committee has been advised that AEC has the flexibility to use any of the total of \$45.7 million in funds for project 71-9 recommended for authorization and appropriation through fiscal 1972 which is not otherwise obligated to accomplish these objectives if warranted.

In conclusion, the deletion of the \$12.8 million requested by the AEC for partial funding of construction of the new plutonium recovery facility will not interfere with the prompt completion of that facility. Also, it will give the Joint Committee the opportunity to recommend authorization of the entire project with the knowledge of the information to be developed in the coming months and after selection of the construction alternative which best suits the future

needs of the Commission's weapons production complex.

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I have often had occasion in connection with our consideration of the annual authorization bill for the Atomic Energy Commission to make the observation that I think this committee is singularly blessed in having Members like the two men from California, my colleague on this side of the aisle, Mr. HOSMER, and our absent chairman, CHET HOLIFIELD of California, as well as the gentleman from Colorado (Mr. ASPINALL) the gentleman from Illinois (Mr. PRICE) and others who have for as long as a quarter of a century in some cases been dealing with some of the rather abstruse, difficult, and complex problems which are involved in the work of this committee.

This afternoon I certainly want to pay tribute to them again for their diligent efforts and the expertise which they have contributed to the work of the committee on this authorization bill. It makes the job of some of us who are a little more junior in our service on the Joint Committee on Atomic Energy less onerous than it otherwise would be.

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

I realize that in the hour to come when the bill is read for amendment under the 5-minute rule, objections may be raised to certain authorizations or portions of this bill. I can only suggest to the Members of the House and the members of the committee that they should bear in mind these matters have had a very searching analysis and thorough scrutiny by the full Joint Committee on Atomic Energy. Many hours of hearings have been held. All of those with contrary points of view I think would agree that they have been given every courtesy and opportunity to state and present their points of view and that the deliberations and the decisions made by the committee have been made carefully and in the light of all the arguments that have been offered for the record.

Let me also say that I am particularly proud of this bill today because of the impetus it is going to give to the breeder reactor program. I spoke very briefly of that when I addressed the House prior to the adoption of the rule.

Without being unduly repetitious and taking a great deal of time, let me again refer to the message of the President on the 4th of June which did lay the foundations, I believe, for the kind of concerted national effort that we are now making through a process of research and development which will ultimately conclude and culminate with the construction of a commercially feasible breeder reactor and the kind of a program that will solve the kind of energy crisis which threatens to overwhelm us. It will enable us to meet our energy needs in a way which is compatible with our best interests and compatible with the war that we are waging at home against the enemies of pollution both of our air and water.

Mr. Chairman, let me also emphasize,

however, with all due deference to the executive branch, that this is not a new program insofar as this committee is concerned. It is one to which we have given attention for a number of years.

The fundamental research and development has gone forward in years past that will make the added funding and the support that we now get from the executive branch more meaningful because the preparatory work has been done. I think with this additional support, however, we can hopefully look forward to the successful conclusion of this program within the time frame suggested.

Mr. Chairman, the bill does provide for an increase in the amount of funding that has already been authorized for a cooperative industry fast breeder demonstration project. We want, we need, and we expect to have the cooperation of private industry in developing this particular source of energy.

Last year our committee recommended and the Congress authorized \$50 million in direct cost as the Government's share in this cooperative venture between industry and the Federal Government. As a consequence of the President's message of last June, a request has been received to increase that amount to \$100 million—to double it—and that is provided for in the bill that is now before us.

So, Mr. Chairman, in conclusion let me urge the House to give its support this afternoon to this particular program and this particular cooperative venture in the development of the breeder reactor.

Let me also urge you, as we consider under the 5-minute rule the amendments that may be offered to this bill, that the members of the committee will find themselves in unanimous opposition for the reasons that these matters have been thoroughly and carefully studied. On the basis of the record of the hearings and the report, I think you will agree that we have brought you a good and acceptable piece of legislation for which you can vote with pride.

Mr. PRICE of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. YOUNG).

Mr. YOUNG of Texas. Mr. Chairman, I want to associate myself with the remarks which have been made by my distinguished colleague from Illinois on the Joint Committee on Atomic Energy, particularly with reference to what he said about the unique and distinguished leadership on which we pride ourselves on the Joint Committee.

Mr. Chairman, as a junior member of the Joint Committee on Atomic Energy, and as the distinguished gentleman from Illinois pointed out, it certainly makes it so much less burdensome when we have such competent leadership.

Mr. Chairman, controlled thermonuclear research—CTR—is directed toward the creation of a major new source of energy using the process of the stars and our sun—the fusion of elements. Fusion fuel should be relatively inexpensive and of limitless supply since it could consist of heavy hydrogen from the sea. The fusion power sources—the reactors—will

be inherently safe. There should be minimal interaction with the environment, because of high thermal efficiency and less waste heat per megawatt of power generated. It might be possible and practical to build energy sources that directly convert thermonuclear plasma to electricity without going to steam first.

SUPPORT BY CONGRESS

The Joint Committee on Atomic Energy and the Congress have supported this program since the mid-1950's and have appropriated over \$400 million through fiscal year 1971. The fiscal year 1972 recommendation is for \$29.8 million.

FUSION RESEARCH FINANCING FACTS

In its fiscal year 1972 estimate of what could be profitably spent, the CTR branch of AEC's Research Division requested \$34.3 million. This request was reduced by AEC to \$29.8 million, which OMB approved for the budget. It is clear that the executive branch recognizes the value of CTR research.

It should be abundantly clear that doubling or tripling the CTR budget would be the height of fiscal irresponsibility when those in charge of the program only requested 15 percent more than they received. Furthermore, CTR was the only program in the AEC's physical research category which received a substantial increase over fiscal year 1971, \$1.8 million. Five other programs were reduced substantially and one was increased \$60,000.

FUSION RESEARCH STATUS

Fusion research is at a critical point. For the past 25 years, research has been directed toward experiments to produce, to heat, and to study thermonuclear plasmas. Many approaches and devices have been under study. Among these are magnetic mirror systems, steady state toroidal systems, pulsed high-beta pinch systems, and laser initiated systems.

All the approaches have one factor in common—to initiate a true thermonuclear reaction by fusing the hydrogen atoms in the plasma. This means temperatures of between 50 and 100 million degrees and a plasma density that approaches currents of millions of amperes. Once the plasma is generated, it must be confined for a significant fraction of a second.

SCIENTIFIC FEASIBILITY

Fusion research is close to achieving the three above-mentioned requirements simultaneously. Each of the three—temperature, density, containment—has been obtained separately and some in pairs. It is expected that when several new devices are completed, the milestone called scientific feasibility will be reached. This should be by about 1975, or earlier.

TECHNICAL FEASIBILITY

At that time, and only at that time, can CTR research be directed toward what then appears to be the most promising route. At that time plans will be developed to build two or perhaps three different reactors to demonstrate the attainment of technical feasibility. Technical feasibility will be demonstrated by a net output of energy. Another major factor which needs to be learned will be an indication of "start-up" energy. Any

reactor system that requires thousands of megawatts to go into operation could prove impractical. Materials testing for specific systems could also be accomplished in these demonstration reactors.

The top researchers in the CTR field give a best estimate of about 1985 for technical feasibility to be demonstrated.

ECONOMIC FEASIBILITY

Economic feasibility must follow technical feasibility like day follows night. A fusion system that cannot compete economically will not be built. It will take about two demonstration reactors, considerably more sophisticated than those built to demonstrate technical feasibility to ascertain the economics of fusion. We can expect such a demonstration in the period from 1995 to 2005.

MISPLACED RELIANCE ON FUSION

To summarize, those who cry "fusion now," are either unaware of the facts concerning CTR or for some inexplicable reason are deliberately misleading the public.

If the liquid metal fast breeder reactor is not ready for commercial operation by 1980, from what other source will the United States derive the electrical energy necessary to meet requirements conservatively estimated to be at least twice the demand today?

Those who are opposing all present generation nuclear reactors today, under the guise of protecting the environment, probably can be expected to be heard from again when fusion approaches reality. What then?

Without responsible consideration of the available alternatives, a misguided vote on this crucial energy question could doom our Nation; without adequate power we shall have no economic vitality, no jobs, no recognizable standard of living and no improvement in our environmental quality.

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

Mr. PRICE of Texas. Mr. Chairman, I rise today in support of H.R. 9388, and in particular the proposed authorization of \$120 million for the liquid metal fast breeder reactor—MLFBR—program.

I have a particular interest in this program because of a study presently being carried out by Texas A. & M. University. The acronym for this program is Nuplex. Nuplex is defined as a very large complex consisting of a nuclear power reactor, electric production, water desalination, chemical processing and production, agriculture, and associated activities—a new and much larger dimension in totally interrelated enterprises based on low-cost, abundant electricity and water.

The purpose of the Nuplex study is to explore the potentialities for the State of Texas of new and very large concentrated sources of electric power, desalted sea water, and the many chemicals which can be produced in associated operations.

The unprecedented size of such energy centers together with a vastly upgraded technology in desalting and in nuclear energy generation allows one to project lower costs and unusual methods for using the plant output. Some of these

are closely related to possible solutions for the great problems of our time: efficient food production and distribution, wise utilization of the environment, and more social and economic opportunity for large groups of people.

The university is challenged by the many questions raised by such a concept and the opportunity of service through research and education in the several areas in which the institution has a proven capability.

Phase I of the Nuplex study seeks to identify those areas in which additional research is needed to provide basic design criteria for the Nuplex. The work of phase I has been divided into eight technical areas:

- First. Nuclear energy.
- Second. Electric power production.
- Third. Desalination and chemical engineering.
- Fourth. Crop production and crop ecology.
- Fifth. Water resources.
- Sixth. Byproducts and ecology.
- Seventh. Socioeconomic considerations.
- Eighth. Systems management and engineering.

I. NUCLEAR ENERGY

Unique among energy resources are uranium and thorium which have only one major use: the production of energy. All other energy resources have other value as raw materials for manufactured products. The Nuplex concept is a natural result of the growth and evolution, over the past 20 years, of nuclear energy as a prime energy source. As a consequence, many of the problems that are basic to the Nuplex have been, or will eventually be, solved in order to satisfy future electrical energy requirements. There is every reason to believe that today's nuclear reactors can be scaled up to Nuplex size with decreased unit energy cost. The nuclear reactor design and type selected for a Nuplex will depend on the temperature required in the Nuplex electrically, water desalting and chemical production systems.

The potential reduction in unit energy cost possible with the scale-up of current nuclear reactor plants concepts makes it desirable to consider nuclear energy as the prime energy source in the Nuplex. Present estimates indicate that near-term nuclear reactor powerplant outputs may be increased considerably by simply increasing present reactor sizes. A considerable development effort in the United States and abroad is already underway toward achieving lower electricity costs via "scale-up" of near-term reactors and the long-term development of new reactor concepts for single purpose electric utility plants. It should be noted that the design problems are relatively insensitive to the ultimate use of the generated power or steam, except as to the temperature of the delivered steam.

In considering a dual purpose reactor for a Nuplex, the choice of the reactor type, near term or far term, will largely depend on the desired ratio between electricity and water. That is, the potential for higher temperatures in developmental reactors might not have as large an economical advantage as a reactor

with a long-lived nuclear fuel operating at a lower temperature, if the electricity to water ratio is low.

This generalization must be tempered with two basic considerations: First, far-term technology reactors offer more potential for operating at high steam plant temperatures with attendant electric generation efficiency improvements, and undoubtedly, this will be the direction of the main thrust of the nuclear industry; second, far-term technology reactors may offer inherent cost advantages over the present near-term reactors.

Finally, current feasibility studies of nuclear powered plants, considering both single and dual purpose desalination, lead to the conclusion that the nuclear reactor, far term or near term, should be of the indirect cycle type with a heat exchanger or steam boiler between the nuclear reactor and the electric evaporator complex. This is extremely important from an operational point of view, since the steam generator acts as a buffer between the reactor and the generator or desalting plant. Relatively simple control systems, already developed, will be satisfactory.

II. ELECTRIC POWER PRODUCTION

The scale-up of present day reactors and the development of advanced concepts for power generation and the predicted low energy costs would make a Nuplex type project profitable. However, equally important is the plant factor of the Nuplex loads. The highest possible plant factor—0.90 or better—can only be achieved through careful planning of the Nuplex industrial mix, the irrigation procedures, and the appropriate assurances of the continuity of supply of power, water, and steam. Reliability analysis of alternative system arrangements is of the utmost importance.

The feasibility of operation of dual purpose plants to accommodate variations in demand is another area where investigations will be of value.

The growing demand for electric power and the addition of new generating capacity to meet the increase is a continuous process. Electric power demand has been increasing at the rate of about 8 percent per year, a doubling every 10 years.

Generating unit sizes have also continuously increased over the years. A 200-megawatt electrical generator was the average size in 1963, while 1,300-megawatt electrical units are now under construction at the Tennessee Valley Authority Cumberland plant.

Typical of the increasing trend of replacing the conventional steam generators by nuclear steam supply systems, the Cumberland plant uses two boiling water reactors as its heat source. This trend has been enhanced by the increase in fossil fuel costs and a decrease in the unit capital costs of nuclear plants, as well as by the relative abundance of nuclear fuels as compared with fossil fuel reserves. Further, fossil fuels have alternate uses as chemical bases while nuclear fuels do not. In 1967, nuclear power accounted for nearly half of the total capacity on order in the United States. Present day reactor technology is based on light water types producing saturated

steam at about 500 to 550 degrees Fahrenheit—as described in the preceding section.

SEA WATER DESALINATION PLANTS

Desalting sea water to provide new freshwater resources for the arid regions of the world has been receiving a great deal of interest since the beginning of this decade.

Among the processes investigated, evaporation has been found to be the most practical. Multistage flash evaporation plants have been designed to use low-grade steam at about 250 degrees Fahrenheit, the limitation on temperature being imposed by the necessity of scale and corrosion prevention.

More recently, multieffect—multistage flash evaporation and combination vertical-tube—multistage flash evaporation designs seem to be promising as a means for large-scale sea-water desalting. This technology is described in greater detail in chapter III.

DUAL-PURPOSE POWER/WATER PLANTS

Comparing the steam conditions required for power production and for sea-water desalting, it seems that a power-plant receiving steam at 500–550 degrees Fahrenheit and exhausting it at 250 degrees Fahrenheit to a sea water evaporator would combine the production of both commodities in one plant. Such a dual-purpose plant has definite economic advantages over separate power and water plants of the same production capacities.

NUPLEX TYPE POWER/WATER PLANT

Economic advantages could be obtained from establishing a Nuplex as a regional development project. The power, water, and steam requirements of the Nuplex can only be determined after the sizes and types of industries have been selected, but it is clear that the electrical requirements will probably be larger than 2,000 megawatts electrical.

PLANT CYCLE

The Nuplex's power and water requirements would then determine whether or not the electrical power could be produced by a back-pressure turbine exhausting low-pressure steam to the desalting plant for the production of fresh water. If additional power is required without a corresponding increase in water output, a condensing turbine could be used to generate the additional power. If, however, it is desired to produce additional fresh water while maintaining the constant electric power output, a high-pressure steam bypass to the desalting plant could be utilized to produce the additional fresh water.

III. DESALINATION AND CHEMICAL ENGINEERING

The Nuplex concept is based on the premise that considerable economy can be realized by the wedding of four usually independent functions, nuclear electric power, agriculture, sea water desalination and industry.

In spite of over 15 years of rather extensive research, there is still no method that competes seriously with the various forms of evaporation for sea water desalination on a large scale. Freezing processes cannot be scaled readily to large sizes. Reverse osmosis cannot now produce potable water from sea water in

a single stage, and even if it could, it does not benefit greatly in cost per unit of size by scale up to very large capacities.

Evaporation equipment, consisting almost entirely of vessels and heat transfer equipment, can be scaled to large size with considerable confidence and with great reduction in investment per unit of production.

The operating cost of a large evaporation plant consists principally of heat and capital costs. Considerable question surrounds the figures of 20 to 30 cents per thousand gallons often quoted for very large plants. These costs depend greatly on what price one places on the heat taken from the powerplant. In general, the higher the temperature of steam fed to the desalination plant the greater its value. Capital costs are also open to question in that very optimistic values for the cost of money have been assumed. Even so, for desalted water to become extremely attractive for agricultural use, its cost must be reduced substantially.

The largest single capital cost is in heat transfer surface, and the main opportunity for reducing this investment is by finding cheaper heat transfer materials or in finding a more rapid way to transfer heat. Limiting factors in all such considerations are the corrosive nature of sea water and its tendency to deposit scale on heat transfer surfaces.

One very promising approach, that has not been extensively developed, is the use of direct contact heat transfer. Several variations have been proposed and others are possible, but all employ an immiscible liquid, such as a hydrocarbon, to transfer heat. The advantages are obvious. With no metallic heat transfer, surface scale and corrosion are virtually eliminated. The equipment, then, consists almost entirely of vessels. Furthermore, heat transfer rates are greatly increased. The principal limitation seems to be that no one knows how to design such equipment on a large scale.

In considering nuclear desalination systems of this size, one cannot ignore the interactions with the environment. Careful study must be made of concentrated brine disposal and heat dissipation. Is it more economical to produce a slightly concentrated brine and dilute this with even larger volumes of sea water prior to disposal, or is it more economical to produce a much smaller volume of highly concentrated brine which, incidentally, could serve as feed to certain processes in the industrial complex?

No plants built thus far have greatly concentrated the feed water, though it may turn out this is the optimum way to operate. It is interesting that variations in the direct contact systems mentioned above could easily produce saturated brine.

Heat dissipation might not be a problem in the winter, but in the summer some problem would almost certainly exist. A possible solution would be to form a checkerboard pattern of cooling ponds and agricultural areas. This would have the effect of favorably modifying the temperature in both winter and summer. These ponds must be sealed to prevent saline contamination of the agricultural areas. Serious consideration must also be

given to water intakes to prevent undue disturbance of the inlet areas and also to prevent contamination of the feed water.

IV. CROP PRODUCTION AND CROP ECOLOGY

Inexpensive, abundant energy is the foundation of efficient food production in agriculture. The Nuplex concept suggests how energy can be produced and used to achieve such a goal. But, agricultural research has not concentrated on the technical and scientific questions that come up in connection with highly organized, energy-rich, futuristic methods for growing food plants. How to use the desalinated water in the most efficient way, how to create an ideal environment for plants, and how to utilize byproducts and waste heat in crop production are relevant sample questions which are considered in detail as research challenges. Also, we find that food production research in general can be modernized to match the level of technology represented by the energy production in a Nuplex.

The Nuplex concept and its study open up a new world of ideas and possibilities that must be explored quantitatively, by prediction and modeling, preferably by computer methods. For many students, particularly in agriculture and in applied biology, this is still a novelty. By participating in the Nuplex research, students will learn about computer simulation of cropping systems. This would be a much needed step forward in the opportunities the university now affords in the area of crop ecology and production.

The size and complexity of the proposed Nuplex agricultural system require not only simulation on paper but also realistic tests of the model results. These tests are best done in an artificial but controlled environment with stands of real plants. Conventional growth chambers, greenhouses, and field plots cannot fill this need. Agricultural production research at the university would acquire a new dimension if an environmental facility, comparable in sophistication to those used in engineering research, were to be built as part of the Nuplex research effort.

The Nuplex idea, with its very high capital and technology input, forces us to conceive and specify the optimum environment for plant growth and food production, in contrast to the adaptive approach that now characterizes much research in agronomy. It also stimulates the conception of unconventional methods of environment control.

SPECIFIC RESEARCH TOPICS

Controlled delivery of water or nutrient solutions to plants without waste.

It is an error to accept statements that water derived from desalination is just another source of irrigation water. Salt-free water, free of particulate matter and other trash, could be used in water delivery systems that are much more efficient than those generally used in conventional irrigation.

There are two attractive possibilities. The first is trickle irrigation, in which a small-bore perforated pipe is laid in a furrow to deliver water uniformly and frequently, perhaps even continuously. The delivery can be regulated to match plant requirements almost exactly, thus

eliminating waste by seepage and maintaining an optimum condition for the growth of plants. The distilled water remains in closed conduits until it reaches the roots and it can be fortified with nutrients if required. A great advantage of a trickle system is that it could also be used to enrich the atmosphere around the leaves with carbon dioxide. Trickle irrigation is novel, but data from Israel reported in 1969 show a doubling of crop yields with less water use than usual.

Trickle irrigation still results in some waste of water by surface evaporation. This loss can be avoided by subirrigation, in which a perforated or porous tube is buried and water delivered under pressure. Salt accumulation above the tube and clogging have made this method impractical up to now. Studies in the Lubbock, Tex., area showed that water requirements could be reduced by 40 percent, when subirrigation was used in cotton production. Also, more recent work there demonstrates that there are ways to avoid clogging. A large and constant supply of desalted water gives a new look to this old problem.

In both cases we need to study the problem in depth to provide design criteria for the dimensions of the tubing and its grid and for the optimization of the water conditions in the root zone. These findings should then be verified in experiments with plants to document both plant response and water use, so that we can determine how much potential increase in plant production can be obtained from a given supply of pure water.

Humidification of the above-ground environment plants.

Engineers and plant scientists have known for some time that watering the roots of plants does not necessarily insure the most favorable environment for the rest of the plant. In sunny, warm weather the volume of water evaporated by a crop is so great that a partial drying of the plant occurs, so that growth is slowed down during the better part of the day.

In conventional, irrigated agriculture this is accepted as a fact of life. With the availability of piped pure water we can look into alternatives such as dispersing water in the leaf canopy in the form of mist, fog or foam. This must be done without cutting off the essential flow of light to the leaves. Little is known about the possibilities of misting, fogging or foaming, but at least one report shows a 120-percent increase in tomato yield.

V. WATER RESOURCES

The economic and population growth of Texas depends to a large extent on the use of natural resources, especially water. Evidence clearly establishes that the use of fresh water supplies is proceeding at a greater rate than they are being replaced by natural processes. The concept of the Nuplex offers the interesting possibility of considering saline water sources as potentially large, new and unrestricted fresh water resources.

A Nuplex which produces distilled water may be a realistic alternative for conventional water supplies, particularly for water resources developed by importation. Water developed by the Nuplex could be considered new water

and would not have the historical and legal claims associated with present water resources. In some respects, the Nuplex water may be more desirable, and, therefore, more valuable than water of natural origin.

The study of the Nuplex concept, and the choices it offers, provide faculty and students with a real opportunity to explore how important natural resources, such as water, can be used, altered or managed to the maximum benefit of mankind.

SPECIFIC RESEARCH TOPICS

Four research areas in water resources development have been identified as follows:

An economic comparison of the Nuplex water production with other water sources should be made. For example, in water development plans for south and west Texas, diversions from east Texas or from the lower Mississippi were suggested. These sources and proposals for water development should be compared to the Nuplex and the desalted water it produces. In this research the goals would be to: First, identify water developments and water qualities which would provide, in south Texas the amounts of water equivalent to those producible in a Nuplex; second, measure the cost of developing these alternative water supplies and compare them with costs of producing water in the Nuplex, and third, determine the values-in-use of the water supplies for all possible Nuplex and off-site purposes, agricultural, municipal, and industrial.

The construction and testing of models and systems for handling the large volume of water that the Nuplex produces is an additional significant research opportunity.

Water problems stem from the fact that water is usually not available at the time or in the quantity or quality demanded. Water resource planning has as its aim the resolution of conflicts with regard to the quantitative and qualitative availability of water, which usually includes the specification of required structures and necessary operating rules. The water planning aspects of the Nuplex would, thus, be a research effort in itself. In this aspect of the research, system models would be developed which would permit the analyst to consider the alternative uses of the various center components and to identify those components which contribute most significantly to the total costs and benefits.

An interesting example of such research is the possibility of providing municipal water for the El Paso area. The Nuplex project could supply water directly to El Paso, using electrical energy for pumping water, or the Nuplex could deliver water to the lower Rio Grande, allowing El Paso to draw greater quantities of water from the upper part of the river under existing treaties. A systematic method for resolving such questions would be a key research objective.

There are, of course, detailed questions concerning the operation of the total water system that would need to be resolved. Models which simulate the demands, the pipelines, the valves and pumps must be made and used to mini-

mize the total cost of operation, and to maximize its flexibility and efficiency.

Use of relatively pure water from a Nuplex for municipal and industrial use creates special opportunities and perhaps some problems. Research is needed to establish the economic benefit of reasonably pure water, and the cost as a function of purity must be compared to the benefits to laundering and food processing operations, for example.

There are also potential problems. Research must show whether Nuplex water may be deficient in mineral content for consumption by humans or animals, and what measure must be taken to overcome these problems. We suggest a study of the suitability for drinking purposes of processed water, not omitting the possible presence of any toxic or harmful compounds that may result from the heating of sea water or any other aspect of its preparation.

There will be research questions associated with the storage of Nuplex water. It will be necessary first of all to determine the storage capacity which will be needed for the successful operation of the system. Storage will be required for flow regulation when the output from the plant varies and when use and output do not coincide. Storage may also be required to provide backup hydroelectric power for the powerplant in case of nuclear or primary electric powerplant failure. Storage capacity for the agricultural enterprise would be particularly large, perhaps as much as 30 billion gallons.

VI. BYPRODUCTS AND ECOLOGY

The basic byproducts resulting from the power-potable water units of the Nuplex are heat and concentrated sea water. Research approaches related to the recovery of a larger number of chemical elements from the concentrated sea water have been suggested. A study on the use of the concentrated brine for brine shrimp culture is presented. The interface between the Nuplex and the ecology of the area influenced by the Nuplex is discussed. It is suggested that the cooling water effluent from the Nuplex, after proper cooling, could possibly be used to purge a bay area and thereby create a more stable and cleaner environment for the biota, plant, and animal life of the bay. Food processing with the power, steam, and water produced by the Nuplex has been recognized as a potential adjunct to the agricultural systems of the Nuplex.

The basic raw materials needed by the power generation and potable water production units of the Nuplex are sea water and uranium. Sea water is used both as cooling water and as a source of potable water through evaporation and subsequent condensation. About 7×10^9 gallons of sea water will be required daily by the Nuplex. Of this volume, 5×10^9 gallons will be used as cooling water, 1×10^9 gallons will become potable water and 1×10^9 gallons will become concentrated sea water, containing approximately 70 parts per thousand dissolved solids.

The site selected for the intake of this large volume of sea water is important both to the ecology of the sea, at and adjacent to the pumping site, and to the quality of the water obtained. Shallow

bays would result in more polluted water than the open sea. Likewise, the ecology of shallow bays of limited volume would be adversely influenced by the daily removal of 7×10^9 gallons of water.

The two chief byproducts of the Nuplex are concentrated sea water and heat. The heat must either be utilized by the other components of the Nuplex or discharged to the environment without adversely influencing the ecology of the environment coming under the influence of the Nuplex.

The concentrated brine contains a host of chemicals and, therefore, has potential economic value. The residues of the concentrated brine will eventually have to be returned to the sea. However, such a process must be controlled so as not to destroy or severely damage the biota of the area receiving the concentrated sea water.

VII. SOCIOECONOMIC CONSIDERATIONS

The availability of large quantities of electricity and water provided by a Nuplex would cause monumental socioeconomic changes to take place in the geographical location of the facility. Those new agricultural and industrial activities that are dependent on energy or water resources would gravitate to the area. This new economic pull of energy and water with new and different types of agricultural and industrial activities would change the entire economy of the area and would be responsible for creating agricultural and industrial enterprises that do not presently exist. A major impact would be made in the direction of upgrading the lives and productivity of the people influenced by the Nuplex.

It is in the nature of reality of economic interdependencies that any new developable resource added to an economic system, region, or area will have repercussions which directly and indirectly influence every aspect of the economic system and of the society which depends on the economic system. When the new "exogenous influence" is in the nature of such a profoundly important industrial and consumer input as a new source of power and a major new source of clean fresh water, the impact on the entire economic system in which this occurs can be used to change the economic and social characteristics of the selected area.

The desirable effects will be all those associated with the greater availability and lower cost of higher quality inputs. These forces will tend to result in higher wages, better living conditions, greater returns on investment, and a general expansion of the economy.

The actual, real impact on the economy which would result from the development of a Nuplex in any area or region would depend on the extent of the alteration of the previously existing input and output cost factors in that region. The actual economic impact of the Nuplex will depend upon the relative prices of what it has to offer in power, water, minerals from the sea, and a myriad of other industrial inputs as compared with the prices of the same things available through conventional means and conventional markets. This conclusion, however, assumes that social bene-

fits and private market conditions virtually reflect each other but this is not always the case. Consideration will also be given to the potentialities of the Nuplex from the point of view of the public or social benefit point of view, in addition to the point of view of the private economy at relative prices.

VIII. SYSTEMS ENGINEERING AND MANAGEMENT

Nuplex is a mammoth project and a highly complex system. From a systems management and engineering standpoint, nothing of comparable size and complexity has been planned, designed, implemented, and operated as an integrated system previously. The systems management possibilities in such widely diverse areas as economic development, resource management, regional analysis, process control, and urban and environmental planning are almost limitless.

If effective research is to be conducted at Texas A. & M. University on the development of a Nuplex, it will be beneficial to the overall research effort to develop analytical models which characterize the salient features of the entire system. The advantages gained from these models are many. The research on Nuplex will be conducted by a number of technical groups, each of which will explore an individual area in detail. During the early research phases, the availability of analytical models representing the entire system will permit evaluating the relative importance and priority of research on various components of the system, measuring the success in research objectives, and establishing the time scale on which decisions should be made.

Mr. Chairman, this is but a small sampling of a very ambitious program planned by Texas A. & M. University.

With fresh water supplies all but depleted in my congressional district and much of Texas and the Southwest, I see this program as our possible salvation. I urge my colleagues to adopt this authorization and to fund the program fully in order that our Nation may have the full benefits which will be derived from nuclear energy.

Mr. HOSMER. Mr. Chairman, I yield 5 minutes to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Chairman, this is the first time I have had the privilege to appear in support of the annual Atomic Energy Commission authorization bill since my assignment earlier this year to the Joint Committee on Atomic Energy.

I would like to take this opportunity to underscore the comments made by my colleague, the gentleman from Illinois (Mr. ANDERSON), and to join him in paying tribute to the leadership role that this committee has played in the Congress and the country over nearly a quarter of a century.

On August 2 of this year, the Joint Committee on Atomic Energy will observe its 25th birthday. It is important and significant to note also that among its present membership are two of our colleagues who were appointed to the committee when it was first organized on August 2, 1946, the gentleman from California (Mr. HOLIFIELD) and

the gentleman from Illinois (Mr. PRICE).

I would commend them for their leadership over the quarter of a century that the committee has so effectively carried the important and awesome burden of shaping our Nation's nuclear energy programs.

NUCLEAR SAFETY

Mr. Chairman, among the important and, I would say, high-priority programs covered in the bill before us is the authorization that it contains \$42,940,000 for research and development in the field of nuclear safety. This includes work on light water reactor safety, fast breeder reactor safety, and techniques for long-term storage of radioactive wastes. A great deal of the important work in the water reactor safety research is being performed at the National Reactor Testing Station located in Idaho in the district I have the privilege of representing in Congress.

The initial budget request in this program was for \$35,940,000, the same amount as estimated for the previous fiscal year. Subsequently, by amendment to the request, the amount was increased by \$7,000,000, \$4,000,000 of which was a direct consequence of President Nixon's energy message of June 4 and was identified specifically to supplement planned work in the field of fast breeder reactor safety.

Another portion of the increase requested was identified for research and development related to the proposed national radioactive waste repository to be located at Lyons, Kans., more than doubling research and development funds for long-term storage of radioactive wastes. The initial amount of \$850,000 was increased to \$1,850,000.

The Joint Committee fully endorses this increase in funding.

During fiscal year 1971, experimental data were developed in the light water safety research program relative to emergency core cooling in a small test model. A special task force was appointed within the regulatory staff to study the applicability of these data to the safety of reactors in operation, under construction, and those undergoing licensing review. As a consequence of the review, interim criteria were developed by the AEC regulatory staff for the evaluation of the adequacy of the design of emergency core cooling systems for these reactors.

The committee report comments upon this development and I shall not discuss it in detail at this time. I would like to emphasize, however, that the Commission has been conducting analytical and experimental light water safety research over a period of years. In fact, since the beginning of the civilian nuclear power program in the 1950's.

The results of these research and development programs as they become available are added to the overall body of information which forms the basis for assessing the margins of safety in reactor designs. Conservatism in interpreting such data has been a characteristic of AEC licensing evaluations. This approach, coupled with redundancy and diversity of safety-related components, has resulted in the enviable safety record

of the nuclear power industry—no member of the public has ever been injured as a consequence of the operation of a civilian power reactor since the beginning of the program.

I would only add that the Joint Committee reviews both the AEC's safety research program and its licensing program. We have always insisted that safety is the paramount consideration in the nuclear power program and we believe the Commission is carrying out that mandate.

IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) (PUBLIC LAW 91-190)

Once NEPA became law on January 1, 1970, there remained the practical problem of developing the administrative procedures for its effective implementation on a Government-wide basis and within each agency. The President issued Executive Order 11514 in March of 1970 setting forth agency responsibilities including the development of procedures to insure timely public information on Federal plans and programs with environmental impact. It also set forth the responsibilities of the Council on Environmental Quality—CEO.

Certainly the most important duty, from the standpoint of implementation of the law, was that of preparing and issuing guidelines to the Federal agencies for the preparation of detailed environmental statements required by section 102(2)(C) on major Federal actions and recommendations or reports on legislation significantly affecting the human environment. Less than a month later, on April 2, the AEC issued a statement of policy on implementing the new law relative to its regulatory functions.

In May 1970, the CEO published its interim guidelines for the benefit of Federal agencies and again, within a month, the AEC issued interim procedures for AEC operations a revised policy on regulations to reflect not only those guidelines but the provisions of the Water Quality Improvement Act of 1970 which had become law on April 3, 1970, the day after AEC's initial policy statement. AEC also published, on June 11, 1970, interim procedures for implementing NEPA in its regulatory functions. These were further refined in January 1971.

After lengthy consideration of comments on its interim guidelines, the CEO published proposed revised guidelines on January 22, 1971, again inviting comment. The final guidelines were adopted on April 21, 1971. AEC has recently further amended both its regulations and internal procedures in the light of these final guidelines.

An analysis of the record will reveal that the AEC has been assiduous in its efforts to assure compliance with the intent of NEPA and conformity with the guidance provided by the CEQ in its internal operations and in the regulated activities of others. In its first review of the administration of this act, the House Merchant Marine and Fisheries Committee pointed out that the AEC interpreted the Executive order of March 1970 as requiring public availability of draft environmental reports while other agencies did not. The CEO interim guidelines

published in April 1970 contained no such provision and even the final guidelines proposed in January 1970 and adopted in April 1971, provide only that such draft statements must be available at least 90 days before agency action.

The final guidelines specifically exclude recommendations and proposals on legislation from that requirement. Instead, they provide that statements relative to legislative proposals are to be made available to the public when presented to the Congress. The AEC has consistently followed the more liberal policy of making such statements publicly available in draft form when circulated among agencies for comment—often as much as a year before legislative action and 6 months before the legislation is even submitted to the Congress. It is, therefore, somewhat difficult to understand the criticism voiced about the way the AEC has acted to comply with NEPA. One might wonder aloud, "What more could an agency do?"

NEPA—THE ROLE OF CONGRESS

There has been raised the issue of compliance with the National Environmental Policy Act of 1969—Public Law 91-190, NEPA. A similar issue was raised last year relative to the SST. It appears we shall be hearing much about the requirements imposed by that act.

This then is an issue of major significance for this body and, indeed, for the entire Nation, for the course we chart now will be the path for those who follow. And we are talking about essentially every single piece of legislation which will come before us—certainly almost every money bill. If one should have any doubt about the truth of that statement, I invite his attention to the report issued last month by the Committee on Merchant Marine and Fisheries—of the other body—on administration of the Environmental Policy Act.

The basic question before us then is what do we see as the role of the Congress in performing its legislative function relative to assuring compliance with NEPA. In particular, it is section 102(2)(C) of the act, which requires preparation of environmental impact statements, that should be the focus of our attention.

There is absolutely no doubt that the legislation and the history surrounding it reflect the unqualified intention of the Congress to assign this responsibility for review of environmental effects of government programs and licensed activities to the executive branch. Requiring executive agencies to prepare statements assessing potential environmental consequences of governmental acts is intended to assure the appropriate consideration of environmental effects sufficiently in advance of those governmental actions to protect our natural resources and to develop an environmentally sensitive bureaucratic decision-making process.

The act placed the duty for the preparation of detailed environmental statements on the responsible official to be designated by the various Federal agencies. It also requires consultation among the various agencies with appropriate expertise on the issue at hand and

the obtaining of comments thereon by such agencies—Federal, State, and local—to assure the best and most thorough consideration of environmental questions. The act further established a new entity—the Council on Environmental Quality—to oversee and coordinate these efforts and provide the necessary direction by way of guidelines for administering this statute. This has been done over the past 18 months and, as could be anticipated, it has been a complicated growing and learning process. One cannot impose an overriding new requirement on essentially the entire governmental decisionmaking process and expect no problems.

What the Policy Act and the entire history surrounding it do not reveal is the intended role, if any, for the Congress once the Executive has complied with the requirements for an environmental review and a detailed statement has been prepared with appropriate consultations and consideration of comments by others. I submit that the Congress certainly should satisfy itself that the procedures have been compiled with, but that it would be unwise for us to attempt to second-guess each of the substantive conclusions reached through that thorough review by specialists in these fields. Basically, this "102 statement" is another source of information—a major source—upon which we can rely in reaching our conclusions as to how we cast our votes. We can accept or reject that information. I hasten to add that this is no call for abdication by the Congress of its responsibility to assure itself that the right decision will be made on the basis of the best facts.

It seems clear to me that the responsibility for the environmental evaluation was deliberately and wisely placed by the Congress upon the executive branch, where the expertise lay, or is more readily available. The system adopted insures against preemptory action by any single agency through the agency consultation-comment provisions, public awareness and the oversight of the President's Council on Environmental Quality. Inadequacy of performance of those duties constitutes violation of the law, subject to judicial correction—a remedy to which several of our courts have been and are presently addressing their attention. If we in the Congress are to continue to function at all in carrying out our legislative role, we simply cannot afford the luxury of conducting a de novo review—either in committee or in Chamber—of each of these technical issues. I can think of no more effective way to paralyze the Congress.

This is not to say Congress has no role in assuring compliance with the act. Surely each committee with jurisdiction over the activities of any agency can assure that such agency is performing its responsibilities under NEPA in an appropriate manner. The Joint Committee on Atomic Energy has been doing essentially this kind of review for 25 years. Most recently, during the past 2 years, starting before NEPA became law, we conducted hearings on the environmental effects of producing electric power. The 4-volume, 3,200 page record is being used as a text in several university courses on environ-

mental protection. This is just an example. Other committees have been equally responsible in carrying out their oversight functions.

In addition, by providing the essential resources, the Congress can assure adequate staffing of the Council on Environmental Quality which is charged with the difficult task of formulating and recommending national environmental policies, including administration of the entire Federal establishment. By making that central executive entity administratively and technologically strong, we can do much to assure compliance with the congressional intent in enacting NEPA.

As indicated at page 49 of the report, the committee is recommending an additional \$660,000 for community support at Richland, Wash. This action is in keeping with the spirit of the Atomic Energy Community Act of 1955 under which the AEC is to provide just and reasonable support to its former community.

The addition is needed because of the severe economic distress in that area which was exacerbated this year by the closing down of the K-east production reactor by the AEC. High unemployment has resulted in a reduced bond issue for schools and the defaulting of pledges to sustain the community hospital. The recommended additional funds will be allocated for these two activities as well as for municipal operations. The Richland School District would receive assistance payments totaling \$350,000, the hospital would receive, through the city of Richland, \$200,000 and \$110,000 would be made available for municipal operations.

Mr. SKUBITZ. Mr. Chairman, only yesterday a copy of a letter was hand delivered to me which was addressed to the Chairman of the AEC, sent by Governor Docking, dated July 13. I quote from the letter:

The Joint Committee on Atomic Energy staff office has informed me your Committee has voted to authorize the funds for the AEC plans to proceed with construction of the AEC waste depository over the objections of Kansas. I also am asking you to support opposing the Lyons project if the bill should reach the Senate floor.

If the Congress approves the AEC project, the Kansas Attorney General Vern Miller is making preparations to file a lawsuit to halt the project; I will support him in legal action.

That was signed by Governor Docking. Mr. WOLFF. Mr. Chairman, will the gentleman yield?

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

Mr. WOLFF. The gentleman, I would say, makes a very good case in support of his position. I feel very strongly that this is another case that illustrates that the powers of the Atomic Energy Commission as both the promotor of nuclear power and the regulator of nuclear power are in conflict.

Mr. SKUBITZ. I thank the gentleman for his comments.

Mr. LEGGETT. Mr. Chairman, several of our colleagues on the Atomic Energy Committee recently circulated a letter urging us to vote against the Mink amendment. It said,

Arms control agreements being considered at SALT call for ABM to protect national command centers. One of two U.S. warheads

essential for this purpose cannot be developed without Cannikin data. Dropping Cannikin could roadblock SALT progress.

I must respectfully suggest that my colleagues are mistaken. The basic Spartan missile, which is the vehicle for which this warhead is intended, would be useful only in an anti-Chinese defense, which has been disowned by President Nixon. The basic Spartan contributes nothing to national command center defense, nor to any other kind of anti-Russian defense.

Obviously, if the Spartan is of no use against a Russian attack, it is not worth very much as a bargaining counter in arms limitation talks with the Russians.

It is a known fact that Spartan is only useful against a small unsophisticated attack. A heavy sophisticated attack, which is the only kind the Soviets would ever send against us, would cut through a Spartan defense like a blowtorch through oleomargarine. That is why we have Sprint missiles.

The Russians can penetrate a Spartan defense in any one of a number of ways. They can use chaff to blind the radar that guides Spartan. They can use light decoys such as balloons to confuse the radar. They can use precursor warheads to blind the radar. Any one of these would do the job, and we can be sure the Soviet attack plans call for the use of all three at once.

In addition, the huge Spartan warhead itself will tend to black out its own radar.

The only ABM that has any hope of success is the Sprint missile, which intercepts at low altitudes where decoys do not work and blackout is ineffective. Sprint still has the problem of physical vulnerability of its radar, but that is not the problem before us today.

The point is, Sprint is the only ABM that has any hope of working, and it does not need this test. It does not use a five-megaton warhead; it uses a warhead about one-thousandth that size.

It has been said that Cannikin will cause undesirable environmental effects. I am not qualified to pass on this. But I can tell you from a national security standpoint that this test is a waste of money. We do not need this warhead and we do not need this missile. In the words of Dr. Herbert York, a former Presidential science adviser, Cannikin is a "pointless experiment in search of an unnecessary weapon."

Mr. McCLORY. Mr. Chairman, I am particularly interested in the bill, H.R. 9388, which authorizes appropriations to the Atomic Energy Commission. The development of a large nuclear energy generating plant at Zion, Ill., in my congressional district, has raised serious questions regarding the effect of this facility on the environment.

Mr. Chairman, many persons have recommended the installation of cooling towers in connection with this facility on the assumption that this would prevent any degradation of the water or marine life of Lake Michigan in the area near the new generating plant.

Mr. Chairman, I am pleased to note that the committee has recognized the dangers which may be inherent in the effluents from such a nuclear generating system. As a partial avoidance of this

threat, the committee appears to feel that a gas-cooled reactor program might be preferable. I am hopeful that such a program will be successful to the end that thermal effects may be avoided in future systems.

Mr. Chairman, I am also encouraged by the research agenda which the committee has undertaken as indicated on page 28 of the report of the Joint Committee on Atomic Energy where the committee states flatly that it is supporting:

The development of new and improved techniques for the control of effluents from nuclear facilities (which) will lead to enhanced ability of nuclear power plants and related facilities to operate with minimum adverse impact upon the environment.

Mr. Chairman, I am not satisfied that cooling towers are the answer for the Zion nuclear generating plant. I dread the prospect of cooling towers which might reach to a height of 500 feet and emit a cloud of steam with its adverse thermal effects on the atmosphere—let alone the adverse physical appearance and esthetic degradation of the area which such a cooling system would produce.

Mr. Chairman, the committee has indicated its full awareness of the environmental impact produced by nuclear energy generating systems. Notwithstanding the completion of the Zion plant, I would expect that any new techniques which are developed would be adopted which would reduce thermal or other types of pollution.

Mr. Chairman, the need for additional sources of electrical energy are tremendous. The committee—and the Members of this House—by their votes today are manifesting their determination to provide for the needs of the people while, at the same time, protecting this and future generations against any adverse effects on the human environment. I commend the committee on bringing this bill (H.R. 9388) to the floor, and I am pleased to give it my support.

Mr. McCORMACK. Mr. Chairman, the authorization bill for the Atomic Energy Commission approved by the Joint Committee includes operating costs of \$27.6 million, offset by estimated revenues of \$17.5 million, for the dual-purpose new production reactor at Hanford, Wash. The authorization of these funds was requested by the administration in its May 6 amendment to the AEC authorization bill. This reversed the earlier administration decision to shut down the N reactor at the AEC's Hanford plant. The request for funds to restart the N reactor, effective July 1, 1971, was made pursuant to an agreement concluded in April 1971 between the executive branch and the Bonneville Power Administration and the Washington Public Power Supply System that the N reactor would be operated by the AEC for 3 years—fiscal 1972 to 1974—provided that the Washington Public Power Supply System—WPPSS—will pay the AEC up to \$20 million a year for the availability of the N reactor to produce steam in an amount equivalent to 4 billion kilowatt hours a year.

The N reactor is a dual-purpose reactor in that it is used for the production

of plutonium for weapons and other purposes and also to supply steam to generate 800,000 kilowatts of electricity for the Pacific Northwest.

The Joint Committee strongly supports the continued operation of this reactor. First and foremost it will augment the supply of plutonium available to meet national defense requirements—without the N reactor there would be no contingency supply available to meet any need other than known firm requirements. The N reactor will be immediately available during the next 3 years to meet unforeseen plutonium requirements precluding a delay of many months for start-up of a single-purpose reactor and initial production.

This action also results in a substantial reduction in threatened job cutbacks in an already severely depressed area of the State of Washington. And it will enhance the supply of electric power in the Pacific Northwest of which—even with the N reactor operating—there will be an increasing shortage in the next 2 years. In addition, efforts to move forward on diversification of industry in the Hanford area will be significantly enhanced.

The Atomic Energy Commission advised the Joint Committee on January 28, 1971, of the decision to shut down the two Hanford reactors which was made following an examination of requirements for reactor products. The Commission advised that the three production reactors remaining in operation at its Savannah River, S.C., plant were more versatile for the production of the several reactor products for which there were defined military and civilian requirements. The AEC said that the three Savannah River reactors were sufficient to meet "established requirements."

The K-East and N reactors were to have been shut down immediately as well as related fuel element fabrication and supporting research and development activities at Hanford and Fernald, Ohio. The separation facilities at Hanford associated with fuel processing and plutonium handling were to have been discontinued at a later date. Thousands of AEC contractor employees were to have been terminated.

Following strong protests from the people of the Hanford area and the State of Washington, the Washington congressional delegation, other Members of Congress, and the Governor of Washington State, the President ordered the shutdown of the N reactor suspended. A special administration task force was appointed to study the matter. Letters were exchanged and conferences were held between administration officials, the joint committee, Members of Congress, and a task force led by Governor Evans. New facts were brought to light, some of which I discussed earlier, which demonstrated that the projected budget savings were much smaller than originally thought and that the adverse impact of the reactor shutdown would have been very great. Finally, the administration agreed in April to restart the N reactor and requested the necessary additional funds in May.

I wish to commend the executive

branch for reversing its decision to close down the only operating dual-purpose reactor. The President and his assistants demonstrated a willingness to listen and to consider the factors pointed out by others from both political parties who were interested only in assuring that the full story was known before final action was taken.

The Congress must now follow through in the same bipartisan spirit by enacting the necessary authorization and appropriation of funds for continued operation of the N reactor.

I insert at this point in the RECORD a February letter from Senator JACKSON to the President which explains in greater detail the reasons why the N reactor should continue in operation, and also the Office of Management and Budget letter to Governor Evans outlining the agreement to continue operation of that reactor.

The letters follow:

U.S. SENATE,
Washington, D.C., February 8, 1971.

The PRESIDENT
The White House
Washington, D.C.

MY DEAR MR. PRESIDENT: The Administration's decision to shut down the K EAST and New Production Reactors at Hanford, Washington, involves a fundamental change in a long-standing national defense policy and will cause serious and direct adverse consequences to the economy of the West, as well as indirect national effects. These very significant points were brought out during the hearings (executive session) held by the Joint Committee on Atomic Energy on February 4, 1971. I would like to summarize for your personal attention, certain of the facts in the hearing record:

1. Closure of these two reactors will mean that, for the first time in the history of the Atomic Energy Commission, this Nation will not have a capability to supply plutonium beyond currently known requirements of the Department of Defense. There would be no existing capacity to deal promptly with contingencies, because of the lead-time (approximately three years) in getting closed production reactors back on the line. It is my understanding that the Department of Defense desires some production flexibility to deal with contingencies and took that position during the decision-making process. There is no explanation of the considerations which warrant such a drastic change in the national defense posture.

2. The New Production Reactor (NPR) is a dual-purpose reactor, which is used for the production of weapons plutonium and also to supply 800,000 kilowatts of electricity. For perspective, the NPR is the Nation's only dual-purpose reactor; most of the U.S.S.R.'s plutonium producing reactors are dual-purpose. Thus, the Soviets apparently do not have the long-lead time problem which is inherently associated with the reactivation of single purpose plutonium production reactors.

3. The 800,000 kilowatts of electricity from the NPR is supplied to the Pacific Northwest under arrangements between the Atomic Energy Commission, the Bonneville Power Administration (BPA) and the Washington Public Power Supply System. The Pacific Northwest and the Southwest need the power from the NPR. Indeed, Mr. Richmond, the Administrator of Bonneville Power, testified that BPA, because of the lack of power sources, had not contracted to supply power to any industrial user since 1966. He further testified that there is no established replacement for the NPR power, and indeed, that unavailability of NPR power may force BPA to cancel or curtail some of its con-

tractual commitments. The loss of NPR power occurs at a time when there is an existing disparity between electrical power supply and demand in the Pacific Northwest, and, indeed, in the Nation. That disparity is increasing almost daily because of the increasing demand for power which is accompanied by the increasing difficulties encountered by the producers of power. One example of the many difficulties associated with the lag in the power supply is the environmental problems associated with certain low sulfur fossil fuels, particularly in the Los Angeles area. There are no easy and immediate solutions to these problems. The lead-time necessary to construct and put into operation a nuclear reactor or any other power plant which would replace the NPR output is from 5 to 7 years. In short, the unavailability of NPR power could well result in economic chaos.

This Government viewed the NPR as a distinct national asset when it was authorized in 1961, both economically and for national defense purposes. In my view, the record shows that the NPR continues to be such an asset. Continued operation of the NPR can contribute beneficially in each of the foregoing areas of national concern (plutonium production supply contingency and electrical power), and, I might add, with minimum environmental impact.

4. The Hanford, Washington, area is the only known example of a Government-industry program initiated during the 1960's at the time of earlier production cutbacks, which resulted in a conversion from a military defense war requirement to a peacetime requirement. This conversion was essentially accomplished by commitments by AEC contractors at Hanford to create a diversified economic base which would not completely depend on AEC activities at Richland. The latest shutdown, because of the severe direct and indirect economic consequences, could well result in a complete unravelling of the various economic diversification programs which are either completed or are near completion at Hanford.

It is my understanding that a task force has been appointed by the White House to reconsider the closing of these two reactors. Incidentally, I have suggested that the task force include a representative of the Department of Defense because, as stated previously, the question of current and future plutonium needs is involved. The record made at the February 4, 1971, hearing contains additional information which bears directly on the important duty to be performed by the task force. It will, of course, be made available to the task force, as well as any other additional information which may be helpful. For that purpose, Mr. Edward J. Bauser, the staff's Executive Director, will contact the task force.

The points which I have summarized are of nationwide significance. I would sincerely hope that the Administration will decide to at least ameliorate the consequences of the announced shutdowns by budgeting funds for continued operation of the NPR.

Sincerely yours,

HENRY M. JACKSON,
Chairman, Subcommittee on Military
Applications, Joint Committee on
Atomic Energy.

OFFICE OF MANAGEMENT AND BUDGET,
Washington D.C., April 2, 1971.

HON. DANIEL J. EVANS,
Governor of Washington,
Olympia, Washington

DEAR GOVERNOR EVANS: This is to confirm our telephone conversation of today in which we agreed on a revised proposal, as outlined below, for continued operation of the Hanford N Reactor.

Representatives of the Washington State task force met with representatives from OMB, the AEC and the Department of the

Interior on March 30, and 31, 1971, to review the details behind the N Reactor proposal transmitted to you on March 11, 1971. As a result of this joint review, we have been able to isolate the differences between the data your task force has been using and that on which our proposal was based. While the differences have been identified some of them remain judgmental and could only be resolved through actual experience.

The major issue involves the net cost to the Federal Government for operating the N Reactor. In reviewing the details it was recognized that our estimated annual average net operating cost of \$31 million should be adjusted downward. Your task force and we agree that a downward adjustment of \$3 million should be made to reflect federal revenues that would be lost if the N reactor were shut down. We further agree that additional downward reductions, of an unknown and unresolved amount, should be made to reflect economies that could be achieved by optimum scheduling and operations.

In recognition of this uncertainty about the necessary level of costs, and taking account of all of the non-budget factors which bear on this problem, the administration is prepared, subject to the necessary Congressional authorizations and appropriations, to continue operating the N Reactor for the next three fiscal years (July 1, 1971, to June 30, 1974) provided that the WPPSS will pay the AEC a maximum of \$20 million per year for availability of the reactor to produce steam in an amount equivalent to 4 billion kwh per year. This payment would be based upon availability of the reactor to produce steam, not upon the amount of steam actually produced and used by the utilities from that availability. This payment level would begin July 1, 1971.

In order that the reactor and associated facilities can be operated at the lowest possible cost consistent with safe operations and AEC's plutonium production objectives, future scheduling and methods of operation should be jointly developed in a good faith effort by the AEC and the WPPSS. Any reductions achieved in net operating costs, after allowing for plutonium credit, below \$20 million per year, will be used to reduce the costs to the utilities for steam availability.

We do not insist that as a condition to this proposal that the Bonneville Power Administration increase their current contract rates but strongly urge that all efforts be made to recover full costs as early as possible.

The Washington Public Power Supply System must reach a conclusion by June 30, 1972, regarding exercising the contractual provision to assume full responsibility for the operation of the Hanford N Reactor not later than July 1, 1974.

In order that we may proceed with contractual arrangements, would you please indicate your endorsement of this agreement by signing and returning a copy of this letter.

Sincerely,

DONALD B. RICE,
Assistant Director.

Mr. Chairman, I wish to also comment on the necessity for AEC support for the city of Richland, Wash.

As indicated at page 49 of the report, the committee is recommending an additional \$660,000 for community support for this community. This action is in keeping with the spirit of the Atomic Energy Community Act of 1955 under which the AEC is to provide just and reasonable support to its former community.

The addition is needed because of the severe economic distress in that area which was exacerbated this year by the closing down of the K-east production

reactor by the AEC. High unemployment has resulted in a reduced bond issue for schools and the defaulting of pledges to sustain the community hospital. The recommended additional funds will be allocated for these two activities as well as for municipal operations. The Richland School District would receive assistance payments totaling \$350,000; the hospital would receive, through the city of Richland, \$200,000; and \$110,000 would be made available for municipal operations.

Mr. FULTON of Tennessee. Mr. Chairman, I speak in support of the entire amendment being offered by the distinguished gentleman from New York. However, I would like to direct my remarks particularly to that portion which will provide additional funding in the amount of \$2.3 million for the very necessary work which remains and must be done to insure the safety of the emergency core cooling system.

At a time when we appear to be staking so much in nuclear power as our possible prime energy source of the future, we should look at both sides of the coin. Reactor technology offers great hope for the future. However, it also gives rise to potential dangers of the most profound magnitude.

This is particularly true in the case of the liquid metal fast breeder reactor. There is in this authorization \$164,300,000 for civilian power reactors which is, in the words of our committee:

Largely directed toward the development of the Liquid Metal Fast Breeder Reactor, an objective which has and deserves the highest priority in the AEC's civilian power reactor development program.

Certainly, this is a view which we all can support.

The amendment we are considering does not relate directly to the LMFBR but, indirectly, has a very important relationship.

The recent tests by the AEC on the reliability of the emergency core cooling system for the current generation of reactors simply have not demonstrated that the technology we possess today is sufficient to guarantee the safety of these potentially very lethal power producers.

Some of the potential problems associated with our present reactor technology, both from a scientific and administrative aspect, have been raised in an article in the July 1971 edition of "Not Man Apart," which is published for Friends of the Earth, John Muir Institute for Environmental Studies and the League of Conservation Voters. It is entitled "New Evidence: Nuclear Plants Are Unsafe," and is written by Mr. Wilson Clark. I do not purport to speak for its authenticity, though I can state that Mr. Clark is considered highly competent in this field. Time will not permit me to read the article, but I would like to include it in the RECORD at this point and commend it to the consideration of my colleagues.

NEW EVIDENCE—NUCLEAR PLANTS ARE UNSAFE
(By Wilson Clark)

Last May 3, the Congressional Joint Committee on Atomic Energy (JCAE) held a secret hearing on the subject of nuclear power plant safety. In the ensuing days, rumors of the impact of this closed hearing were con-

firmed by sources within the Atomic Energy Commission (AEC). On May 10, unexpectedly, the text of a communique to the JCAE by AEC Chairman Glenn Seaborg was leaked to the press.

Seaborg's startling letter reveals that the results of a series of experiments conducted for the AEC at its National Reactor Testing Station in Idaho and "problems . . . encountered during construction, preoperational testing and early operations (of nuclear power plants) . . . indicate the need for a more rigorous effort in this area (safety program)." Seaborg announced that a four-man AEC staff committee "is conducting an extensive evaluation of all the information on ECCS performance" (Emergency Core Cooling Systems) and that "pending completion of this review, we anticipate that there will be delays in the licensing of some plants now under consideration."

The key phrase in Seaborg's letter is "ECCS performance." This refers to the essential back-up system in huge nuclear power plants that provides for emergency cooling water to be supplied to the fuel core of the reactor in situations where the deadly radioactive fuel (such as uranium or plutonium) is melted down, triggering a reactor disaster. Such a fuel melt-down could cause a breach in the "containment" of the reactor, meaning that some or all of the 100 tons of lethal radioactive material contained in large power plants would be released to the environment, contaminating massive amounts of land and wounding or killing individuals exposed to the destructive path of runaway poisons.

The recent Idaho experiments on Emergency Core Cooling Systems are part of a long series of episodes involving nuclear power plant safety within the AEC; for years, pressure has built up in the AEC and its advisory committees for increased spending on reactor safety. Much of this interest has been based on fears of the inadequacy of such critical power plant engineering components as the cooling systems. A brief history of the AEC's efforts in this area indicate little progress.

In 1967, a select group of nuclear scientists reported to the AEC on the status of ECCS and overall reactor safety research. In their 226-page document, they clearly indicate that "if emergency core cooling systems do not function and melt-down of a substantial part of an irradiated core occurs, the current state of knowledge regarding the sequence of events and the consequences of the melt-down is insufficient to conclude with certainty that integrity of containments . . . will be maintained." The 1967 report details a grim sequence of events recently summarized in *Science* magazine (May 28, 1971) as follows:

The report "depicts the 250-ton core of a large reactor as dripping and finally slumping into a molten pool at the bottom of the reactor vessel within an hour after the reactor has lost its coolant." Subsequent events would be more than enough to allow the core to melt through the steel reactor vessel, and to carry it through tons of concrete beneath, within an hour or so. Beyond this point, nuclear engineers speak, half tongue-in-cheek, of the "Chinese Syndrome," a term derived from the presumption that the core would continue melting its way into the earth, in the general direction of Asia.

In February 1968, the AEC's select safety advisory group, the Advisory Committee on Reactor Safeguards (ACRS), reported that the 1967 reactor safety study constituted a "valuable service," and the ACRS agreed that nuclear power plant containment safety meant little without guarantees of cooling system effectiveness. The ACRS report "strongly recommends that a positive approach be adopted toward studying the workability of protective measures to cope with core melt-down." The ACRS argued that additional experiments were necessary and

that an "additional design and development effort be aimed at means for providing protection" against this sort of major accident. The ACRS concluded its comment with the admonition that "these matters be pursued vigorously."

After the issuance of the 1967 independent report and the ensuing comment by the ACRS, it was clear to the AEC that something would have to be done to resolve the major questions about core cooling and related questions of reactor safety. However, no special safety research programs were pressed by the AEC in response to the recommendations of its advisors. By spring 1969, the situation had become critical. Joseph Hendrie, chairman of the ACRS, wrote to the AEC's general manager, Robert Hollingsworth, that changes in the types of large reactors being constructed required "studies . . . to develop reactor design concepts providing additional inherent safety, or, possibly, new safety features to deal with very low probability accidents involving primary system rupture followed by a functional failure of the emergency core cooling system."

By this time, other committees at the AEC were getting into the act. One document that surfaced in Washington a few weeks ago was written by a select group of consultants to the AEC's Division of Regulation in 1969. It is a study called "Internal Study Group Report of June, 1969," headed by Howard Mangelsdorf, who is also a member of the ACRS. This study states the problems with no uncertainty: "The large number of construction permits for these power reactors which have been issued in the last several years does not imply there is a decreasing need for water reactor safety research. Rather, because these construction permits were issued on the basis that the planned research programs would resolve certain safety questions related to these reactors and because new questions have resulted from the increases in reactor power level and power density, there is an increasing need for safety research."

Mangelsdorf's team might as well not have wasted its time and effort calling attention to the research problem. The AEC failed to act. Chairman Hendrie of the Advisory Committee on Reactor Safeguards was forced to write letters to AEC chairman Seaborg and the AEC's general manager in November 1969 explaining that two-year projections of funding for reactor safety research "will be considerably below the AEC estimates of need . . . As a consequence, many safety research activities have not been initiated, have been slowed, or have been terminated." Hendrie's letter ended with a plea for funds to rectify the "urgent need for additional research and development."

Even this letter from the ACRS failed to prompt further development of the AEC's reactor safety program. In fact, funds spent on reactor safety in the last two years have decreased; the AEC spent \$37.1 million in fiscal year 1970 on reactor safety, but only \$35.9 million this year. In addition to the overall question of adequate funding to provide public protection, the AEC admitted last year before the Joint Committee on Atomic Energy that the safety project at the Idaho facility had been woefully mismanaged. Milton Shaw, director of the AEC's Division of Reactor Development and Technology, told the JCAE on March 11, 1970: "For one reason or another, we were unable to get from Phillips (Petroleum Co.) the management talent necessary to get the LOFT and PBF projects done." The acronyms refer to reactor testing programs: Loss of Fluid Test Facility (LOFT) and Power Burst Facility (PBF). Presumably, the AEC is working this out with Phillips Petroleum, the contractors for this important project. Nothing further has been officially said about the management problem.

On the technical level, plenty has been said about the importance of the LOFT program, in which the core cooling experiments

are being conducted. A July 1970 memorandum from scientists in charge of the ECCS experiments in Idaho emphasized that "the highest priority issues which are currently unresolved . . . include . . . (the) urgent need . . . for blowdown test data from a system having simulated (reactor) core heat, ECC injection, and a geometry representative of power reactions."

This report indicates the importance of the tests that were conducted last November and December. The "priority issues" are still "unsolved," since the test results indicate that the vital core cooling systems do not work. Here's what happened. A series of six experiments was conducted by the Idaho research team on a miniature, nine-inch model of a reactor pressure vessel such as that used in a nuclear power plant of the pressurized water type. (Nine large plants of this type now operate in the U.S.) The experiments were designed to test the adequacy of the cooling system, which functions in an emergency to flood the reactor core with water to prevent a runaway melt-down. All six tries to get emergency cooling water into the simulated reactor vessel failed; only 10 percent of the emergency water reached the "core" on the reactor model.

So, after years of AEC promises about the postulated safety of the giant reactors going up all over the country, the one set of key experiments indicates that this basic emergency system does not work. Not wishing to get caught with their pants down, AEC officials in Washington responded in typical fashion—Keep It Quiet! According to informed Washington sources, even the members of the pro-nuclear Joint Committee on Atomic Energy were not informed until AEC chairman Glenn Seaborg wrote the committee explaining that "there will be delays" in licensing new nuclear plants. Since the word leaked out last month, the AEC has consistently played down the importance of the tests to the public. On May 27, the AEC officially announced that the tests "were not designed to represent the response of an actual operating nuclear power plant to a loss-of-coolant accident. . . . This is not the type of problem requiring the shutdown of operating plants." On the contrary, this is precisely the type of problem that should require closing nuclear powerplants, or at least require the modification of existing plants to provide emergency systems that do work. In private, the AEC admits this—but not to the public. The *Washington Post* reported on May 28 that the AEC is seriously considering issuing an order to utilities requiring that power levels be cut down 20 percent on all currently operating nuclear power plants. An AEC source was quoted: "It's only one of several possible things we might do if we find we have a design problem in our emergency core cooling system."

The unnamed official was evidently afraid to admit that such a design problem has been found. In fact, as of this writing, fears of honesty concerning this issue abound at the AEC. An article in the nuclear-industry-oriented newsletter, *Nucleonics Week* (May 20), quoted a Washington lawyer representing a reactor manufacturer: "Unless this is dealt with openly, the critics of nuclear power are going to spread it around that the AEC is trying to do something underhanded. . . ."

Both the AEC and the JCAE, however, seem dead set against bringing the issue into the open. A phone call to the JCAE brought only the response that "the issue is nothing to worry about." The JCAE also told us that a transcript of the secret hearing of May 3 "is not available to the public."

In their own way, the nuclear buffs of the AEC and its Congressional office, the Joint Committee, are very worried. The JCAE held

a special session on May 3 to get additional funding for the AEC's inadequate safety budget. The AEC's assistant general manager for reactors, George Kavanaugh, told the Joint Committee that \$2 million was needed to beef up the safety program. He said the AEC needed the money to "help resolve significant technical issues." When pressed under questioning by Senator Howard Baker (R-Tenn.), though, Kavanaugh admitted that a \$2 million figure was inadequate and that he really thought the safety research program needed \$30 to \$40 million more. Kavanaugh said that the Idaho experiment results came out worse than he anticipated, adding: "If it were better, we might not have been allowed to come up here asking for money."

A number of important issues are raised by the whole sequence of events leading up to the final, belated admission by AEC officials that the problem exists.

1. The AEC has at least one foot to stand on. As its official statement confirms, the emergency cooling experiments were conducted on a tiny model that does not actually duplicate a real reactor. There's a big difference between a nine-inch piece of laboratory equipment and a 65-foot-high reactor vessel in a nuclear power plant. In the LOFT experiments at Idaho, tests on a working reactor—still much smaller than the power plant reactors—will not be initiated for four years. This means quite simply that the AEC, the environmentalists, and the public will not know whether nuclear power plants are safe until after 1975, possibly—when perhaps 10 to 20 percent of electricity generated in the US will be nuclear. The scores of reactors either operating or going into operation cannot be presumed safe until the evidence is in. What do we do in the interim?

Two modes of action include support of an immediate moratorium on further operation and construction of nuclear power plants and support of Senator Mike Gravel's (D-Alaska) bill to end government financing of insurance for nuclear power plants under the Price-Anderson Act (S. 1855). If this bill were passed, ending federal subsidization of reactor insurance against massive disasters, it is widely believed that utilities would not be able to acquire private insurance in order to continue operating reactors (or to build new ones).

2. The manner in which this information on nuclear power safety has been handled by the AEC and the JCAE clearly indicates that changes are necessary. It must be made clear to legislators and public leaders across the country that reactor safety has nothing to do with "classified" or secret matters; rather, this issue is one of public health and safety, as AEC chairman Seaborg seems to recognize. The rule of secrecy being perpetuated by the Joint Committee on Atomic Energy under the chairmanship of Senator John Pastore (D-Rhode Island) must end. No more secret hearings on our welfare, thank you!

3. The Atomic Energy Commission should be dismembered, if not abolished. The AEC's dual role—its regulation and promotion of nuclear power—is clearly against the public interest and could well result in a radioactive Armageddon.

Mr. Chairman, this article may appear to be critical of our committee. If this is interpreted to be the case by some, let me hasten to add I have no desire to support such criticism, rather I commend the committee and its most distinguished chairman for the effort which has gone into the bill we have before us.

The point here can be simply stated: We are not certain of the efficacy of our present emergency core cooling system for the nuclear powerplants we have today. This system is based on the use of water. The emergency core cooling system for the liquid metal fast breeder reactors will be far more complicated and difficult to design because, it is my understanding, it will be based on the use of liquid sodium.

Mr. Chairman, when we are faced with the possibility of hundreds of nuclear plants being in operation within a few short years, we must be absolutely certain of their safety because their potential for danger far outweighs any other manmade machine or device for peaceful purposes past or present.

I urge adoption of the amendment.

Mr. DELLUMS. Mr. Chairman, I join with my colleagues in opposing funds for Cannikin tests, and I commend the efforts of the gentlewoman from Hawaii in her attempts to alert the Congress and the Nation of the dangers inherent in nuclear weapons testing.

I believe that if America is going to try and convince the world that we are indeed dedicated to peace and justice, that we must take some bold steps.

One such step would be for the United States to halt testing of systems such as Cannikin.

On one hand the administration talks of its initiatives toward limiting nuclear arms and arms tests; on the other hand, the Defense Establishment pushes hard for programs like Cannikin.

The world judges America by our actions, and I cannot see how Cannikin—or any other of the myriad nuclear and conventional arms systems—are bringing the world toward peace.

It used to be said that if the military is given a weapon, that they will do everything possible to utilize it. Nowadays, that thesis should be changed: Once the Military Establishment has an idea about some new gimmick or scheme, it never will let go.

Given unlimited resources, I really can find little wrong—usually—with the military going around and playing games.

But, \$20 million is no trifle. Measured against the impact that same \$20 million could make in education, health, job training, and other critical areas, I think it is a tragic waste to "spend" it on Cannikin.

A final note: with almost 42 percent of its budget in weapons, I wonder if we should not retile the AEC the "Atomic Weapons Commission." I am interested in peace, not war, and so I find it impossible to vote for this bill.

Mr. FRASER. Mr. Chairman, we are offered, at the purchasing price of \$19.7 million, a weapons test of at best minimal value and great risk to the environment and human life. I ask that we accept Mrs. Mink's amendment to the authorization for fiscal year 1972 funds for the Atomic Energy Commission.

The risks involved in the proposed weapons test at Amchitka are well established. They are even acknowledged by the Atomic Energy Commission's own

environmental impact statement. The AEC report admits these three dangers of Cannikin:

First, the Aleutian Island chain is a region of intense seismic activity, and the possibility of Cannikin's causing premature release of an earthquake cannot be absolutely ruled out.

Second, there is reason to believe that this test could unleash a destructive tsunami, a wave similar to a tidal wave. The report cites the case in 1964 of the Prince William Sound earthquake, which spawned a tsunami which killed 12 and left hundreds homeless in Crescent City, Calif., 2,000 miles away.

Third, the danger of released radioactivity is discussed at length in the report. Longshot, a 1965 test of a much smaller yield, resulted in seepage of tritium, a radioactive isotope of hydrogen. And while the AEC assures us that the Cannikin site is designed to assure containment of radioactive explosion products, similar assurances in regard to the Project Baneberry test of last year in Nevada proved incorrect. Certainly there is even more ground for uncertainty at Amchitka, where geologic conditions are even less familiar than in Nevada.

In addition, there is little evidence that the importance of this test can outweigh these risks to the environment.

The AEC impact report states in vague, unexplained terms that Cannikin is a vital part of the U.S. weapons development program. The test was at its inception required for the development of a high yield Spartan ABM for defense against nuclear attack by China. This requirement seems to have lost its urgency in light of the Defense Department policy established in 1969 of using the Spartan to protect our own offensive missile sites; the Defense Department's intention is now to develop an improved Spartan with much lower yield.

Surely \$19.7 million can be put to better use than Cannikin. I urge again that we accept the amendment offered by Mrs. MINK.

Mr. WOLFF. Mr. Chairman, I wish to express my concern over a number of questions raised by H.R. 9388.

As I have indicated many times in the past, my primary concern with regard to all AEC programs stems from the agency's dual mission—that is, the promotion and regulation of the atomic energy industry. At the proper time, I will offer an amendment to add a new title III to H.R. 9388 to transfer the AEC's licensing authority to the Department of Health, Education, and Welfare. As I will explain in more detail when the amendment is offered, I feel that a transfer of this kind would do much to add needed checks and balances to our system for licensing nuclear powerplants, and would also lead to stronger nuclear safety standards.

With regard to the bill before us today, I am particularly concerned by two provisions—the small amount of money available for nuclear safety programs and the emphasis on development of a

fast breeder reactor, at the expense of the fusion research program. The authorization for nuclear safety programs in this bill is only \$42.9 million—which is 8 percent of the total authorization for programs associated with reactor development by the AEC in the coming year. I feel that this apportionment of funds shows a shocking lack of regard for the safety of the American people, and particularly those who live near operating reactors.

As my colleagues know, there is only one vital safety capability protecting the public from catastrophic contamination should a nuclear plant develop a cooling problem. That is the ability to cool the core of the plant under emergency conditions. Despite this fact, however, there has never been a large scale test of the emergency core cooling system in a real reactor situation, and the AEC's request for \$5 million for this program in fiscal 1972 was cut by the Office of Management and Budget to \$2.7 million. The \$2.7 million request was approved and included in the bill reported by the joint committee, but it is my understanding that an amendment will be offered to provide the full \$5 million originally requested by the AEC for testing of the emergency core cooling system. I will support that amendment.

With regard to the fission and fusion research programs, the committee bill contains only \$30 million for research on a new fusion reactor, compared with substantial sums being invested in the fission research programs, and particularly development of the liquid metal fast breeder reactor. In view of the fact that the fusion reactor seems to be the best future hope for safer, more efficient, and less damaging energy from the standpoint of radioactive emissions, I will support an amendment to increase funding for the fusion research program.

I am also concerned over the implications of Cannikin, the underground nuclear test planned for Amchitka in October. It is my understanding that the test is not needed for any planned weapons defense system and that there are risks of possible earthquakes, tsunamis, radiation leaks, and national wildlife refuge damage resulting from the test. I will therefore support efforts to delete funding for this test from the bill.

Mr. PICKLE. Mr. Chairman, one item in this bill that I am particularly pleased to see is the full \$29.8 million recommended by the AEC for research in thermonuclear power—or fusion power as it is more commonly called.

No one has yet harnessed the energy caused when two atoms fuse long enough to derive controlled power from it—even though the time needed is only 250 microseconds. But that day may well be not far off. In a laboratory buried under the Physics-Math building at the University of Texas, Dr. Bill Drummond and his team of scientists think they may reach that breakthrough as early as this year. Using a new and modified version of a \$1 million doughnut-shaped aluminum bottle called the Texas Tokamak, they

are making steady progress toward that all important first breakthrough toward useful fusion power.

Mr. Chairman, even though this process is not yet a scientific feasibility, the progress toward making it one is too real, and our energy needs too great not to continue to give fusion research our full and continued support.

In a search for resources from which to derive power, fusion uses the plasma made from the plentiful supplies of heavy hydrogen in our oceans. In the search for a source of power which will not take more away from the environment that it gives to it, fusion power is clean.

There are a few other centers across this land where fusion research is going on at the present time, each one trying its own route. They deserve our support. They deserve our encouragement. I am glad to see them getting some. In the future, I hope we can give them even more.

Mr. PRICE of Illinois. Mr. Chairman, I have no further requests for time.

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

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

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

Sec. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses," \$2,025,571,000, not to exceed \$116,400,000 in operating costs for the High Energy Physics program category.

(b) For "Plant and capital equipment," including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) NUCLEAR MATERIALS.—

Project 72-1-a, electrical system modifications for higher power operation of gaseous diffusion plant, Paducah, Kentucky, \$2,000,000.

Project 72-1-b, cooling water system modifications for higher power operation of gaseous diffusion plant, Paducah, Kentucky, \$2,800,000.

Project 72-1-c, replacement of direct buried radioactive waste transfer lines, Richland, Washington, \$2,300,000.

Project 72-1-d, irradiated fuel storage facility, National Reactor Testing Station, Idaho, \$2,500,000.

Project 72-1-e, improvements in radioactive waste management and supporting facilities, multiple sites, \$5,000,000.

Project 72-1-f, component preparation laboratories, multiple sites, \$3,000,000.

Project 72-1-g, facilities for integrated operation of chemical separations plants, Richland, Washington, \$1,500,000.

Project 72-1-h, air filter for laboratory facilities, Savannah River, South Carolina, \$2,500,000.

(2) ATOMIC WEAPONS.—

Project 72-2-a, weapons production, development, and test installations, \$10,000,000.

Project 72-2-b, weapons neutron research facility (AE only), Los Alamos Scientific Laboratory, New Mexico, \$585,000.

(3) REACTOR DEVELOPMENT.—

Project 723a, liquid metal engineering cen-

ter facility modifications, Santa Susana, California, \$1,000,000.

Project 72-3-b, national radioactive waste repository, Lyons, Kansas, \$3,500,000.

Project 72-3-c, analytical support facility, Mound Laboratory, Miamisburg, Ohio, \$850,000.

Project 72-3-d, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, \$1,000,000.

(4) PHYSICAL RESEARCH.—

Project 72-4-a, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, \$225,000.

Project 72-4-b, accelerator and reactor additions and modifications, Brookhaven National Laboratory, Illinois, \$225,000.

Project 72-4-c, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, \$280,000.

Project 72-4-d, accelerator improvements, Cambridge Electron Accelerator, Massachusetts, \$75,000.

Project 72-4-e, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, \$180,000.

Project 72-4-f, accelerator and reactor improvements, medium and low energy physics, \$400,000.

(5) BIOLOGY AND MEDICINE.—

Project 72-5-a, radiobiology and therapy research facility (AE only), Los Alamos Scientific Laboratory, New Mexico, \$345,000.

(6) GENERAL PLANT PROJECTS.—\$41,080,000.

(7) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, \$153,296,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (3), (4), and (5) only if the current estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth that project.

(b) The Commission is authorized to start any project under subsection 101(b) (6) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be \$500,000 and the maximum currently estimated cost of any building included in such project shall be \$100,000 provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects, undertaken under subsection 101(b) (6) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

SEC. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

SEC. 105. AMENDMENT OF PRIOR YEAR ACTS.—

(a) Section 101 of Public Law 89-32, as amended, is further amended by (1) striking therefrom the figure "\$2,658,821,000", and substituting therefor the figure "\$2,664,521,000"; (2) striking from subsection (b) thereof the figure "\$398,045,000", and substituting therefor the figure "\$403,745,000"; and (3) striking from subsection (b) (4) for project 66-4-a, sodium pump test facility, the words "for design and Phase I construction," and further striking the figure

"\$6,800,000" and submitting therefor the figure "\$12,500,000".

(b) Section 101 of Public Law 91-44, as amended, is further amended by striking from subsection (b) (5) thereof the figure "\$560,000" for project 70-5-a, conversion of heating plant to natural gas, Argonne National Laboratory, Illinois, and substituting therefor the figure "\$860,000".

(c) Section 101 of Public Law 91-273, as amended, is further amended by (1) striking from subsection (b) (1) thereof the figure "\$14,700,000" for project 71-1-e, gaseous diffusion production support facilities, and substituting therefor the figure "\$45,700,000"; (2) striking from subsection (b) (1) thereof the figure "\$6,400,000" for project 71-1-f, process equipment modifications, gaseous diffusion plants, and substituting therefor the figure "\$10,400,000"; and (3) striking from subsection (b) (9) thereof the figure "\$25,500,000" for project 71-9, fire, safety, and adequacy of operating conditions projects, various locations, and substituting therefor the figure "\$45,700,000".

(d) Section 106 of Public Law 91-273, as amended, is amended by striking from subsection (a) thereof the figure "\$50,000,000", wherever it appears therein, and substituting therefor the figure "\$100,000,000".

SEC. 106. RECISSION.—Public Law 90-56, as amended, is further amended by rescinding therefrom authorization for a project, except heretofore obligated, as follows:

Project 63-3-b, isotopic space systems facility, Sandia Base, New Mexico, \$2,250,000.

SEC. 107. LIQUID METAL FAST BREEDER REACTOR BASE PROGRAM PROJECT.—As part of the Commission's liquid metal fast breeder reactor base program, the Commission is hereby authorized to enter into a definitive arrangement, for a term not exceeding seven years, for the conduct in the Enrico Fermi Atomic Power Plant of a program of plant operation, and research and development of programmatic interest to the Commission; and the Commission is further authorized as part of such arrangement, and without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended, to waive use charges for special nuclear material, up to a total amount of \$9,100,000, and to distribute special nuclear material by lease during the term of the arrangement.

TITLE II

SEC. 201. (a) Subsection a. of section 31 of the Atomic Energy Act of 1954, as amended, is amended by (1) striking the word "and" from the end of paragraph (4) thereof; (2) striking from the end of paragraph (5) thereof the period and substituting therefor "; and"; and (3) by adding thereto a new paragraph (6) to read as follows:

"(6) the preservation and enhancement of a viable environment by developing more efficient methods to meet the Nation's energy needs."

(b) The first sentence of section 33 of the Atomic Energy Act of 1954, as amended, is amended to read as follows: "Where the Commission finds private facilities or laboratories are inadequate for the purpose, it is authorized to conduct for other persons, through its own facilities, such of those activities and studies of the types specified in section 31 as it deems appropriate to the development of energy."

Mr. PRICE of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MRS. MINK

Mrs. MINK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MINK: On the first page, line 7, strike out "\$2,025,571,000," and insert in lieu thereof "\$2,005,871,000."

Mrs. MINK. Mr. Chairman, I urge this committee to support my amendment to delete \$19.7 million from this Atomic Energy Commission authorization bill which has been provided for in this legislation to supplement \$165 million which has already been spent on Project Cannikin.

Project Cannikin was planned 5 or 6 years ago by the AEC to test a five-megaton nuclear warhead. In 1969 Project Milrow tested a one-megaton warhead. This is a continuation of that experiment.

On April 20, 1971, Dr. Harold Agnew, director of the Los Alamos Scientific Laboratory testified to the Senate Committee on Armed Services that the ABM Spartan warhead will be tested in Alaska. This was the first clear statement made by a Government official as to the reasons for this test of a weapon of this magnitude.

Cannikin as with Milrow, is to be staged in Alaska, on the island of Amchitka where a 6,000-foot hole has been dug in which this five-megaton bomb is to be exploded.

Only one result of the explosion is certain; that it will blow out an underground cavity the length of two football fields in which dangerous radioactive water and gases from the explosion will remain for thousands of years.

All other consequences are admittedly speculative, but are sufficiently ominous to cause reasonable men to ask whether this test is necessary in view of the risks involved.

The Presidential Ad Hoc Panel on the Safety of Underground Testing chaired by Dr. Kenneth Pitzer, former president of Stanford University, made the following points in their report:

There does not now appear to be a basis for eliminating the possibility that a large test explosion might induce, either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site. This possibility is more serious for tests of greater than a megaton, since the larger initial explosion would lead to greater alteration of the regional stress pattern. Further it has recently been suggested that the great earthquakes (magnitude 8.5) are actually composed of a rapid succession of earthquakes of magnitudes 6.5 to 7.0. Since the Amchitka area in Alaska is still more active seismically, the hazard of inducing an earthquake must be considered to be greater at that location than at either Nevada sites. Amchitka is more seismic than Nevada by at least an order of magnitude . . . if the triggered earthquake were a large one (magnitude greater than 8) and the rupture propagated to the east where the population density increases, there could be damage due to ground vibration as well as tidal waves.

The people of the State of Hawaii are deeply worried and apprehensive and with good justification. In 1946 an

Aleutian earthquake triggered a tidal wave—tsunami—which rolled across the Pacific and killed 173 persons in Hawaii, and destroyed \$25 million worth of property. This happened again in 1957 doing \$3 million worth of damage in Hawaii. In 1964, a similar earthquake in Alaska touched off another tidal wave which killed 12 persons in Crescent City, Calif., and left 400 families homeless.

The risks to the people of Hawaii, as well as California and Alaska is undeniable. Even the AEC admits this; however it argues that the risk is small and when balanced against the importance of the test to our national security that this risk is acceptable.

The Federation of American Scientists Executive Board made up of eminent scientists like Dr. Jeremy Stone, Dr. Herbert York, Dr. Marvin L. Goldberger, and Dr. Herbert Scoville, have all urged the cancellation of this test. They argue that the test is unnecessary in view of the changes in our nuclear defense strategy. They agree with Wolfgang K. H. Panofsky that—

The protection offered by Safeguard for the Minuteman force is negligible. Even if Safeguard functions perfectly it offers significant protection to Minuteman only over a very narrow band of threats; if the threat continues to grow as rapidly as it is at present, Safeguard is obsolete before deployed; if the threat levels off, Safeguard is not needed.

Dr. Jeremy Stone, in testimony presented to the AEC at Anchorage, Alaska, on May 28, 1971, stated:

Those who reject Safeguard reject the necessity for Cannikin.

Those who reject the necessity for Spartans in Safeguard reject the necessity for Cannikin.

Those who reject the necessity for Basic Spartans in Safeguard reject the necessity for Cannikin.

And even those who want Basic Spartan in Safeguard still reject the necessity for Cannikin unless they insist on proof-testing it at great financial expense and at the environmental risks described previously.

Under these circumstances who can possibly call Cannikin a compelling necessity?

Basically, Cannikin is a bureaucratic oversight . . . an experiment that has been waiting to be cancelled since, in early 1969, the President changed the rationale for the U.S. ABM away from the anti-Chinese defense.

No underground nuclear device of the size of Cannikin has ever before been exploded in the United States. All the tests in Nevada were of the 1-megaton size.

I am not a scientist, but I am sufficiently aware of the hazards of radioactive contamination of our environment to repeat the warnings of many who are scientists and who have studied the cumulative effects of our pollution of the ocean by radioactive fallout, of the pollution of our agricultural crops from fallout, of the pollution of the effluents from our nuclear powerplants and the dangerous correlation between this and deaths of fetuses and new born children.

The further contamination of our oceans will seriously damage our fisheries. The prospect of this contamination is a possibility in the Cannikin test.

Despite all the expertise possessed by

AEC on December 18, 1970, radioactive materials were leaked into the atmosphere through a crack during an underground test in Nevada. Baneberry radioactive counts doubled 2,000 miles away in Canada.

No one can give the assurance that such spillage of radioactive materials will not occur from a test five times in magnitude, in the air through cracks in the earth, in the ocean through similar cracks nor can anyone give any positive assurance that the aftershocks will not be of such a magnitude as to trigger a tidal wave which could sweep over Hawaii, and parts of the west coast.

These are enormous risks. And what for? For a test of a weapon which experts tell us is not now necessary for the defense of our country in view of new technological developments in weaponry.

I urge my colleagues in this House to support my amendment.

The material follows:

THE COALITION TO STOP THE ALASKA NUCLEAR BLAST

WASHINGTON, D.C., July 12, 1971.

DEAR CONGRESSMAN: This Thursday morning the Atomic Energy Commission authorization bill for FY 1972 is scheduled for floor action. The bill contains \$19.7 million for the 5 megaton nuclear test called Cannikin scheduled for Amchitka Island in early October.

The Coalition to Stop the Alaska Nuclear Blast is composed of conservation, peace, and scientific organizations opposed to the test. We maintain that Cannikin is purposeless since it is not needed for any planned weapons defense system and that the risks of possible earthquakes, tsunamis, radiation leaks, and National Wildlife Refuge damage—each with grave environmental consequences—cannot be avoided. Recently the following eight national organizations wrote the President asking for Cannikin's cancellation: Committee for Nuclear Responsibility, Federation of American Scientists, Friends of the Earth, Natural Resources Defense Council, SANE, Sierra Club, The Wilderness Society, and World Federalist.

Representative Patsy Mink will offer an amendment to delete the funds for the test from the AEC authorization bill. We urge you to support this action.

Please contact us if we can be of any help.

Sincerely,

RICHARD LAHN,
Coordinator.

A CRITIQUE OF THE AEC'S CANNIKIN ENVIRONMENTAL STATEMENT

The National Environmental Policy Act (NEPA) of 1969 requires all federal agencies to file an Environmental Impact Statement before embarking on programs that significantly affect the environment. The Impact Statement must cover the following points:

- (i) the environmental impact of the proposed action;
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;
- (iii) alternatives to the proposed action;
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

The act requires a total disclosure of all information so that it is possible to evaluate the benefits of a project against the risks of environmental damage. It was expected that by requiring a factually detailed study open to hard public scrutiny, the public interest would be served and the environment would be protected.

Though the thought of an environmental impact statement for a 5-megaton nuclear bomb is somewhat incomprehensible (this is the test of a device which is designed to destroy the environment), it is still required, since the experiment is a project of a federal agency, the Atomic Energy Commission, and the test is unquestionably of major environmental significance.

The AEC has filed its final NEPA statement with the Council of Environmental Quality but, unfortunately, the statement provides no basis for making a credible evaluation of the project. There is neither an explanation of the benefits of the test nor a determination of the effect on the environment if everything were to go wrong.

BACKGROUND

Since the 1969 NEPA law went into effect, there has never been an impact statement filed for an individual nuclear test. A Draft Statement was written in November 1970 for the total underground nuclear program carried out in Nevada.

The Cannikin test was originally scheduled for October 1970 and a Draft Statement was issued in June 1970. This statement was severely criticized in Congress, and the \$20 million needed to continue the project was not appropriated. Senator Edmund Muskie said that the funds were withheld and the project stopped "because the Atomic Energy Commission failed to file a satisfactory statement on such test's environmental effects."

The test was rescheduled for autumn 1971, and a Redraft Statement was issued at the end of April 1971. Eighteen senators, in a letter to William Ruckelshaus, Administrator of the Environmental Protection Agency; Glenn T. Seaborg, Chairman of the AEC; and Russell E. Train, Chairman of the Council on Environmental Quality; urged that the AEC conduct public hearings "to permit a thorough public review of the benefits and risks involved."

Under Senate pressure, and at the request of Governor Egan of Alaska, AEC hearings were conducted on May 26, 1971, in Juneau and on May 28 and 29 in Anchorage. Besides the large amount of public testimony, Hearing Examiner Robert Miller of the AEC heard the same three hours of statements from the same ten AEC witnesses in both Juneau and Anchorage.

At the end of June 1971, the AEC issued the Final Impact Statement, supposedly improving and refining its previous draft statements, based on inputs from the public and other government agencies. The Statement is fifty-nine pages long, and contains a ten-page bibliography as well as an annex of federal agency comments and AEC responses. It may be obtained by writing Mr. John A. Erlewine, Assistant General Manager for Operations, The Atomic Energy Commission, Washington, D.C. 20545.

There are three main areas of environmental impact that are the crux of the issue: 1) effects on Amchitka; 2) radiation leaking into the surrounding water and venting into the air; and 3) earthquakes and tsunamis. (NOTE: Page numbers in parentheses refer to Final Impact Statement, unless specified.)

EFFECTS ON AMCHITKA

The AEC states that the effects of the explosion will be localized with little long-term damage. "The principal environmental effects of Cannikin are those resulting from occu-

pation of Amchitka by a work force of some hundreds of men." (page 1)

Item: There are forty-four bird species that inhabit Amchitka Island. Fifty-five pairs of bald eagles and nineteen pairs of peregrine falcons nested during 1970. Within four miles of ground zero are eight bald eagle nests and two peregrine falcon nests.

AEC states: In the worst case, nests within four miles could be destroyed resulting from the occurrence of rock and earthslides along the coastal areas. Milrow (the megaton test conducted in 1969 on Amchitka) dislocated 14,000 cubic yards of rock and peat and it is expected that Cannikin will dislocate more. "Extrapolation from Milrow experience indicates that Cannikin may damage one or two eagle or falcon nesting sites so severely that they would be unsuitable as future nesting locations. This amount of damage to nesting sites would not affect the reproduction potential or populations of their species, nor should there be any measurable effects on population density or reproduction potential of the other avian species as a result of the Cannikin test." (page 34)

Point: Dr. Clayton White of Brigham Young University calls Amchitka's falcon population the "most dense in the world right now." Any detrimental effects upon the island's peregrine population would only bring this already endangered species closer to extinction. It is mentioned that the timing of the test is such that hatching will already have occurred, but it is overlooked that the nesting eagles and peregrines will have young in the nest at that time. This fact could compound the population damage.

Throughout the document, the AEC extrapolates from Milrow in the manner of the above AEC quotation. Since there is no reason to believe that a linear or any other simple relation exists (i.e. since Milrow was about one megaton and since Cannikin will be about five megatons, then Cannikin will be five times as destructive as Milrow) between the two, it is therefore not credible to extrapolate from one point.

AEC states: In the worst case, some small sculpin (three spine stickleback) ranging in number up to a few thousand would be killed. It is possible that some fish in the closest streams will be injured or killed by shock effects, but at worst would affect only a small fraction (one to ten per cent depending on species) of the total island population. Changes of plankton levels in nearby ponds may occur and the draining of one or two ponds is possible.

Note: The shock of the immediate impact causes water in the streams and ponds near ground zero to be "thrown into the air." (page 52) In Milrow, this resulted in stranding on land some of the stickleback fish population. The motion also creates a momentary sharp rise and fall in pressure in the lakes and along the sea coast. This effect killed stickleback in two ponds near Milrow.

AEC states: The Battelle Columbus Laboratory, under contract with the AEC Nevada Operations Office, initiated ecological studies on Amchitka in 1967. A short-term and long-term post-shot program has been established to document the environmental effects of Cannikin.

Point: Despite contracted studies, Wallace Noerenberg, Commissioner of Alaska Department of Fish and Game, testifying in Juneau on May 26, 1971, had to correct AEC figures. "Both impact statements (Draft and Redraft) use the figure 2500 to represent the total sea otter population on Amchitka. Recent surveys reveal that the population is in excess of 4000 animals. . . . Both reports use the figure 200 otters as residing within the four mile 'impact zone.' Recent surveys indicate a population approaching 600 animals." The June AEC statement reflects the

Fish and Game Department's corrections of late May.

AEC states: "Overpressures greater than 100 pounds per square inch may rupture other tympanic membranes (eardrums) which ultimately can be expected to cause death in otters so affected if they are unable to dive for food." Twenty to 100 sea otters may be killed. (page 36) It is estimated that ten to fifteen per cent of the population will be affected.

Point: Commissioner Noerenberg made several other points concerning the otters. 1) Otters tend to segregate by sex, with sexually active males generally concentrating in "male areas." Two such "male areas" near the blast may be affected; the ensuing loss of mature males will have a much larger effect on the population than a random death pattern of the same number. 2) The ground shock of the blast will affect the large number of otters resting on rocks with possible results of bruising, internal injuries, rib or skull fractures or leg injuries—the effect on pregnant females might also be significant.

AEC states: "The Amchitka sea lion and harbor seal populations are not expected to be affected by Cannikin." (pages 36)

Point: Commissioner Noerenberg states that there is great concern for the seal and sea lion population (estimated at 350 and 750 respectively) off Amchitka. "We are of the opinion that pressure effects would be as serious on these animals as on otters, and that the AEC should consider this impact as well."

AEC states: "Bioenvironmental program scientists are confident that populations of commercial fish and shellfish species will not be endangered from Cannikin." There is the unlikely possibility "that casualties may include: hundreds of fish in the near-shore area such as Pacific cod and dusky rockfish; a few salmon in deeper offshore water; hundreds of fish such as Atka, mackerel, lantern fish, rockfish and smelt in mid-water, offshore areas; and thousands of rockfish and Pacific cod in offshore bottom areas." (page 37)

Point: The Alaska Fish and Game Department is much more concerned about the effects of radioactivity leaks than the ground shocks affecting commercial fish. The worth of the Alaska fishing industry is categorized in the report, *Commercial Fisheries Related to Amchitka Island*, by Abrams, Kemp and Kerkwood. Total income of Pacific salmon fisheries in 1970 was \$60,034,000; King crab was \$13,919,000; shrimp was \$2,935,402; Tanner crab was \$1,399,918; Dungeness crab was \$1,050,194; and scallops was \$1,131,254.

Commissioner Noerenberg states, "The 'ownership' of salmon passing Amchitka is international in scope and the consequences of any contamination of these animals would be worldwide in regard to marketing and human consumption problems."

The Alaska Sportsmen's Council, in a letter to the Governor of Alaska, dated June 2, 1969, stated, "In short, a food supply system that feeds a large part of the world—a supply and fishery resource which has never been fully developed—would likely be ruined. How far the contamination might spread with the assistance of the Japanese current is unknown. One thing is certain: If there is any chance whatsoever that the blast will vent, it is too great a risk. The AEC has made no such guarantee. It cannot."

RADIATION LEAKING INTO THE WATER AND VENTING INTO THE AIR

AEC states: "Scientists and engineers do not conceive of any process by which a venting of radioactive material could occur. However, if those experts were completely wrong, the greatest conceivable venting would be a few percent of the total radio-

activity produced by this equipment." (page 2)

Point: The AEC has never planned an underground test and expected it to vent radiation and, since 1963 limited test ban treaty, nations have been prohibited from violating international boundaries with radiation fallout. However, the AEC record of preventing leakage is not good. From 1963 to the end of 1970 "there were 230 announced U.S. underground nuclear explosions at the Nevada Test Site and elsewhere, including five Flowshare cratering tests. Of the non-Flowshare tests, seventeen inadvertently leaked radioactivity detectable off-site." (page 17) In a letter dated March 11, 1971, from Dr. Glenn T. Seaborg, chairman of the AEC, to Senator Gravel, it is stated that "there were approximately forty tests in which some radioactivity was detected only in the immediate vicinity of the firing point."

Point: The AEC's worst case of a few percent venting must be further explained. A percent of the radioactive inventory of the largest underground test in U.S. history certainly deserves a detailed discussion with an exhaustive look at the effects on the environment. A small percentage of a large number is still a large number—and cannot be disregarded by a wave of the AEC's hand.

AEC states: The extensive Nevada containment experience "has contributed to the development of sound test containment procedures. . . . Each time a leak of radioactivity has occurred, there has been careful investigation in an effort to learn the cause so that leaks from similar causes can be avoided."

Point: Judging by the leaks that have occurred and continue to occur (the largest one ever occurred last December), it may be concluded that either the AEC has not done a proper job in studying past failures or that each test is unique in the combination of characteristics such as tonnage exploded, geology, hydrology, climatic conditions, etc., and so the outcome is unpredictable.

The last failure, Baneberry, was exploded December 18, 1970, in Yucca Flats at the Nevada Test Site. The test was less than twenty kilotons and was reported to have leaked radiation over thirteen states and contaminated the clothing of 900 test site workers. "The final total release estimate for Baneberry is approximately three megacuries (3,000,000), reference to R (Release time) plus 12 hours." (Seaborg to Gravel letter, March 11, 1971)

AEC states: "Geological and physical data obtained during two earlier successful low-yield tests very near to the Baneberry site (one had been 2,000 feet to the north and the other about the same distance to the east) had indicated the suitability of the Baneberry site."

Point: How much confidence, then, can be placed in the geological and physical studies that have justified, to the AEC's satisfaction, the Cannikin site? In this light, do the Milrow explosion results have any significance in predicting the outcome of Cannikin? The AEC constantly refers to Milrow in estimating the Cannikin results.

AEC states: "In order to assure containment of radioactivity, it is necessary to (be) . . . (an) adequate distance from faults. . . . The Cannikin site is 3,300 feet south of the Teal Creek Fault and 2,800 feet north of a suspected fault . . ." (page 19)

Point: It should be noted that the Baneberry leak did not occur through a fault. According to AEC reports, the 910-foot deep test split the earth with its own pressure which exceeded expectations because "the earth around the explosive device was more saturated with water than had been expected." If Baneberry (less than twenty kilotons) had enough power to "force gas through the ground to the surface" and to

open up a "fissure 315 feet long," why can't Cannikin, in water-saturated rock, push gas 2800 feet to the suspected fault?

AEC stated: No one is likely to know where every single fault is located, but the big ones are known. (This point emerged in a meeting of Fred R. Tesche, AEC Deputy Director, and Senator Gravel's staff.)

Point: The February 1971 quake in Los Angeles occurred along the Soledad Fault, which was considered too insignificant to put on seismic fault maps.

AEC states: "Most of the radioactive material associated with the detonation will be incorporated into and trapped in rock melt, or will be adsorbed onto the surfaces of rock material. Most material will therefore be essentially retained in the bottom of the explosion zone. The volatile fission products and tritium are exceptions." (page 22)

Point: There is no documentation supporting the AEC statement that the radioactive materials will be incorporated into, trapped in, or adsorbed onto rather than go into solution under the conditions of salinity, high pressure, and very high temperature.

AEC states: "Those radionuclides not trapped in the solidified rock melt will be susceptible to migration in ground water. Only an insignificant fraction of the trapped radionuclides will be slowly leached from the surfaces of the fused rock." (page 23)

Questions: How much of what radionuclides are there? What is the insignificant fraction? Without knowing how much of what is involved it is not possible to talk about environmental impact.

AEC states: "Tritium in water is of more concern than other radioactive materials since it will migrate at nearly the velocity as the natural ground water." (page 23) Three mechanisms are described whereby tritiated water can migrate to the sea: Mechanism 1 is described as "most likely" and the "migration would take a thousand years or more." Mechanism 2 "is estimated to take over a hundred years." The third mechanism is described as very unlikely and the "contaminated water would reach the sea in about two or three years . . . This would introduce tritiated water into the ocean with an initial concentration about 1,200 times that of the RCG (Radioactivity Concentration Guide) for water . . . The assumptions of this model also imply a sharp reduction in adsorption surface and, therefore, at some later time other radionuclides such as strontium, cesium, ruthenium, and antimony would also be introduced into the ocean in concentrations higher than the RCG." (pages 23-25.)

Points: No support is given as to why one model is more probable than any other. All proof is embodied in the credibility of the terms "most likely", "less probable", and "very unlikely".

Long Shot (the 80 kiloton test on Amchitka on October 29, 1965, at the time billed as first and last test on the island) released tritium "about one month after the test." It was "detected in three small ponds on the north edge of the surface zero pad and in drainage ditches from those ponds." (page 14.)

AEC states: "No leakage of tritium or radioactive noble gases is expected for Cannikin; behavior comparable to Milrow is likely." (page 15)

Point: Assuming the worst Cannikin case of leaking tritium in 2 to 3 years and applying this case to Milrow, we would not see any tritium from Milrow yet because it has been less than two years since Milrow. The Milrow experience with tritium can not be used for predicting Cannikin.

AEC states: Even if the extreme tritium migration model were true "dilution of that

water by the sea water would take place rapidly . . . there would be an effective dilution factor of above 100,000 within a few hours." (page 25)

Points: Commissioner Noerenberg stated, "Concerning the one known radioactive element that has leaked on Amchitka, tritium, little is known of its impact on fish. However, a recent paper given by Erickson (from the University of Washington Radiation Laboratory) at the Third National Radio-ecology Symposium, discusses the impact of both low and high level concentrations of tritium on guppies. His conclusions are that even low levels affect the germ plasm causing changes in growth, sex ratio, ability to withstand stress and courting behavior."

"It is reported in two papers that Silver Salmon fry held in cooled effluent from the pile area at Hanford suffered 100 per cent mortality in eight weeks. Even at dilutions of 1:50 increased mortalities were evident."

Polkarpov, in his book "Radioecology of Aquatic Organisms" (1966, Reinhold Book Div, New York) states among his conclusions: (page 260) a.) "The frequency of occurrence of abnormalities in the larvae of sea fishes has been shown to be increased at strontium-90-yttrium-90 concentrations of a trillionth of curie per liter and above, i.e. at levels that have already been reached in the Pacific Ocean and in the Irish Sea." b.) "It has been shown that further radioactive contamination of the seas and oceans is inadmissible, because it entails great risk of a) producing irreversible changes in the hydro-biosphere, b) disrupting the resources upon which fisheries depend and c) producing dangerous levels of contamination in the marine organisms consumed by man."

AEC states: "It is not conceivable that Cannikin would cause release of underground radioactivity from the cavities which remain from the earlier Milrow and Long Shot tests." (page 2)

Point: The above statement contains the entire discussion by the AEC about this subject. There are no references, studies, or even explanations as to why this possibility is "not conceivable."

EARTHQUAKES AND TSUNAMIS

AEC stated in the Draft Environmental Statement (June 1970), "experience gained by observation of past nuclear detonations and earthquakes combine to provide extremely positive assurance that the Cannikin explosion cannot of itself cause a severe earthquake." (page A-4)

Point: In a letter dated July 21, 1970 to the AEC, Louis Rousselot, the Deputy Assistant Secretary of the Department of Defense commented, "Substitute for . . . provide extremely positive assurance . . ." the phrase "indicate that it is highly unlikely." "The AEC complied."

AEC states: ". . . it is highly unlikely that the Cannikin explosion can, of itself, trigger a severe earthquake. Furthermore, the possibility of the Cannikin explosion or an earthquake causing a damaging tsunami (seismic sea wave) is even more unlikely." (page 3)

Point: The Presidential Ad Hoc Panel on the Safety of Underground Testing chaired by Dr. Kenneth Pitzer, former President of Stanford University, made the following points in their November 27, 1968 Report which was withheld for some time by the Atomic Energy Commission: ". . . there does not now appear to be a basis for eliminating the possibility that a large test explosion might induce, either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site. This possibility is more serious for tests of greater than a megaton since the larger initial explosion would lead to greater altera-

tion of the regional stress pattern. Further, it has recently been suggested that the great earthquakes (magnitude 8.5) are actually composed of a rapid succession of earthquakes of magnitude 6.5 to 7.0."

Point: The terms "highly unlikely" and "even more unlikely" as used for earthquakes and tsunamis respectively do not rule out an occurrence of the event. Assuming the worst case that an earthquake and a tsunami do occur there must be a discussion of what will happen. There is none. Therefore the environmental impact cannot be judged and so this Impact Statement is deficient and delinquent.

AEC states: There is "almost one chance in 100 that there will be an earthquake as big as or bigger than Cannikin in the vicinity of Amchitka in any two-week period. For the whole of the Aleutian Islands and Alaskan Peninsula, the probability is higher, more like one in 20." (page 53)

Point: What would happen in the worst possible case if the Cannikin shock of about 7.0 richter scale occurred coincidental to a natural earthquake of 7.0 or greater? What would be the resulting earthquake magnitude? Would this be large enough to set off a tsunami?

AEC states: "Most existing experience is from large underground explosions in Nevada." (page 55)

Point: The Pitzer Report states, "Since the Amchitka area in Alaska is still more active seismically, the hazard of inducing an earthquake must be considered to be greater at that location than at either Nevada site . . . Amchitka is more seismic than Nevada by at least an order of magnitude."

AEC states: "It is expected that the only observable effect from Cannikin will, again (meaning like Milrow), be a cluster of small aftershocks in the vicinity of the explosion site." (page 55)

Point: The Pitzer Report states that "it would appear that safety can be achieved in the proposed central Nevada and Alaskan test sites only by gradually increasing the yield and thus developing the necessary experience during the test program." Going from 1 megaton to 5 megatons doesn't meet the definition of gradually increasing.

Pitzer Report states: ". . . there is good evidence that great earthquakes consist of a superposition of smaller (magnitude 6 to 7) events triggered in succession." And, ". . . if the triggered earthquake were a large one (magnitude greater than 8) and the rupture propagated to the east where the population density increases, there could be damage due to ground vibration as well as tidal waves."

BENEFITS

AEC states: The test is necessary for "the development of nuclear weapons technology of prime significance to our national security requirements." (p 46)

Point: On April 20, 1971 Dr. Harold Agnew, Director of Los Alamos Scientific Laboratory, testified to the Senate Committee on Armed Services that 1) the ABM Spartan warhead will be tested in Alaska, and 2) the Spartan warhead "would be useful in a limited way" in high altitude attacks against very large-yield Soviet weapons. To justify the risks in undertaking the test there must be a full discussion of the ABM Spartan system. To hide behind the phrase national security when the ABM system has been vociferously attacked in public for many years is to imply that the test can't be justified.

Point: Dr. Jeremy Stone, executive director of the Federation of American Scientists, a military weapons expert, stated, "Basically, Cannikin is a bureaucratic oversight—an experiment that has been waiting to be cancelled since, in early 1969, the President changed the rationale for the U.S. ABM away

from the anti-Chinese defense." Other scientists like Drs. Rathjens and Scoville have called the Spartan an "obsolete" weapon. If the public is to bear the risks the AEC must justify the benefits of this weapon.

CONCLUSIONS

There are few federal projects that have the magnitude and the possible grave environmental consequences as Cannikin. The explosion of a 5 megaton bomb is surely one of the greatest unnatural acts man can perform. The prediction and evaluation of the possible outcomes requires a rigorous scientific discussion (whether laymen can under-

stand it is irrelevant). Such a discourse is required for the Cannikin Environmental Impact Statement.

Unfortunately, the AEC's Impact Statement is more of a public relations type press release than a scientific document. It appears it was written to allay fears instead of to present information.

Some specific faults—

Though the Table of Contents seems to indicate a certain organization to the document this is misleading since the small quantity of information per subject that is contained is scattered in random disarray throughout the statement. It seems that

many different people wrote the document and didn't know what the others were doing.

There are statements that are made in the summary that are nowhere else supported or referenced in the text.

The statement covers insignificant, irrelevant points in great detail and fails to provide any information or credible answers to the questions of greatest magnitude.

The statement does not provide enough data or discussion to determine the environmental impact of the Cannikin project. It therefore does not comply with the intent and the letter of the National Environmental Policy Act.

[FROM HEARING BEFORE THE COMMITTEE ON FOREIGN RELATIONS, U.S. SENATE, 91ST CONG., 1ST SESS., ON S.J. RES. 155—TO PROVIDE FOR A STUDY AND EVALUATION OF THE INTERNATIONAL AND OTHER FOREIGN POLICY ASPECTS OF UNDERGROUND WEAPONS TESTING, SEPT. 29, 1969]

EXHIBIT A—SOME SIGNIFICANT MILITARY TESTS

[1 kiloton=1,000 tons of TNT; 20 kilotons=Hiroshima bomb; 1,000 kilotons=1 megaton]

Remarks	Name	Date	Location	Depth/rock	Yield
1st test in Nevada	"Able"	Jan. 27, 1951	Nevada test site	1,060 feet in air	1 kt.
World's 1st H-bomb test	"Mike"	Oct. 31, 1952	Eniwetok	Surface	10.4 meg.
Our biggest H-bomb test	"Bravo"	Feb. 28, 1954	Bikini	do	15 meg.
1st underground test	"Ranier"	Sept. 19, 1957	Nevada test site	790 feet in tuff	1.7 kt.
Voluntary test moratorium, late 1958 to September 1961					
Test suggests triggered quakes	"Hardhat"	Feb. 15, 1962	Nevada test site	943 feet in granite	5.9 kt.
Limited test ban treaty signed Aug. 5, 1963					
1st test to rock Las Vegas	"Bilby"	Sept. 13, 1963	Nevada test site	2,413 feet in tuff	200 plus kt.
Biggest leak: million curies	Data unavailable	Mar. 13, 1964			
Vela detection test	"Salmon"	Oct. 22, 1964	Mississippi	Cavity in salt	5 kt.
1st test in Alaska; radiation leaked; seismic mag.=6.2	"Longshot"	Oct. 29, 1965	Amchitka	2,300 feet in andesite	80 kt.
Las Vegas rolls again	"Greeley"	Dec. 20, 1966	Nevada test site	Data unavailable	850 kt.
Las Vegas swings. Salt Lake City jolted, San Francisco rolls; earth splits, rises 15 feet at ground-zero; giant cracks extend 3 miles; earthquakes of mag. 4-5 followed. 1st test at new site. Holes to accommodate multimegaton tests being drilled.	"Faultless"	Jan. 19, 1968	Central Nevada	3,200 feet	800 kt.
1st underground megaton blast; seismic mag.=6.4; fault displaced by 3 feet; faulting for 5 miles, triggers thousands of aftershocks. Deeper megaton test; approximately same effects as "Boxcar."	"Boxcar"	Apr. 26, 1968	Nevada test site	3,800 feet	1.2 meg.
Until it went off, AEC did not know if it would be larger or smaller than "Boxcar."	"Benham"	Dec. 19, 1968	do	4,600 feet in porous volcanic tuff	1.1 meg.
3d megaton test.	"Jorum"	Sept. 16, 1969	do	3,800 feet	A meg.
Calibration test for multimegaton tests at Amchitka.	"Milrow"	Oct. 2, 1969	Amchitka	4,000 feet	A meg.

EXHIBIT B

EARTHQUAKES AND THEIR MAGNITUDES

The magnitude of an earthquake measures the energy of its seismic waves. For convenience a logarithmic scale is used: that is, magnitude 4.0 is ten times the energy of magnitude 3.0; magnitude 5.0 is ten times the energy of magnitude 4.0; and so on.

Underground explosions, which also produce seismic waves, can be assigned magni-

tudes just like earthquakes. Underground nuclear explosions seem to put about 0.1% of their energy into seismic form. An underground nuclear blast of 1 kiloton would have a magnitude of slightly less than 5.0. A one-megaton explosion produces a magnitude of about 6.5. However, the seismic magnitude of underground explosions varies widely, depending upon the kind of surrounding rocks. Soft rock attenuates seismic energy far more rapidly than a hard rock like granite.

chitka is a site for underground testing of nuclear bombs by the Atomic Energy Commission and the Department of Defense.

In late September or early October, the most powerful and potentially destructive man-made explosion in history is scheduled to be set off at the bottom of a 6,000-foot hole drilled below the surface of Amchitka. The explosion, which is referred to as Operation Cannikin, will be caused by a five-megaton nuclear bomb, with the destructive power of approximately 10 billion pounds of TNT. The devastating effects of that amount of nuclear energy are far beyond comprehension, especially when one remembers that the bombs that wiped out Hiroshima and Nagasaki were only 20 kilotons each, the equivalent of only 40 million pounds of TNT.

Only one result of the explosion seems certain: instantaneously, the explosion will blow out an underground cavity the length of two football fields in which, says the AEC, all the dangerous radioactive water and gas from the explosion will remain for at least a thousand years. About all other effects of the bomb bitter controversy rages.

On one side are scientists, conservationists, and peace groups, in addition to political figures from Alaska, California, Hawaii, Canada, Japan, and other countries, either on the Pacific Rim or bordering the polar regions. All these individuals and groups oppose the test; only the Atomic Energy Commission and the Department of Defense support it. Much of the opposition to Cannikin comes from those scientists and environmentalists who insist that it may trigger, either immediately or later, a huge earthquake which could do very serious damage far beyond Amchitka and Alaska.

There are other dangers. The explosion may cause tidal waves; moreover dangerous

SOME HISTORIC EARTHQUAKES OF INTEREST

Date	Place	Magnitude	Depth in miles	Estimated deaths	Property damage
1737	Calcutta, India			300,000	
1906	San Francisco	8.3		700	\$800 million.
1920	Konsu, China			180,000	
1923	Japan	8.3		100,000	Vast.
1933	Long Beach, Calif.	6.3	5 to 6	120	\$60 million.
1960	Chile	8.4		1,000	\$600 million.
1960	Agadir	5.7	1 to 2	12,000	Total at Kasbah.
1962	Iran	7.5		12,000	
1964	Skopje, Yugoslavia	5.4	8	1,000	
1964	Alaska	6.4	12	125	\$311 million.
1964	Nigata, Japan	7.5	24	25	\$800 million.
1965	Seattle	5.75	35	6	\$800,000.
1965	Amchitka	7.5 to 8.0			
1969	do	6.6			

¹ Comparable in depth to planned multimegaton tests in Nevada and Alaska.

² This quake began with a shock of 6.5—which is the direct seismic punch delivered by a 1-meg. bomb—and snowballed to magnitude 8.4.

³ Largest earthquake in the world during 1965.

⁴ Sept. 11, 1969: began with quake of magnitude 5.2, triggering up to 6.6.

THE COMING ATOMIC BLAST IN ALASKA

(By Paul Jacobs)

Even on good days, which are very infrequent, Amchitka Island is depressing. Located 1,400 miles from the coast of Alaska and only 800 miles away from Siberia, this island, which is part of Alaska, is forty-two

miles long and less than five miles wide. The only access to it is by air. It is cold, wet, barren, windy, treeless, surrounded by stormy and treacherous seas, and normally uninhabited, except for arctic birds and sea otters who live on the offshore rocks. But since 1964, men have been on the island: Am-

radioactivity, in the sea or air or even both, may result, and if that happens, the fallout could easily drift over Canada and to many other parts of the world. Cannikin contains other potential environmental perils: the explosion could kill birds, fish, and animals in the area; it may also drastically disrupt, and for a long time, the delicate ecological balance of life in the Arctic North.

Commission officials insist that the predicted dangers are exaggerated and that Cannikin will have "no major impact on the environment." But the AEC hedges on Cannikin's effects: according to the director of the AEC's Weapons Development Division, Major General Edward B. Giller, the agency's panel of consultants has not said that "there will be zero possibility of some consequences." In fact, when it was charged that Cannikin could cause an earthquake, the AEC admitted that "because the understanding of earthquake mechanisms is still developing and is not yet sufficient for exact calculations, the possibility of such an occurrence cannot be ruled out."

If the possibility of an earthquake cannot be ruled out, how then can the AEC justify taking such a risk? Well, the Commission says, although it's true that large-scale underground explosions invariably cause earthquakes, such an occurrence in Cannikin's case might be an advantage. That advantage, so the logic goes, is that if a natural earthquake is now building up there anyway, Cannikin would release some of the pent-up energy prematurely, thus cutting down on what might be a much more serious disaster.

An "unlikely possibility" also exists, the AEC concedes, that the radioactive water and gas created by the explosion wouldn't just remain quietly inside the huge cavity 6,000 feet below the ground. Instead, it might flow up to the surface, in two or three years, through the fractured rocks and chimney system which the blast will create, and then mix with the ocean water. If that happens, the water will be 1,200 times more radioactive than what is considered safe and the process will continue for an estimated 130 years.

How unlikely is the AEC's "unlikely possibility"? In view of its past track record, no one can have much confidence in the Agency's ability to predict what happens in underground explosions. Prior to Operation Gnome, held in a New Mexico cave in 1962, the AEC insisted there was "zero possibility" that the test could vent radioactivity into the atmosphere. Nevertheless it did, only moments after the shot. Project Long Shot, conducted at Amchitka in 1965, was not expected to leak radioactivity for hundreds of years. Nevertheless it did, only a few months later.

Moreover, 10 percent of the underground tests conducted at the AEC's Nevada Test Site have caused radioactivity; none was predicted. Project Baneberry, for example, which was detonated in Nevada in December, 1970, vented so much unexpected radioactivity into the atmosphere that the workers near the test site had to be decontaminated immediately and then evacuated from their homes, which remained unoccupied for months because of dangerously high radioactivity counts. A group of these workers have just filed a \$500,000 damage suit against the AEC, claiming their health has been damaged by their sudden exposure.

All these underground detonations were much, much smaller than Cannikin. Indeed it is not possible to have any data whatever about the effects of an underground explosion of as huge a scale as this. The AEC picked Amchitka Island as a test site largely because it could not experiment with such powerful bombs at the Nevada Test Site for fear of adverse effects on the surrounding population.

The first time the AEC tried to use Alaska for an alternate test site was in 1960, when the Commission proposed blowing up a huge chunk of the state's isolated coast line in order to make a harbor. But nobody in Alaska wanted a harbor there so that project, named Chariot, was converted into an excavation of a large, useless hole in the ground. Chariot was stopped by determined opposition from a few scientists who fought the AEC, and finally won. The uncompleted Chariot cost the AEC \$2 million.

But Chariot, unlike Cannikin, had no ostensible military purpose and so could not be defended as in the interest of "national security." In the mid-1960s, the AEC returned to Alaska to carry out Project Long Shot, a small underground detonation on Amchitka, claiming that this was only a one-shot test, not the first in a series of experiments. Nevertheless, within two years, the AEC was making plans to convert Amchitka into a full-scale test site. In 1969, a one-megaton bomb was exploded underground on Amchitka.

By that time, many Alaskans were becoming suspicious of the AEC and its claims. One of the more wary was the newly elected U.S. Senator from Alaska, Mike Gravel, who discovered in 1969 that a Presidential Commission, headed by Dr. Kenneth Pitzer, then president of Stanford University, had been appointed to investigate the safety of such underground tests. To Gravel's surprise, he discovered that he couldn't even get a copy of the Pitzer Report because it had been classified. Only after he threatened to open a full-scale attack on the Commission at a hearing of the Foreign Relations Committee was the report finally released. Among other things, it contained warnings of severe earthquakes which might follow large test explosions.

Since then, Gravel has been critical of many AEC policies—he has attacked the Agency's method of setting standards for radiation protection at nuclear reactors, and the manner in which the AEC uses its public information program for what the senator has described as AEC propaganda. For example, the AEC recently flew sixteen Alaskans to its Nevada Test Site on an all-expense-paid trip to convince them of the AEC's virtue. Seventeen other U.S. senators joined Gravel in demanding that the AEC hold public hearings and file a statement on the potential effect on the environment, as required by the Environmental Protection Agency. Finally, at the end of May, the AEC held a three-day hearing in Alaska, partly in Juneau and partly in Anchorage.

In addition to AEC officials, thirty-five other witnesses, including some from Canada, appeared at the hearings. Of the thirty-five, only one spoke in favor of the test and he is an AEC contractor. All the others, including scientists, Alaskan state government officials, California legislators, conservationists, and Canadian representatives, were vigorously opposed to Cannikin. A few days after the hearing, the Alaska State Bar Association Convention recommended that the state attorney general file a lawsuit, if necessary, to prevent the AEC from carrying out the tests.

The final decision about whether Cannikin will be carried out as scheduled rests with the White House. A committee of undersecretaries from all the government departments connected with the test is now studying Cannikin. The committee's confidential report to the President will be made in early July and the President will have to act upon it quickly for, if the test is going to be made, it will take a month or more to lower the bomb to the bottom of the 6,000-foot hole and connect up all the complex machinery required.

The political risks to Nixon are great. At this writing, protests against the test have

come from the governments of Japan, Canada, and Finland. Certainly, the test will affect the SALT talks. And if Nixon decides to allow the test, he will face the kind of determined domestic opposition he encountered in the SST controversy: a working coalition of the groups and individuals opposing the test has been established, ready to begin work at once in Washington. They include the Friends of the Earth, the Committee for Nuclear Responsibility, the Federation of American Scientists, the Sierra Club, and SANE, among others. Those interested in this effort should contact the coordinator of the coalition, Richard Lahn, at 235 Massachusetts Avenue, N.E., Washington, D.C. 20002.

Lawsuits to prevent the test have been prepared in New York, Washington, and Alaska. Legislators in most Western states, as well as Hawaii, are prepared to challenge the action locally: one California state senator has already scheduled hearings on the test. Pacifist groups are preparing to send small ships into the area around Amchitka. All these advance preparations are being made openly and the White House staff is aware of them. The strategy of the opposition is to keep cool, at the moment, rather than open up a large-scale, widespread, and vocal fight against the tests: the theory being that Nixon may decide to cancel the test, on his own, but might resist taking such an action if too much public pressure is brought to bear. But a campaign is ready if he decides to permit the test.

It is obvious that the President faces still another, greater, personal risk if he decides in favor of Cannikin: it could conceivably go wrong and trigger some kind of disaster. And if that happens, the political fallout on the career of Richard Nixon may be as great as the radioactive fallout on the population.

The AEC and the Department of Defense justify Cannikin by conjuring up the "interests of national security" and maintain that, therefore, the small risks of tidal waves, earthquakes, and radioactivity must be taken. Normally, the phrase "in the interests of national security" has a special aura, bringing an automatic response, but in the case of Cannikin, the air of sanctity seems to have disappeared. It has disappeared because the AEC no longer is so sacrosanct as it once was. It is no longer above criticism; its budget requests are now being challenged. For the past few years, the AEC's credibility has been widely questioned and it has been forced to engage in controversies with its critics, and has, often, defended itself very badly. And while the post of the AEC Chairman was once considered a rare prize, Glenn Seaborg, the present Agency head, is reportedly seeking a way of leaving it gracefully.

The Department of Defense, too, no longer has automatic approval for its actions as it once had. Few people believe what is said in Washington. Ironically, in the case of Cannikin, the AEC and the DOD cannot muster even a very strong military case; the five-megaton bomb they want to test was designed for use in a specific type of Spartan missile, but, according to an impressive number of arms experts, that missile is obsolete. Dr. Harold M. Agnew, director of the AEC's Los Alamos Scientific Laboratory, told a Senate hearing last April that the Spartan system, of which the Cannikin bomb is to be a part, would only "be useful in a limited way."

That "limited way" is evidently enough for the AEC and the DOD to warrant their going ahead with the test. After all they reason, we've built the bomb, invested \$20 million in Cannikin, so how else can such vast expenditures be justified except by detonating the bomb? Besides, if you were an AEC or DOD official, wouldn't you want to find out if the damn thing actually works?

[From the Wall Street Journal, June 24, 1971]
BLASTING THE BLAST: AEC'S PLAN TO STAGE ATOM TEST IN ALASKA BRINGS SHARP DISSENT; CRITICS FEAR QUAKES, WAVES, HARM TO U.S.-SOVIET TIES; NO DANGER SEEN BY AGENCY; BUT IS THIS TEST NECESSARY?

(By James E. Bylin)

ANCHORAGE, ALASKA.—It sounds like the governmental agency for all seasons.

Here in Alaska, it's transplanting sea otter, rescued from the edge of extinction, to build new herds in their old habitats. It maintains archeological digs that have shed new light on the arrival of man in North America. It helps in air and sea rescues. Forty-five percent of its work force are minority-group members.

But it also has a scheme that, many Alaskans and non-Alaskans fear, could produce a catalog of catastrophes, including earthquakes, tidal waves, radioactive poisoning and even a rupture in delicate U.S.-Soviet relations.

The agency is the Atomic Energy Commission, and it has embarked on what promises to be one of its most controversial campaigns since the days of atmospheric nuclear testing a decade ago. This fall, probably in October, the AEC plans to detonate the biggest underground nuclear test in U.S. history on isolated Amchitka Island in Alaska's Aleutian Islands. Code-named Cannikin (the AEC says its code names have no meaning), it would be nearly five times larger than any underground blast ever undertaken by the U.S. The test would be a five megaton "event," to use an AEC term, equal to five million tons of TNT and 250 times larger than the bomb dropped on Hiroshima in 1945.

A REPLAY

The AEC says the test should be perfectly safe. But it is being questioned and criticized by Alaska officials as well as conservationists and scientists nationally. The opposition is spearheaded by Mike Gravel, a U.S. Senator from Alaska, who argues that the test should "be canceled and the island fully restored and that the AEC count Amchitka and Alaska out of any future plans for the detonation of atomic bombs." Meanwhile, Aleuts, the natives who inhabit the Aleutians (though not Amchitka) are threatening to go to court to block the test.

In a sense, the dispute is a replay. The AEC tested a nuclear device on Amchitka in October 1969 amid vociferous protests. This time, though, the stakes are much higher. That was a one-megaton explosion, about as large as any set off in the AEC's southern Nevada testing grounds, to determine whether the Amchitka site could safely handle bigger tests. The AEC's conclusion: it could.

At first glance, Amchitka would seem the ideal site for underground tests. The treeless, 42-mile-long island is utterly remote from large population centers. It is 1,400 miles west-southwest of Anchorage and 2,500 miles west-northwest of Seattle. Nearly 10,000 troops were stationed on the island during World War II, leaving behind a system of airstrips and roads. Today, rats are the only land mammals on Amchitka besides AEC personnel.

The island, however, happens to straddle one of the world's most active earthquake zones, raising the concern that the blast, which itself is expected to register 7.0 on the Richter seismic scale, could trigger a giant tremor and perhaps even a tidal wave. (Scientists prefer "seismic wave" or the Japanese term, tsunami, to the misnamed tidal wave.) And Alaskans have reason to worry about earthquakes. Much of the state was devastated by the Good Friday quake in 1964.

THE AEC'S POSITION

That quake, Sen. Gravel says, began with a shock of about 6.5 and triggered itself to a peak of 8.4. (The recent San Fernando Valley quake was 6.6.) Referring to Cannikin, Sen.

Gravel says, "what type of energy can be released with that kind of trigger? No one knows. Would Cannikin's 7.0 Richter scale reading, combined with a 7.0 natural earthquake, remain a harmless 7.0 event? The odds shift markedly against such an eventuality occurring without some toll."

The AEC's claims the chances it would set off a quake are remote, but it does acknowledge that "because the understanding of earthquake mechanisms is still developing and is not yet sufficient for exact calculations, the possibility of such an occurrence cannot be ruled out."

One AEC scientist says that earthquake country may be a "good place" for underground testing and that if an earthquake happened to be triggered it might actually be beneficial, in a manner of speaking. Exploding a bomb in a site like Amchitka, he says, would "represent much less a departure than in another place where quakes aren't common." And in the unlikelihood a quake is triggered, it would undoubtedly have been "ready to go" anyway and its force could be less than if mother nature hadn't been pre-empted, he reasons. Also, he claims, any quake would be localized, little different from what occurs frequently there.

RADIOACTIVITY IS FEARED

The 1964 Alaskan quake unleashed a massive seismic wave that smashed coastal areas throughout the Pacific Ocean basin; 27 blocks of downtown Crescent City in northern California were leveled by the wave, for instance. Cannikin's chances of duplicating this disaster are "negligible," according to the AEC. William G. Van Dorn, a Scripps Institute of Oceanography seismologist working for the AEC, says that "no large tsunami has originated in recorded history" in the western Aleutians, where Amchitka is located. In 1965, Mr. Van Dorn says, a 7.5 magnitude quake only 20 miles from Amchitka "produced only a small, local tsunami." The key reason, he explains, appears to be that tsunamis tend to happen where quakes produce vertical ground motions. Unlike in the eastern Aleutians, the motions are horizontal in the western Aleutians, he adds.

For many critics, the earthquake-seismic wave questions are secondary. "These threats are real, but more real is the threat of radioactive contamination as the result of an accidental venting because these have happened with remarkable regularity," charges Earl J. Bell, a spokesman for the National Audubon Society, which opposes the test.

Since the signing of the limited test ban treaty in 1963, the AEC has exploded 230 underground devices, of which 17 "leaked radioactivity detectable offsite," the AEC admits. The one leak Cannikin opponents won't let the AEC forget occurred last December in Nevada, causing the AEC to suspend tests. Project Baneberry, a 20-kiloton device (equal to 20,000 tons of TNT) was detonated at a depth of 910 feet. Though the AEC thought it was fully familiar with the area's geology because it had conducted other tests nearby, the earth's surface suddenly cracked and radioactivity was spewed over several states. The AEC now blames unexpectedly high water content at the test depth for the accident. It exploded its first post-Baneberry device in Nevada June 16 and said the explosion didn't cause any radiation leakage. So, the AEC says, "we will be conducting other tests in the relatively near future." But it can't test in Nevada because as big as that planned for Amchitka because of the effect on high-rise buildings in Las Vegas.

James E. Carothers, the AEC's assistant director for nuclear testing, claims that the bigger the test's yield, the safer it is as far as radioactivity is concerned. Two factors cause this phenomenon, according to Mr. Carothers: The bigger devices are buried deeper, thus placing more layers of rock between the device and the surface, and the bigger detonation tends to melt more of the

rock about it, sealing off the cavity. Cannikin would be detonated at a depth of 5,875 feet.

Alaskans are particularly concerned over the possibility of another kind of radioactive contamination: seepage into the Bering Sea. The Aleutians are the crossroads for the spawning migrations of Pacific salmon. "Should contamination of these salmon occur, the economic disaster to one of Alaska's largest industries would be of very large magnitude," warns Wallace H. Noerenberg, commissioner of the Alaska Department of Fish and Game. In 1970, Alaska fishermen hauled in \$60 million worth of salmon.

A DISAGREEMENT ON DILUTION

After Cannikin is detonated, the explosion-formed cavity is expected to collapse, creating a rubble-filled "chimney" to the surface; it should fill with water within 150 to 500 days. Leonard M. Gard, the AEC's supervisory geologist from the U.S. Geological Survey, says radioactive water shouldn't reach the surface of this sink. What is most likely to occur, Mr. Gard says, is for the radioactivity to be trapped underground, seeping out to the Bering Sea in about 1,000 years, at which time it would be harmless. The "very unlikely" alternative would be for the radioactive water to reach the Bering Sea in two or three years at about 1,200 times safe levels and continue to be discharged for 130 years, he says.

"In this unlikely event, the mixing with ocean waters in longshore currents would introduce an effective dilution factor," Mr. Gard says confidently.

But Jeroid Lowenstein, a radiation expert at the University of California Medical Center in San Francisco, scoffs at the "magic of dilution" and says low levels of radioactivity can accumulate and be reconcentrated in the food cycle. Sen. Gravel adds, "In these days when the nation is deeply concerned about mercury poisoning and the market for seafood products has fallen off sharply, even the suspicion that radioactive water is leaking to the surface could devastate the market for all fishery species of the North Pacific."

Conservationists are especially enraged because the Aleutian Islands, including Amchitka, are a national wildlife refuge. But when he established the refuge in 1913, President Taft provided that Amchitka could be used for military purposes. Says the Audubon Society's Mr. Bell, "I think it is perfectly clear that coaling stations and the like were the kind of military purpose that President Taft considered commensurate with wildlife refuge status. It is obvious that he could not have conceivably imagined that this might include testing five-megaton nuclear weapons."

"NO ENVIRONMENTAL IMPACT"

Cannikin, the AEC claims, will cause "no significant environmental impact" on Amchitka. The island is home to the endangered sea otter, which the AEC has been helping transplant to other habitats in an effort to expand its ranks. Perhaps as many as 20 sea otters "could suffer measurable physiological effects" from the test, the AEC says, but the overall impact will be "negligible." The AEC adds that "a few fish of commercially important species may be killed by the shock."

As far as the Aleuts are concerned, the Aleutians should belong to them under a complex Alaskan native land claims settlement now pending before Congress. Ilodor Philemonof, president of the Aleut League, which is threatening a lawsuit, says the Aleuts "were and are entitled to the protection of provisions of the Constitution. Property should not be taken without due process." The proposed explosion, he alleges, is another example of the white man subjecting Aleuts to "mistreatment and misfortune."

But the overriding issue in the controversy may be whether the test is actually necessary. Officially, the AEC hasn't disclosed the precise purpose of the \$160 million project ex-

cept that "the test is considered of vital importance to national security." In testimony to a Senate committee in April, an AEC official admitted Cannikin will be to test the warhead for the Spartan antiballistic missile.

If that's the case, some scientists allege, then Cannikin is pointless, Jeremy J. Stone, director of the 2,000-member Federation of American Scientists, claims Cannikin was conceived by the AEC in 1966 under President Johnson to test the Spartan missile, an anti-Chinese missile defense system. However, Mr. Stone contends, the Nixon administration in early 1969 revised the ABM program to have the defense of Minuteman ICBM's against a Soviet threat as its primary purpose, with the defense of cities from a China attack as a supplemental program. "There now is ample reason to believe that a majority of the U.S. Senate will not support an anti-Chinese ABM," he says, adding that the Spartan missile isn't necessary in the ICBM defense system.

"Basically," Mr. Stone argues, "Cannikin is a bureaucratic oversight—an experiment that has been waiting to be canceled."

The final green light for Cannikin must be flashed by President Nixon. The Anchorage Daily Times, quotes "reliable sources" in Washington as saying the administration may cancel Cannikin because of its "potential political risk" in the wake of the recent agreement with the Soviet Union at the Strategic Arms Limitation Talks to negotiate limits on defensive ABS systems. (One AEC official grumbles that the Russians earlier this year set off a six-megaton test on an Arctic Island and "you didn't hear too much talk about that.")

Like its smaller Amchitka predecessor in 1969, Cannikin is generating much international ill will, especially in Canada and Japan, two fishing nations. Patrick Moore, a Canadian conservationist, points out that Japan, Canada and even the Soviet Union (which is 800 miles from Amchitka) are closer to the blast site than is the contiguous U.S., and thus "exposed to a more serious threat." His suggestion: If the U.S. wants "to indulge" itself in the test, explode it in the geographic center of the U.S. in central Kansas.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Hawaii.

Mr. Chairman, as the gentlewoman from Hawaii stated, this test has been in the making for quite a few years. As a matter of fact, it is only one of a series that has been going on for at least a half a dozen years, although it is one of the most important ones in that series.

However, I do not share the gentlewoman's fears or misgivings as to the possible effect of this test on the area involved. The test will give a seismic shock equivalent to the magnitude of about seven. This test has been announced for quite a long time. In a letter dated July 7, 1971, from Dr. Seaborg to Senator PASTORE, chairman of the Joint Committee on Atomic Energy, it was stated that—

This test must be conducted on a timely basis for many reasons.

This is only one of a series. It is hoped it could be the final one, and if the results are a success, perhaps it will be the final one in this particular series.

The idea that the tests are unnecessary apparently originated with persons who did not have security clearance and have never been involved in a weapons program and who know nothing about forthcoming weapons systems. There simply is

no factual basis for such an assertion. The Under Secretary's committee of the National Security Council has approved the preparations for the test which have been underway since 1966 and will make the final review of all possible environmental effects prior to the execution date. The Under Secretary's committee is chaired by the Under Secretary of State, and members are the Deputy Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Director of the CIA. The Interior and Commerce Departments will probably participate in it.

The President will give final approval for the conduct of the test.

Detonations are to take place in a room 50 feet in diameter and 6,000 below the surface, as the gentlewoman from Hawaii has described, at the end of a 54-inch cased shaft. About \$165 million, as was stated, already has been spent on the test.

There has been a suit filed in the Federal District Court in this city to enjoin the test, so it is a controversial matter. Basically the public and a coalition of environmental groups allege that the Atomic Energy Commission has failed to comply with the requirements of the National Environmental Policy Act of 1969. I could cite a detailed chronological series of actions taken by the AEC on this program which meet and which indeed go even further than the requirements of that act and the appropriate guidelines published by the Council of Environmental Quality.

CHRONOLOGICAL HISTORY

In 1966: Initial briefings of Governor of Alaska and Alaskan congressional delegation.

February 1967: AEC officials met separately in Alaska with the Governor and State officials, representatives of the U.S. Bureau of Sports Fisheries and Wildlife, Federal Interior Field Committee, Alaska Federation of Native Associations, Bureau of Land Management, Commander in Chief of Military Forces, Alaska, news media and conservationist organizations. Response was generally friendly.

July 1967: Two Seattle reporters escorted on visit to Amchitka.

August 1967: Commander in Chief, Military Forces, Alaska, briefed.

January 1968: Conference in Seattle with Alaska Commissioner of Fish and Game to arrange cooperation on sea otter transplant.

June 1968: Representatives of Audubon magazine, Reuters News Agency, and Anchorage newspapers were escorted on visit to Amchitka.

September 1968: Trip arranged for Alaska Fish and Game Department employee to cover and photograph sea otter transplant activities on Amchitka.

September 1968: National Geographic writer-photographer team escorted to Amchitka.

September 1968: Meeting in Washington with Panel on Biological and Medical Sciences, Committee on Polar Research, National Academy of Sciences, to brief on Amchitka bioenvironmental program.

February 1969: NVO and EPA officials met with Alaska health and welfare offi-

cial for discussion of Amchitka activities and impact on Alaska.

May 1969: CBS television crew escorted to Amchitka.

May 1969: NVC representatives visited news media and conservationist organizations in Fairbanks.

June 1969: AEC top management team—Commissioner Costagliola and others—visited Governor Miller at Juneau and held public meetings in Juneau, Anchorage, Fairbanks, and Kodiak. Response generally favorable, except for some opposition in Kodiak.

June 1969: Amchitka visit by member of Oregon Nuclear Coordinating Committee and reporter from New York Times.

July 1969: NVOO information officer opened Alaska information office in Anchorage.

July 1969: Three meetings in Washington with: Department of the Interior—including Under Secretary Train, Assistant Secretary Klein, and Fish and Wildlife Commissioner Meacham; staff of Alaska congressional delegation; and staffs of eight national conservation organizations. Provided details of predicted effects and scientific program planned on Milrow.

July–October 1969: Continuing contacts with Alaska news media, talks and film showings to civic and women's organizations, visits to other Alaskan cities and towns.

July 1969: Dr. Ogle, test division leader of LASL, visited State officials in Juneau.

August 1969: Escorted group of 15 Alaska news media reporters and photographers to Amchitka.

August 1969: Meeting at Washington with Canadian Government scientists on seismic and tsunami concerns.

August 1969: NVO representatives met with Congressman Pollock to discuss Amchitka activities.

September 1969: AEC exhibit during 10-day Alaska State Fair at Palmer, distributing thousands of copies of AEC literature, showing sea otter transplant and "Amchitka Revisited" films, and talking with public.

September 1969: Amchitka visit by official of National Wildlife Federation, Dr. W. Burr of Division of Biology and Medicine/AEC/HQ and representative of White House Office of Science and Technology.

September 1969: Amchitka visit by Congressmen GOODLING of Pennsylvania and DINGELL of Michigan.

September 1969: Sixty-six Alaska legislative representatives, civic and conservationist leaders, reporters, and photographers were escorted on a 1-day visit to Amchitka via chartered plane.

September 1969: Alaska Legislative Council briefed in Anchorage on Milrow safety precautions, and predicted effects. Five representatives of Hawaiian Legislature and Governor's office attended the briefing.

September 1969: Hearings before the Senate Foreign Relations Committee on Senate Joint Resolution 155.

September–October 1969: Maintained Information Center, open to public, in Anchorage Westward Hotel for 1 week prior to Milrow. Exhibits, motion picture

showings, and briefings. Approximately 100 invited Government and civic leaders "observed" the Milrow event on October 2, with direct line telephone reports from Amchitka. Response—excellent.

October 1969: Milrow "open file" of technical information established at three universities and the State museum.

November 1969: Hearings before the Muskie Commission on S. 3042.

December 1969: Briefed Governor's cabinet in Juneau and his Amchitka panel in Anchorage on Milrow results. Latter meeting open to public and press.

February 1970: Two Hawaiian scientists, advisers to the Governor, visited Los Alamos and the Nevada test site.

April 1970: Three Alaskan news reporters accompanied to Amchitka.

April 1970: NBC-TV team escorted to Amchitka Island to obtain material on environmental subjects.

April 1970: Briefings by AEC in Juneau for members of the Alaska Legislature following hearings by the Joint Staff Affairs Committees of the Alaska Senate and House of Representatives on Representative Moses' resolution against testing on Amchitka; open to public.

Plans made for AEC cooperation with Department of the Interior and State of Alaska to trap and transplant sea otters to Washington and Oregon.

NV provided slides and script showing the Milrow event to the Washington State Civil Defense Organization.

May 1970: Governor of Hawaii, Speaker of the Hawaii House of Representatives and Speaker of the Hawaii Senate were briefed on Milrow results and Cannikin plans.

Sea otter trapping and transplant operation public announcement. Arrangements made for news media to cover operation.

June 1970: Routine activities.

July 1970: Sea otter trapping and transplant operation conducted, accompanied by reporters from the Oregon Journal, Portland, and Bill Burrid Productions, Hollywood, to Amchitka.

August 1970: Kojo Tanaka, Japanese wildlife photographer, and Bob Stevens, freelance writer, visited Amchitka to do story on wildlife.

September 1970: Routine activities.

October 1970: Routine activities.

November 1970: Routine activities.

December 1970: R. E. Miller letter to Alaska Governor Egan offering to conduct briefing on Cannikin.

January 1971: Alaska Senator TED STEVENS and staff visit Amchitka for briefing and tour of Cannikin site.

NV Information Officer David G. Jackson interviewed on University of Alaska forum radio program in Fairbanks.

Briefed commercial fishing industry leaders at a Seattle meeting.

February 1971: Routine activities.

March 1971: Resolution introduced in Alaska Legislature to require AEC to comply with Environmental Policy Act of 1969. AEC replies that requirements have been met. Arrangements made for AEC officials to brief Alaskan Governor and Legislature leaders.

Aleutian Canada geese transplanted to Amchitka by Department of the In-

terior with cooperation of AEC. National Geographic Society reporter accompanied the geese to the island.

April 1971: AEC group briefs Alaska Governor and Legislature leaders in Juneau. Governor Egan requests public hearings on Cannikin be held in Alaska. Plans made for Alaskan legislators and representatives of the Governor's office to visit NV and NTS.

April 1971: Sea otter trapping and transplanting operation announced. Animals will be sent to Oregon.

Senator BAKER and part of his staff, two members of the committee on public works, and a Senator GRAVEL staff member visited Amchitka.

May 1971: Members of the Alaska Legislature and Governor's staff visit NV and NTS for briefing and tour.

Canadian and Japanese Embassies briefed on May 24 and 26, respectively.

Alaska hearings on Cannikin were held in Juneau on May 26 and Anchorage on May 28. NV Deputy Manager briefed Governors of Hawaii, California, and Washington.

Canadians and Japanese presented testimony at hearings.

June 1971: Members of the press—Alaskan State and national media—escorted on visit to Amchitka June 7-9.

Amchitka program movie released and made available for distribution in Washington, D.C., Nevada, and Alaska.

Sea otter transplant announced in April completed.

July 1971: Briefed new Alaskan Commissioner, Department of Environmental Conservation, at Juneau on July 1.

Press tour to Amchitka on July 5-7 for New York Times and ABC-TV.

Department of the Interior briefed on Cannikin progress and effects evaluation July 6. National Wildlife Federation and National Resources Council briefed July 7.

This matter is before the court. I submit that if there has been any violation of the law, the court will supply the appropriate remedy.

Mr. Chairman, our task with this test is to help assure the national defense. We shall not meet that responsibility by casting a vote which will be tantamount to the first step down the ladder of unilateral disarmament, and that is precisely the reason for the providing of these funds for this particular test which is so essential for the protection of our national security.

Mr. Chairman, we cannot rely upon untested equipment in our arsenal to assure our national defense.

And, Mr. Chairman, I would like to point out that environmental effects have been touched on which are something that I think and I wish I had the time to read the chronological history of this so that every Member would have the assurance that full consideration has been given to all of these matters and that in our opinion, after months of study, the committee feels that this test should go on.

CANNIKIN—AEC ACTIONS UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

June 17, 1970: Draft issued to Federal and State agencies including the Council

on Environmental Quality and the States of Alaska and Hawaii.

June 19, 1970: Draft submitted to JCAE and appropriations committees.

June 20, 1970: Notice of availability of draft published in Federal Register—more than 300 copies sent to public upon request.

April 27, 1971: Revised statement sent to JCAE taking into consideration agency comments prior to that date.

May 26, 28, 29, 1971: Public hearings by AEC in Juneau and Anchorage.

June 21, 1971: Final statement sent to JCAE.

June 23, 1971: Final statement published. Copies were furnished to the Council on Environmental Quality and the Environmental Protection Agency.

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

Mr. Chairman, I think it is important to make the point at the very outset of the debate on the amendment which has been offered by the distinguished gentlewoman from Hawaii that when the gentlewoman speaks of experts and when she quoted the names of some people who admittedly are very distinguished scientists in our country, she was quoting very largely the names of those individuals and people who have announced their opposition to any kind of ABM—antiballistic missile program—who are opposed to that program and would like to kill it.

If you are totally opposed to any kind of an antiballistic missile program, I suppose you would have some justification for saying let us not concern ourselves at all about completing a test project for which preparations have gone on for a period of 6 years.

But, Mr. Chairman, I think we have a higher duty this afternoon to examine the arguments which have been raised against this particular project.

In this age of environmental and ecological concern it is entirely proper that we do address ourselves to the concern that has been expressed and presumably will be expressed by others, that the shot will have deleterious effects that will degrade the environment, that the release of tritium will poison the atmosphere, will kill the seals, and have otherwise adverse consequences on the ecology.

I would like to point to a statement that appears in the final environmental statement that was made on this particular subject. They said the principal environmental effects are those resulting from construction on Amchitka and by the work force of some hundreds of men.

That, in effect, is I think the answer to the argument that we are doing great violence to the environment by conducting this test.

Let me remind you that this device is going to be placed at the bottom of a 54-inch encased hole 6,000 feet—more than a mile—below the surface of the earth. The effect of the explosion is going to cause the overburden to collapse into this hole where this device has been placed and exploded. In other words, you will have the barrier of all that earth and rock against any venting of noxious fission products into the atmosphere.

Mr. Chairman, the question has been raised by some that we have to worry about tritium and is there a possibility of tritium being released as a result of this explosion.

I think most of you know that this is a radioactive substance. Tritium is a radioactive isotope of hydrogen with a half life of 12.3 years.

The scientific testimony which was presented before the committee was to the effect that no tritiated water is expected to reach the Cannikin subsidence pool at ground zero, since after 22 months none has reached the Milrow subsidence pool from the shot point 4,000 feet below the surface. That is the shot that took place in October 1961.

The testimony before the committee went on to point out that the most probable route for any water from this cavity at 6,000 feet to reach the surface is to percolate, in about 1,000 years, to some point between the shoreline and one-quarter of a mile into the Bering Sea. In that time, of course, the radioactivity would have decayed to a minuscule amount.

And so I suggest there is no danger, on the basis of the evidence adduced before the committee, that you have to worry about this radioactive substance tritium being released into the surrounding water and poisoning the atmosphere.

So I hope very much that in our concern for the environment—and it is a proper concern—I submit that we do not ignore the clear facts that are in the record here and delay the shot and the project which has been in preparation for many years which the very distinguished Chairman of the Atomic Energy Commission, Dr. Glenn Seaborg, has said is necessary to the security of our country.

Mr. Chairman, I ask for the rejection of the amendment.

Mr. ADAMS. Mr. Chairman, I move to strike the necessary number of words. I support the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

Mr. Chairman, my remarks will not involve the environmental aspects of the matter, but instead will involve the ABM characteristics of the Spartan-Sprint system, which apparently is the basis for needing this test.

The reason that I do this is for some time in the past we have been required in the Seattle area to study the Spartan-Sprint system, and I was deeply involved in producing technical papers with a number of scientists at the University of Washington who later testified, and presented papers on this system. The key issues were the type of system and whether or not it was necessary.

I want to point out that I think there is a balancing between national security and the environmental interest in conducting these dangerous tests. I think the environmental interests have been well discussed by the gentleman from Illinois and by the other members of the committee. But with regard to the military requirement, the committee report says it is necessary and indicates that

this will be really a device for a warhead of approximately 5 megatons, on page 18 of the report.

Dr. Jeremy Stone, who testified on this in Alaska, is the director of the Federation of American Scientists, confirmed in his testimony in Anchorage—and it is in the CONGRESSIONAL RECORD of June 4—that this would be about a 5 megaton weapon—which means a device to create the basic Spartan, as opposed to the improved Spartan, is being tested.

To those of you who have not been involved—

Mr. PRICE of Illinois. Mr. Chairman, would the gentleman yield?

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

Mr. PRICE of Illinois. Mr. Chairman, I would point out to the gentleman from Washington that we are not talking about a weapon, we are talking about a research and development program, testing scientific theory that possibly, in the future, might have something to do with warheads. But we are not talking about a 5-megaton warhead as a weapon.

Mr. ADAMS. I thank the gentleman from Illinois for his statement on that.

The point that I wish to make is that the size of the test is based, in terms of military matters, on what its potential use might be.

Now, when Dr. Stone issued this statement, and so that your understand that we are not talking about people who have no knowledge or security clearance, but instead some of our most distinguished scientists. Dr. Stone's statement was approved by the members of the Council of the Federation of American Scientists, one of whom, for example, is Herbert F. York, who was the Director of Defense Research and Engineering of the Department of Defense under Presidents Eisenhower and Kennedy, and Herbert Scoville, who was Deputy Director of the CIA under the same two Presidents, and Dr. Marvin Goldberger, who was a member of President Kennedy's and Johnson's Scientific Advisory Committee—all of whom have top security clearances and all of whom have indicated that this is a 5-megaton type test which would be used potentially, in the military for the so-called "basic" Spartan, missile. The "basic" Spartan is part of a system that started with Sentinel and Safeguard and involved a very large explosion whereby the radiation from the explosion occurring in outer space would release neutrons and would in effect kill an incoming warhead. And again, this is not classified material. We have now changed this system and the reason for the change, of course, which was predicted by some of us when we had the prior debate on the ABM, is that a 5-megaton warhead exploding in the atmosphere, or possibly out of it, would effectively blank out the overall system radar for 15 minutes. This is why people such as Dr. Norval Fortson, associate professor of physics at the University of Washington, have indicated that we must use a smaller type weapon. That is why we have had statement from

scientific people such as Dr. York, who have said "This is a pointless experiment in search of a useless weapon."

The only reason that I bring this forth at this time—and I have tried to avoid repeating the environmental arguments because they will be presented by others—is so that the Members will be aware of the fact that we are in this case faced with a lack of information of why this is necessary. The more detailed explanation is classified information, but we should know before we approve this whether it is an experiment to develop a weapon we may never ever deploy—in fact the information indicates that we probably never will deploy it because we will soon have a new and improved type missile system which will involve a much smaller warhead of the type that can be tested in Nevada.

That is why I have taken the floor for these few minutes to discuss the purpose of this test and raise the question of whether it is necessary at all.

I certainly have great respect for the chairman of the committee, and for the gentleman from Illinois, both of whom have spoken on this subject.

Of course, I do not pretend to second guess all of the knowledge that these men have. But I am trying to present to the Members the viewpoint of a distinguished group of American scientists who have indicated the military necessity for this test is of much lower priority than has been indicated, in the debate. If this is true then on balance the environmental arguments become more weighty and have a greater balancing effect against conducting these tests.

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

Mr. PRICE of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to my distinguished colleague.

Mr. PRICE of Illinois. Mr. Chairman, I think the impression seems to be that this is the largest underground test that has ever been attempted, and from the statement I have just heard some may have that impression. But this is not the case.

The Soviet Union in October of last year detonated a nuclear device—and I say "device" because these are not weapons—they are test devices, and they are in consonance with the series of underground tests that the Soviet Union and the United States have been conducting ever since the moratorium on atmospheric tests. But nevertheless the Soviet Union has detonated a nuclear device that had an estimated yield of up to 6 megatons. Ours will be below 5. It usually has been stated as 5 but ours will be below 5.

Mr. MIKVA. Mr. Chairman, I am reluctant to disagree with my distinguished colleague, the gentleman from Illinois, but I cannot be persuaded that simply because the Russians are doing their bit to despoil the environment that we ought to keep up with them or feel comforted

that we are a little bit behind them in our despoliation.

The fact of the matter is, aside from all the other reasons that my other colleagues are talking about, there has been no evidence brought forward to indicate that this test can be conducted safely so far as the environment is concerned.

I would hope that in the latter third of this 20th century we would finally reverse the presumption that we can go ahead and take chances with our environment as long as somebody cannot prove the harm in specific, quantitative terms.

I feel that we do not have a limitless amount of air and water so that we can go ahead and dump everything in it and do everything to it and not suffer the consequences.

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

Mr. MIKVA. I yield to the gentleman.

Mr. ANDERSON of Illinois. Mr. Chairman, I am constrained to ask the gentleman to yield because of the statement that he just made that there is absolutely no evidence that this will not have an adverse reaction on the environment.

I am reading now from the statement that was submitted by the commission in the environmental statement where it clearly says and I quote:

No significant environmental impact can be expected from the seismic activity caused by the cannikin test.

This is in the statement submitted under the law. How can the gentleman say that there is no evidence?

Mr. MIKVA. As against that, my colleague is aware, there have been countless instances of experts who have come forward, and they are scientists in the main, who have objected to the test. Who has come up with the answer as to what is going to happen to all the energy released by the concussion and heat and power?

Can anyone guarantee—and who is going to underwrite the guarantee—as to what will be the total atmospheric effects?

I am not comforted by the fact that my distinguished colleague, the gentleman from Illinois, finds generally and through collateral evidence that this is something that will not happen in a thousand years.

It seems to me if it only remains contained for 100 years, we will not be able to hold him to these statements and my great grandchildren will suffer the consequences.

So I would say a very thin case has been presented—very, very thin because this environmental evidence is certainly not the kind, I think, we would want to stand on before the bar of history and say, "We did what we had to."

I am not at all comforted by the fact that this is a smaller bomb or a smaller device than the Russians set off. I am not at all comforted by the fact that some say we can anticipate no consequences, because there again we are back to the old presumption, and that is that it is up to those who oppose changes

in the environment to prove their case. It is on that very basis that we have fouled up all of our lakes, our rivers, and the air around our big cities.

I would hope that, if nothing else, we have reached the point of wisdom to say that we would like those who want to change the natural course of things to make their case before we go ahead and explode 5 megatons of material, even in a constricted area.

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

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

Mr. ANDERSON of Illinois. The gentleman, as always, is extremely eloquent, but he has not presented us with a scintilla of evidence of how the adverse consequences of which he complains might occur. When the question involves the security of our Nation then I think it is incumbent upon the gentleman to come forward with more than mere conjecture or hypothesis as to what might or could occur.

Mr. MIKVA. I believe my colleague has joined the issue. The question is, "Who has the burden of proof?" If those of us who oppose the development have the burden, then I agree with the gentleman. But I would suggest at this point that when someone proposes to put 5 megatons of explosives into effect, they ought to have the burden, and on that distinction I rest.

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

In reply to the gentleman from Illinois who just spoke let me say that the evidence he requested was furnished amply in 1969 at this very same site, Amchitka, when the Milrow shot went off at 6.5 on the Richter scale. Despite all the moaning and the groaning and the dire prophecies that preceded that shot, nothing happened to the environment. There were no earthquakes or radiation consequences to anyone or tsunamis; absolutely not one adverse thing happened that these people got up and told you was going to happen and alleged would hurt everybody so much. There is 0.5 difference on the Richter scale between those two shots, Milrow and Cannikin. I think that that is ample evidence for anybody who does not choose to be unreasonable that this shot can be carried on without anymore consequences than Milrow; that is, none.

Let me say something to the gentleman from Illinois, who gave us a lecture on anti-ballistic-missile systems. Unfortunately the lecture he gave us stops somewhere between Sentinel and Safeguard. Sentinel, you will remember, was the Spartan-Sprite combination that the Johnson administration was going to have installed as an overall, big universal antimissile umbrella. Then along came Safeguard as successor to Sentinel, where you envisaged an outer umbrella and an inner umbrella. I suppose the gentleman was not listening when the last enunciations were made from the SALT negotiations, when both sides got up and said, "We are going to have a treaty; we are

going to have an arms limitation treaty, and a part of that treaty is going to be an ABM system, a system which will be limited on each side to one installation to protect the national command centers, respectively, of the United States and the Soviet Union."

Now, my friend, if you want to have a SALT treaty, if you want to have some arms control limitations, how in the world are you going to negotiate a stable treaty between the two superpowers if one of them unilaterally takes out of its arsenal the capability, the opportunity to build a symmetrical ABM system on both sides when you get down to winning peace. My friends, I suggest that you actually understand what these two superpowers are after, for each has an ample sufficiency under even strike conditions to wipe out the other.

What they are trying to do is to stabilize the situation so that mutual deterrence will continue and not be dissipated. I submit the only way we can do that is to go ahead and finish off this test.

Now, what about all these alleged dangers? Nobody has shown how much risk is involved in any of these radiological or ecological allegations. Some small risk is one thing; a large risk is something else. The degree of risk is certainly a relevant consideration. I submit there is one kind of risk which is silly: the sort of risk involved if we put enough monkeys together on enough typewriters so that somehow sooner or later they will somewhere produce a document that wins the Pulitzer Prize for novels. That is a pretty slim risk.

Nothing has been done in alleging these dangers except to say we have not proven positively that no consequence whatever will occur. How in the world are we going to produce a ghost for someone to see as evidence that ghosts do not exist? That is what is being asked.

On the other hand our Government is simply asking to proceed with the protection of the United States against its potential enemy in a fashion and in a manner that the authorities of the U.S. Government—and most, I might add, of the scientific community—agree is sane and sensible from military as well as other standpoints.

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

This test was first planned 5 years ago as part of the development of the Spartan system for protecting cities against a possible light Chinese attack. For this purpose they planned a missile which would explode at high altitudes with great force. Now the mission of the system has been changed to protecting hardened missile sites. For this new purpose it is not necessary to intercept the missiles as high up, and it is unnecessary to use the very large warheads which the Cannikin project is to test. Since the planning of the test, the Defense Department has begun development of an improved version of the Spartan system which uses smaller warheads aimed more accurately.

These warheads have already been tested.

Another reason given for the high-altitude, high-yield warhead was that 12 planned ABM sites needed to be protected, and the explosion had to occur at a high altitude in order to protect all the sites. But progress of the SALT talks seems to indicate that the United States is seeking to negotiate an agreement with the Russians which would limit its ABM installations to the two presently under construction and the ones around Moscow. If this takes place, it is obvious we would not need a four- or five-megaton warhead, since what we are talking about protecting would be an ABM only one-sixth of the size now contemplated. Under these circumstances, how can we consider spending many millions of dollars on a bomb test which is unnecessary and potentially hazardous both to human health and to the environment?

This amendment would eliminate from the AEC appropriation fund for the project code-named Cannikin. The Cannikin project would involve an underground nuclear explosion five times the size of our largest previous test. The explosion is too large to be carried out at the AEC's usual testing grounds in Nevada, because it would cause dangerous ground shaking as far away as Las Vegas.

The shock wave would be equivalent to an earthquake of seven on the Richter scale. Instead of the Nevada site, the AEC proposes to use Amchitka Island in the Aleutians. This site is in a geologically active area, between two large fault lines. There is considerable concern about the danger of earthquakes or tidal waves resulting from the blast. The existence of this risk was affirmed by the Pitzer Commission, a high-level group set up in 1968 to evaluate dangers of underground testing. With the present state of knowledge in geology we just do not know what could result from such a massive underground explosion until we try it—notwithstanding the AEC's reassurances.

Another cause of concern is accidental "venting"—escape of radioactive matter from the test site. The AEC says this is unlikely, but they have been wrong before about such things. After Project Baneberry in Nevada last December, radioactivity spilled out from a fissure near the test site. In response to a query of mine dated April 13, the AEC stated in a letter to me this week that—

The presence of the radioactive material was detected in environmental samples from central and northern Nevada and in most of the western United States.

The AEC's letter also states that over the past 8 years, 17 underground tests in Nevada have caused radioactive fallout beyond the limits of the test site.

The AEC claims that if any radioactive material leaked from the test site, it would be quickly diluted by sea water. We once thought there was nothing to worry about from relatively small concentrations of mercury in the ocean, drained there from factory waste and mining operations. After it was too late, we found out otherwise. Many marine

organisms can concentrate such substances in their bodies. As large organisms eat smaller ones, the substance becomes more concentrated until a tiny concentration of mercury in the water leads to a tuna or swordfish too poisonous to be eaten.

Radioactive isotopes can be concentrated in the same way. Some aquatic organisms can concentrate radioactive zinc or cobalt in their bodies by factors of a hundred thousand to a million. One of the most dangerous byproducts of atomic explosions is strontium-90. This long-lasting isotope concentrates in bones, and in extremely tiny concentrations has been shown to damage the development of fish eggs. Amchitka Island is part of a wildlife refuge and the area is an extremely valuable fishing ground, providing livelihood for the native Aleutian population. It is time that we stop thinking we can dump whatever we want in the ocean and forget about it. It is one of the more frightening developments of our time that we have finally poisoned even the ocean—and if we continue to allow such nuclear tests without regard for their consequences, we will wind up poisoning all mankind.

It is also to be noted that any radioactive leak which reaches foreign territory would violate the nuclear test ban treaty. The Canadians have officially indicated their concern with the dangers of leakage in a note to the State Department asking us to cancel the test, because any fallout could be carried by prevailing west winds to the Vancouver and Seattle areas due east.

I should like to call attention to the testimony of Dr. Richard Fineberg of the University of Alaska with respect to another serious danger. He has information that several thousand tons of mustard gas were dumped near Amchitka in 1946. These gases, if they are there, are in drums of half-inch steel, each containing about 2 tons when full. It is possible that the explosion could rupture any such containers, releasing this deadly material over a wide area with who knows what effect on ocean or human life.

I should like to say that the kind of security we are seeking by this kind of nuclear one-upmanship is a false security. I believe it is time for us to stop. The way to peace is not through further extending our capacity for overkill. I think 20 or 30 or 40 times over is enough.

The idea that either we or our enemy can successfully be defended from a full-scale nuclear attack by an ABM system or by any system is simply an illusion. Rather than improving our security, such projects rob us of the resources to solve our problems at home.

I think that instead of carrying out the biggest and potentially most dangerous underground nuclear test to date, the administration should be proposing the extension of the partial nuclear test ban to a comprehensive ban. I think we are at the stage when this particular test is certainly both technically unnecessary and very seriously dangerous.

I urge the adoption of this amendment.

Mr. MITCHELL. Mr. Chairman, I rise in support of the amendment. I shall be very brief. I have no intention of prolonging the debate.

I rise in support of the amendment primarily because I care so desperately about achieving international peace and primarily because I believe human life is so sacred that this body must ever be on guard against any kind of act which would mutilate, destroy, or in any way threaten human life.

I listened carefully as my colleagues on this side advanced their arguments, and I have listened with care to the arguments on the other side.

It seems to me there are three compelling and cogent arguments to which we must address ourselves.

The first was spoken to by my colleague from Illinois (Mr. MIKVA). Do we have a guarantee—can any Member of the Committee, can any Member of this House, can any member of the Atomic Energy Commission guarantee—against pollution if we go through with this test? I believe, I know the answer is "No."

The second compelling and cogent argument is with reference to the SALT talks now ongoing. Time and time again I have heard every Member of this body say how deeply he was committed to peace. It seems to me that if we take this action in approving funds for the test at Amchitka what we are doing is tipping that very delicate balance we have arrived at in terms of achieving some kind of deescalation in the arms race.

The third compelling and cogent argument lies in the fact that our neighbors, other countries, are all afraid of what will happen to them in the event we go ahead with this test. We have heard the position of Canada. We know the concern of Japan. We know the concern of other nations.

As we attempt to regain our international leadership it would seem to me the international implications of this test vis-a-vis our relationships with friends and neighbors ought to be considered.

The planned 5-megaton blast would be the largest underground test ever conducted by the United States in addition to being one of the most expensive. The Congress withheld funds for this project last year. In the interim the AEC has failed to present adequate refutation to the near unanimous contentions of environmental experts concerning the harm that would result from this project. Diplomatic activity in the meantime has also served to heighten the need to eliminate the funding authorization for this test.

The 5-megaton warhead to be tested is an obsolete one. Present plans for an ABM system to protect missile sites call for a warhead of 1 megaton. The 5-megaton device to be tested at Amchitka was designed for use on the ABM system which has been discarded by the Nixon administration. Yet no one in the Pentagon or the AEC has come to the obvious conclusion that this modification has made the Amchitka test an unnecessary one.

Moreover, to proceed with the Cannikin test at this juncture in the SALT talks can only do damage to those delicate negotiations. An enforceable ban on underground tests is within reach at Geneva. To detonate such a blast at this juncture could ruin the chances for an agreement on this question. There is also a substantial probability that radioactive debris from the test would travel outside the territorial limits of the United States in violation of the 1963 nuclear test ban treaty.

If military and diplomatic justifications for calling off the test were not present, the environmental considerations surrounding the project would be sufficient cause for termination. Nearly 30 percent of the underground tests we have conducted at Nevada have resulted in leaks. Since 1963 one out of every dozen explosions conducted by this country has led to detectable radioactivity away from the site of the blast. Leakage at Amchitka would result in pollution of the Bering Sea and the Alaska salmon found there.

The site for Cannikin is one of the most seismic regions in the world. A disturbance of the magnitude of this test could set off a large earthquake and natural quakes in this area have caused tidal waves or tsunamis. Hawaii, Alaska, and California would suffer the consequences of a tidal wave caused by this test.

An 80-kiloton test at Amchitka in 1965 leaked radiation. That test was then termed the last to be held near the Aleutian Islands. Both the Canadian and Japanese Governments protested that blast as they have protested the current Cannikin test.

I urge that we join in that protest by voting to delete the \$19.7 million authorization for the test from H.R. 9388.

Mr. DRINAN. Mr. Chairman, I support the amendment of my very distinguished colleague from Hawaii (Mrs. MINN) to delete funds for the Amchitka underground nuclear test. Until the Atomic Energy Commission or the Department of Defense can provide us with a more frank and compelling rationale than the one they have so far chosen to reveal; namely, that the test is necessary because it is necessary, we should provide no funds for this nuclear test which many believe bodes disaster.

Apart from the momentous environmental issues, the most troubling aspect of this matter for me has been the refusal of the AEC and the Defense Department to provide the Congress with any concrete explanation of the nature of the benefits supposedly to be derived from this experiment.

We are asked to approve funds for the largest underground nuclear explosion ever planned by the Atomic Energy Commission. Were it not for the extensive newspaper coverage of the ABM debate during the past 5 years, the Congress would be ill-equipped to cope with this situation on any basis other than an act of faith.

I would like first to note some exam-

ples of unresponsiveness on the part of the Defense Department and the AEC which I consider most telling and serious. Then I shall state some of the principal environmental consequences of the test which have led me to conclude that we must prevent this explosion.

Under the Environmental Policy Act of 1969, the Atomic Energy Commission is required to file an "impact statement" that includes a description of possible ecological consequences and of alternatives to any proposed test. Other Government agencies, among them the Department of Defense, are then expected to comment on the impact statement. The AEC neglected even to comply at first with this requirement. They finally prepared a "draft" statement only after the Disarmament Issues Committee of the United Nations Association intervened, in alarm, and in May of 1970 brought the matter to the attention of the Public Works Subcommittee of the Senate Committee on Appropriations.

The resulting AEC statement of June 1970 proved manifestly incomplete and inadequate, with the consequence that the Appropriations Committee deleted the Cannikin test from the AEC's 1971 appropriations. Yet this insistence by Congress on its responsibility to legislate upon an informed basis has apparently not moved the AEC, since what it offers us this year is no more informative on the central questions, of the purpose and effects of the Cannikin test.

The required statement, in the AEC's report, of possible alternatives to the test is a deplorable but quite representative example of the agency's general approach. The statement begins by assuring us that "a number of alternatives were considered," asserts that "the need for the Cannikin test has been stated as vital to the U.S. weapons development program," then reports, without foundation, that four alternatives were "carefully examined":

1. Not Testing this Particular Device—This alternative would severely hamper the development of nuclear weapons technology of prime significance to our national security requirements.

We are not told that any technological development would be made impossible. We are not told why or how such development might be "hampered," whatever "hampered" means. There is no discussion or even reference to any specific security requirements. Nor is there even a pro forma attempt to explain why we cannot be more fully informed.

2. Testing the Device at Another Location—Other sites in the U.S. were considered. Two were evaluated in detail; one in Central Nevada, the other in northwestern Alaska. Amchitka was chosen because of its location, reasonable accessibility, and because tests to be executed there could be expected to have minimal impact on the environment.

Without any explanation of the standard of "minimal impact" we have no basis for making the critical judgment as to the relative environmental risks posed by a test at this particular site.

3. Testing a Smaller Yield Device—This alternative would not obtain the information needed from the Cannikin test.

An accurate restatement would be: This alternative is unacceptable because it is unacceptable.

4. Delaying the Cannikin Test for More Study of Environmental Matters.—Amchitka environmental matters have been studied since early 1967 and all of the planned pre-test investigations have been completed to determine the adequacy of the Amchitka site and the anticipated environmental impact. To delay Cannikin would serve no useful purpose and would impede an important weapon development program.

Or, more compactly—"we cannot delay because we do not think we need to delay."

Another occasion when the AEC might have stated its reason for the test was supplied by the AEC hearings held in Anchorage, Alaska, on May 28, 1971. In his prepared statement, Maj. Gen. Edward Giller, the AEC Assistant General Manager for Military Application, said:

In short, only through technological advancement can we provide an effective nuclear force to counter potential actions by others. Accordingly, testing is essential for providing these technological advances—from the testing of new concepts to the testing of finished weapons.

The statement is typical of the AEC stance in that it assumes without proof the very conclusion which the agency is legally required to justify; that is, whether this particular test is necessary for an effective nuclear force.

Consistent with General Giller's assertion is the perfunctory letter which the Department of Defense submitted as its comment on the AEC impact statement. For example:

At large ranges or teleseismic distances the explosion will produce shocks like those from an earthquake with little probable effect on animals. At close ranges the shocks will have accelerations and displacements which could break legs. It is noted that there will probably be no animals near ground zero at shot time.

The Defense Department letter also recommends the following changes in the AEC statements concerning possible earthquakes:

Substitute for "... provide extremely positive assurance" the phrase "indicate that it is highly unlikely."

The letter concludes:

It seems clear that Amchitka is, on balance, the best available site for conduct of the test and that the alternative of not testing is unacceptable on important grounds of national security.

This sentence, like the letter itself and also like the AEC report which it in theory addresses is nebulous, conclusory, and, therefore, meaningless.

Mr. Chairman, this comprehensively evasive response to a legal requirement for discussion of important environmental issues is just not acceptable. It is also, I believe, offensive to the constitutional responsibilities of the Congress.

Of late it appears that the relation between the urgency of the congress-

sional need to know and the substantive value of what we are told is precisely inverse.

Mr. Chairman, because of the importance of the whole question of disclosure and candor on the part of Government agencies, I insert in the RECORD at this point a statement by Dr. Jeremy Stone, director of the Federation of American Scientists. The statement was approved by the executive board of the federation, among whose members are Dr. Herbert Scoville, Jr., former Deputy Director of the Central Intelligence Agency under Presidents Eisenhower and Kennedy, and Assistant Director of the Arms Control and Disarmament Agency under President Johnson; Dr. Herbert F. York, President Eisenhower's Director of Defense Research and Engineering; and Dr. Marvin L. Goldberger, chairman of the Department of Physics of Princeton University.

The statement follows:

II. THE PURPOSE OF THE CANNIKIN NUCLEAR TEST IS [DELETED]

(By Dr. Jeremy J. Stone, Director, Federation of American Scientists)

The purpose of the underground nuclear test Cannikin, scheduled for October in the Aleutians, has been widely described in the American press, is evidently well-known to the Soviet Union, and is a *sine qua non* for sensible public debate over this test. Nevertheless, it remains highly classified. Specifically, the purpose of the Cannikin multi-megaton explosion—to test the warhead of the Spartan ABM warhead—has been described in such publications as the Washington Post, the Wall Street Journal, Science Magazine, and many others. Indeed, the Director of the Los Alamos secret weapons laboratory, unmistakably indicated to the Senate Armed Services Committee in public session on April 20 that the test for the Spartan interceptor warhead was to be carried out in the Cannikin detonation. Meanwhile, the Department of Defense and the AEC refuse direct inquiries on this subject.

Further, the test will register on Soviet seismographs as an unprecedentedly large underground nuclear test, making it evident that the explosion can only be for ABM weapons to be used outside the atmosphere—hence as a warhead for the Spartan interceptor.

Nevertheless, the United States Atomic Energy Commission last week released a fifty page Environmental Impact Statement on this subject without disclosing the purpose of the test. As required by the National Environmental Policy Act this impact statement must discuss all aspects of the environmental effecting action—including alternatives to the action. But the AEC said only that the alternative of not testing the device would "severely hamper the development of nuclear weapons technology of prime significance to our national security requirement." How can the public weigh the risks of the test against national security imperatives unless the purpose of the test is more clearly specified? Public debate is emasculated unless this purpose is provided. And the AEC would be effectively in violation of the Environmental Policy Act if—for no overriding security reason—it refuses to provide this critical factual item.

The classification of the purpose of this test can only serve the bureaucratic interests of those who fear exposure of the fact that the purpose of the test has essentially vanished. This is because the Cannikin underground test was first planned in 1966

when the United States was considering an anti-Chinese defense of American cities—requiring very large warheads on its interceptors. Today, America is building an ABM system to protect our land-based missiles; this Safeguard ABM system requires, for the most part, much smaller interceptors with smaller warheads. Advances with the Improved Spartan warhead have further diminished the need for explosion of the Basic Spartan warhead.¹

As Dr. Stone testified in the AEC Alaska hearings of May 28, 1971:

Basically, Cannikin is a bureaucratic oversight—an experiment that has been waiting to be cancelled since, in early 1969, the President changed the rationale for the U.S. ABM away from the anti-Chinese defense.

If there is very little justification for this 5-megaton missile, there is, I am persuaded, great peril to the environment in the proposed test.

The three types of threatened environmental impact are: First, effects on Amchitka, second, effects of radiation leaking into the surrounding water and venting into the air, third, effects of possible quakes and tidal waves.

Amchitka happens to be a national wildlife preserve, containing rare and endangered species. Among these are two magnificent birds, the bald eagle and the peregrine falcon. Within 4 miles of ground zero are eight bald eagle nests and two peregrine falcon nests. These nesting places could be destroyed by rock and earthslides produced by the underground blast. A 1-megaton test conducted in 1969 on Amchitka dislocated 14,000 cubic yards of rock and peat. Since Cannikin is a 5-megaton weapon, it is expected to dislocate more.

Of even greater concern are the possible consequences of radioactive leakage from the cavern formed by the explosion. In 1970, the Alaskan fishing industry was worth approximately \$80 million. In the Alaska AEC hearings, Wallace Noerberg, commissioner of the Alaska Department of Fish and Game, testified as follows:

The "ownership" of salmon passing Amchitka is international in scope and the consequences of any contamination of these animals would be worldwide in regard to marketing and human consumption problems.

The Amchitka detonation is expected to produce instantly a cavern the size of two football fields. The AEC states in its impact report that the worst conceivable venting out of this cavern would be a few percent of the total radioactivity produced by the experiment. However, the AEC has a poor record of preventing just such radiation leakage. There have been 230 announced U.S. underground explosions since 1963. In a letter to Senator GRAVEL, dated March 11, 1971, Dr. Glenn T. Seaborg, Chairman of the AEC, stated:

¹ A complete discussion of this situation can be found in the testimony provided by the Federation on May 28, 1971 before the Atomic Energy Agency Commission in Anchorage, Alaska. This statement can be found in the *Congressional Record* of June 4 (pg. S8200), together with much other relevant information about this test.

There were approximately forty tests in which some radioactivity was detected only in the immediate vicinity of the firing point.

The most recent leak, and the largest one ever, occurred in an underground explosion on December 18, 1970, at Yucca Flats, Nev. That test was reported to have leaked radiation over 13 States and to have contaminated the clothing of 900 test site workers.

With respect to possible earthquakes, the AEC draft environmental statement concluded:

Experience gained by observation of past nuclear detonations and earthquakes combine to provide extremely positive assurance that the Cannikin explosion cannot of itself cause a severe earthquake.

Nevertheless, as I have pointed out, the Department of Defense comment on this judgment was:

Substitute for "provide extremely positive assurance" the phrase "indicate that it is highly unlikely."

The AEC complied.

To summarize, the AEC conclusions pertaining to environmental threats to Amchitka's wildlife, the Alaskan fishing industry, and the inhabitants of Alaska and Hawaii remain a catalog of such not wholly reassuring phrases as "highly unlikely" and "even more unlikely"—phrases which do not and could not rule out catastrophic environmental effects.

Moreover, since the AEC impact statement repeatedly offers us ambiguous maneuvering at exactly the points where specific discussion would be most pertinent, I hope that we shall emphatically decline the terrible risks which this project entails, and I therefore urge my colleagues to support this amendment.

Mr. BEGICH. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Hawaii (Mrs. MINK). This amendment, in my view, is a reflection of the growing awareness of and concern over what will be the largest underground nuclear test ever staged in this country. In fact, it will be nearly five times larger than any previous test.

This test will occur, if we permit it to proceed, in my home State of Alaska. When I speak today, then, I am speaking for the people who face on a first-hand basis the risks inherent in this test, no matter how insignificant the Atomic Energy Commission predicts those risks may be. I share the concern expressed by my able colleague from Hawaii and the west coast, because we all represent people who are genuinely alarmed at the dangers and the meaning of the test.

During recent hearings held in Juneau and Anchorage by the AEC concerning the Cannikin test, numbers of Alaskan fishermen, natives, States officials and concerned citizens testified, and scarcely was heard a favorable word about the test. At those same hearings, a volume of scientific testimony was also produced that indicated that the concerns of these Alaskan residents were not unjustified.

At those same hearings, I stated that the test should not proceed until all questions were answered, and the fullest pos-

sible information was developed concerning possible adverse effects of the tests. I will include some of the questions I asked at that time for the RECORD at this point:

QUESTIONS FROM A.E.C. HEARING ON PROJECT CANNIKIN—ANCHORAGE, ALASKA (MAY 28, 1971)

(Explanation: "statement" or "impact statement" refers to the draft environment impact statement for Project Cannikin available at the time.)

1. The statement indicates the yield of the test as "less than five megatons.

(a) Is the reason for the omission of the exact yield that it cannot be reliably predicted?

(b) Have past nuclear detonations by the A.E.C. demonstrated that the yield can substantially surpass expectations?

(c) If the yield is 4.9 to 5 megatons, is this not five times larger than any previous underground nuclear test in the United States?

(d) If the yield is five times greater than the MILROW test of one megaton, can the predictable results be derived by assuming that they also will be five times greater, or will they be more than five times greater, or possibly less?

2. The statement makes a number of wide-ranging predictions concerning Cannikin based on the experience of the MILROW test. Considering the risks involved, does the A.E.C. believe that the results of a single pre-test provide sufficient data for an underground nuclear detonation five times greater than any previously attempted?

3. Regarding the seismic force of the Cannikin test, the A.E.C. predicts that it will be "a few tenths of a point higher than the 6.5 value assigned for Milrow."

(a) While this sounds like very little, isn't it true that this reading is on a logarithmic scale which means that a few tenths of a point may mean that the force could be as much as five or six times greater?

(b) It is my understanding that the 6.5 reading for Milrow was in excess of pre-shot expectations. Is this under-estimate also a possibility for Cannikin?

(c) Although I realize that the question of this blast acting as a "trigger" for a larger earthquake is one subject to differences, is it not the case that this test will provide a triggering force substantially larger than any previous test?

4. Regarding the possible venting of this explosion, and the escape of radioactive material into either the atmosphere or the ocean:

(a) "Adequate distance from faults," is listed by the A.E.C. as a requirement for the containment of radioactivity, but the Cannikin site is within 3,300 feet of one fault and within 2,800 feet of another suspected fault. Since the zone of "cracking" around the blast will extend, according to the A.E.C., for a radius of 2,500 feet, might it be advisable to take further time for study of these nearby faults, or others presently unknown?

(b) I understand that the Banebury test in Nevada in December, 1970 vented without a fault, by simply splitting the earth with its own pressure. If Banebury can do this at a yield of 20 kilotons, is it not a realistic fear with Cannikin having a yield of five megatons with identified faults nearby?

5. One of my greatest concerns regarding the chance of venting is the possible escape of radioactive material into the nearby ocean, which supports a commercial fishery of tremendous value. Although Amchitka is an isolated area, it is one which is familiar to Alaskan fisherman. No risk to these fisheries resources can be allowed.

(a) The A.E.C. has stated that the migra-

tion of water having harmful radioactivity is so slow as to be of little concern. Is the period of less than two years since the Milrow test sufficient to judge this process in the water migration medium which is present on Amchitka, or is additional time desirable?

(b) All descriptions of "safe" contamination levels are given by the A.E.C. in terms of freshwater, yet greater concern for Cannikin would apply to seawater. Are "safe" contamination levels also agreed upon and available for seawater?

(c) The A.E.C. impact statement minimizes the danger of water contamination from the bomb by citing a dilution factor of one in 100,000 parts. Does our Nation's experience with D.D.T. or mercury pollution apply to cast doubts on the safety of dilution in the case of Cannikin's radioactive pollution?

6. In the case of every possible effect of an extremely serious nature (earthquake, tidal wave, immediate venting into the air or water, or the rapid migration of contaminated water), the impact statement assessed the chances of such incidents as "remote" or "extremely unlikely." Following such judgments, no statement indicates what the environmental impact of such extreme effects would be. In the feeling that even the *worst possible* effects should be publicly known, I would ask if such information is available or if it can be made available?

(NOTE.—These and a number of other questions were asked; and in the intervening period, some of them were answered.)

But in spite of the most courteous and best efforts of officials of the A.E.C. in the intervening period, I must tell you that, in my opinion, a number of these important questions remain unanswered about the potential effects of the test. Because these questions remain, I must stand opposed to the test on behalf of Alaska's citizens.

This element of risk becomes even more determinative when one considers the other questionable aspect of the test which is its *necessity*. In support of allegations of necessity, I find only a one sentence pronouncement by the A.E.C. in its final environmental impact statement that it is necessary. Without explanation, this same sentence provides the only argument for necessity in the committee report on this appropriation.

I think Congress and the public deserve more. Disputing the necessity of the test at this time is not difficult. The improved Spartan Missile for which this device is certainly intended as a warhead, is now under serious reconsideration both from defense and foreign relations viewpoints. And, if I might quote from my earlier testimony in Anchorage: "The question is this: At a time when these important debates are in progress and unsolved, and at a time when only a few days ago the President assured the nation that significant arms and testing limitation agreements with the Soviet Union were more possible than in several years, is it the best part of wisdom to terminate the debates and the hopes by undertaking the largest underground nuclear test ever in the United States? I think not."

Mr. Chairman, on that day I said "I think not," and I feel the same today. If I were convinced that the fiber of our national defense was dependent upon this underground test, then I would be among the very first to rise in its support. No reasonable decision must be stayed at the expense of true defense needs. But this is not the case here, and my judgment that it is not based on the actions and words of the Administration itself in reconsidering our missile defenses and in placing much deserved emphasis on the SALT talks.

The final point I would make very clear

to my colleagues today is that the \$19.7 million being deleted by this amendment is money intended for the test and its logistics. In discussions with the A.E.C. this morning, I gained the following breakdown of the \$19.7 million:

	Million
For field construction at test site.....	\$3.5
For technical support (including timing & firing, ground motion studies and many other incidents of the test)	6.0
For logistic support (Transportation)	3.2
For maintenance and operations.....	7.0

Finally, I believe the most important statement is one made by an A.E.C. Representative as part of the budget breakdown. In effect, the statement was that if the A.E.C. were to be told today to cancel the test, to clean up and pack up, \$8.0 million of this \$19.7 million would be saved.

Mr. Chairman, I believe that this savings is a wise one, especially when it can be effected at the same time that a nuclear test which is unnecessary and risky will be cancelled.

In conclusion, let me repeat that my interest as Alaska's Representative to this body is perhaps a deeper and more personal interest in this issue than others may feel. Alaskans are concerned deeply about this test, and I feel I cannot do otherwise than cast my vote in support of the Mink amendment.

The fishing grounds of Bristol Bay and the Gulf of Alaska, the communities of the Aleutian Islands, the lands on which Native Alaskans have lived for decades, and the other undeniably valuable human and physical resources of Alaska add a mighty weight to the scale. This weight cannot, in my opinion, be offset by brief claims of necessity and incompletely answered questions regarding the potential adverse effects of this test. I ask that you join me in supporting this amendment.

Thank you.

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

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

Mr. HOSMER. I think it ought to be pointed out that although the gentleman from Alaska states that these risks are being taken on a firsthand basis by the citizens of his State, the citizens of the population centers of his State are as distant from Amchitka as is Denver, Colo., from Washington, D.C.

Mr. DON H. CLAUSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very much concerned about this matter and this amendment. I am torn between concern over our Nation's security and the need for this testing and concern for my constituents who live on the north coast of California and their security from tsunami tidal wave action caused by earthquakes or possible earth movements.

In 1964, as my colleagues will recall, the Anchorage, Alaska, earthquake set in motion the tsunami that wiped out my hometown of Crescent City and caused the loss of 12 lives and left hundreds homeless.

Santa Rosa, Calif., had its downtown area destroyed by an earthquake something over a year ago, so I hope my colleagues can understand my reasoning for expressing concern.

I feel an obligation to bring this to the attention of the Members present on the floor today on behalf of the people I represent.

Also, I have done some research on some of the implications of this proposed test shot and will include some of my findings in order to have a more complete record.

As Mr. HOSMER had stated, there was a great deal of concern expressed and many questions asked prior to the first test shot in this area of Alaska. At that time, I directed a number of questions to the AEC and other agencies of Government. I was assured that no problems would occur and as Mr. HOSMER accurately stated, there were no earthquakes or tidal waves set in motion as a result of that test explosion. This was, indeed, reassuring.

Further information brought to my attention by experts in the atomic energy field are that concern has been expressed by the Canadians, Japanese, and Russians over the possibility that the Cannikin event could cause earthquakes or tsunamis and contaminate ocean waters and fishing grounds. A possible adverse impact on the SALT negotiations has also been suggested by some opponents here at home.

The Canadians, Japanese, Russians, and those U.S. citizens interested in unilateral disarmament for the United States raised essentially identical objections to the Milrow event—one megaton, equivalent to seismic magnitude 6.5—which was conducted in October 1969. These were the effects noted at the time of detonation and up to now:

No radiation releases, with leakage or seepage, to the biosphere. The local (Amchitka) aftershock was less than magnitude 3 indicating little if any energy coupling to the deep fault zone near Amchitka.

The Cannikin event is expected to have a seismic magnitude of about 7.

Since no sea wave of any significance has ever been caused by an event of seismic magnitude 7, it would require that Cannikin caused a secondary shock much greater than the original seismic magnitude. In the history of testing by both the United States and the Soviet Union, there has never been recorded a secondary shock that was larger than one-fiftieth the original shock. As a matter of fact, secondary shocks are generally no larger than one-one hundredth the original.

It is essentially impossible for a magnitude 7 shock to create a tsunami. Since records have been kept of earthquakes in the Aleutians chain—since 1900—no tsunami from an earthquake in the Rat Islands group—which includes Amchitka—has been registered beyond the local area. As an example, the Rat Island quake of February 4, 1969, had a magnitude of 7.5 and a local area runup of about 10 feet. The maximum runup was recorded at Shemya Island very close to the epicenter of the quake.

The national ocean survey of the National Oceanic and Atmospheric Administration, in commenting on the draft

Cannikin environmental statement, stated:

Before Milrow it was predicted that the only possibility of producing a damaging tsunami was by virtue of an earthquake being triggered of magnitude considerably greater than the magnitude of the seismic effects attributable to Milrow itself. Permanent damping of the ground surface at or around surface zero and/or displacements on faults of one to three feet would probably produce waves of several inches height locally but would probably not be detected at Adak or Shemya, the next nearest population points. The results from Milrow show that no larger aftershocks occurred and the local ground motions which were on the order of a half foot at the shore line did not cause measurable waves.

Those U.S. citizens who are concerned that the yield of the Cannikin detonation might affect the SALT negotiations, apparently are unaware of the fact that the Soviet Union conducted the largest underground test to date, nearly 6 megatons, on November 14, 1970, on Noyaya Zemlya Island. That test had no detectable effects on disarmament negotiations.

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

Mr. Chairman, I rise in strong support of the pending amendment, offered by my colleague from Hawaii (Mrs. MINK) to delete from H.R. 9388 the \$19.7 million designated for conducting the Cannikin underground nuclear test at Amchitka, in the Aleutian Islands.

Cannikin is supposed to test a nuclear warhead of a force equal to 5 million tons of TNT. That is approximately 250 times more powerful than the bomb dropped on Hiroshima. It will be the largest underground test ever tried.

I submit, Mr. Chairman, that this explosion is not essential to our national defense. Furthermore, it is likely to jeopardize progress at the SALT—Strategic Arms Limitations—talks, and it could well prove to be an ecological disaster.

The justification for Cannikin, according to the AEC, is to supply a nuclear warhead of this size "for a special purpose important to national security." Recent hearings have revealed that this "special purpose" is to provide a warhead for the Spartan ABM system. This system, as now planned, does not require a 5 megaton warhead. It appears, therefore, that the original purpose of Cannikin has evaporated since the AEC first undertook the project in 1966.

As for the SALT talks, the President has indicated recently that there is movement toward a possible agreement on halting the expensive and dangerous nuclear arms race, specifically with respect to antiballistic missiles. A decision to postpone the Amchitka blast pending the outcome of the SALT talks could do nothing but brighten the prospect for such an agreement.

But perhaps the most dramatic liability involved in Cannikin, Mr. Chairman, is the running of undetermined environmental risks.

One possibility of ecological damage is leakage of radioactive material into the air and into the ocean. While the AEC's

safety record is generally good, according to its own announcement 17 underground tests have leaked radiation in one form or another.

The choice of Amchitka as a nuclear test site has long worried the people of Hawaii. Amchitka lies at the crux of a major earth fault, which extends down the Pacific coast to California, the site of a disastrous earthquake earlier this year. Although there is no certainty in these matters, Cannikin could cause an earthquake, with the possibility of tragic consequences.

The shock from a nuclear explosion-caused earthquake might seriously affect Amchitka's wildlife. The island, which has been a National Wildlife Refuge for nearly 60 years will then be lost for this purpose.

There is another definite threat to the people of Hawaii, California, Alaska, and other Pacific coastal areas. An earthquake caused by the nuclear blast could well trigger a tidal wave, or tsunami, which could sweep across the Pacific Ocean.

Since 1819, 15 such tidal waves have struck Hawaii; more than half of those were caused by earthquakes originating in the Aleutians. I vividly recall the series of seven tsunamis which tore into Hawaii in 1946, killing 173 people and causing more than \$25 million in property damage.

In 1960, an earthquake that originated in Chile triggered a tsunami which claimed the lives of 61 people in Hawaii.

No one can honestly deny, Mr. Chairman, that a 5-megaton nuclear explosion could produce an earthquake and trigger a tidal wave that would bring untold disaster to Hawaii, Alaska, or California. Even the AEC admits the risk that is being taken. I submit, Mr. Chairman, that it is an unjustifiable risk. The proposed enhancement to our national security attributable to Cannikin is, at best, arguable. In the final analysis, there is nothing to be lost, and much to be gained, from at least a postponement of the planned October 1971 blast date for Cannikin.

That can be accomplished by adopting the pending amendment, and I urge its adoption.

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

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

Mr. Chairman, I rise in support of the amendment which has been offered by the gentlewoman from Hawaii (Mrs. MINK).

Mr. Chairman, this is not one of those simple decisions where the situation is black or white. There is much to be said either way. However, on the whole, after weighing all of the arguments, pro and con, it seems to me quite clear that the balance is in favor of postponing this test.

The Atomic Energy Commission declines to give any guarantees that there will not be venting of radioactivity from the test or that the explosion will not trigger an earthquake or a tidal wave.

The Commission does not give any such guarantees because it cannot.

If there should be a venting of radioactivity, it could be carried all around the world. They can cross into Canada and immediately put us in violation of the nuclear test ban treaty.

If there is a tidal wave, is the Government of the United States or the Atomic Energy Committee proposing to indemnify the citizens of Alaska, Hawaii, and the west coast of this continent? Of course not. And yet this is a distinct possibility.

If the test is so safe, why do they not conduct it at the regular Nevada testing grounds? Obviously because it is not that safe.

Now, there is another aspect here—and I am going to be very brief—we have heard the argument that the Russians have been reasonable in the SALT talks partly because we went ahead with the ABM. Well, maybe that is so, but is it not time, ladies and gentlemen, for the kind of initiative that the late President Kennedy put forth in his speech, in June 1963, at American University that broke the deadlock on the test ban treaty? Supposing we said, and gave the administration time to say, to the Russians that we believe the SALT talks can produce results, that, as a gesture of confidence based on the progress already made in the talks, we are going to suspend this test believing that it will help create a better atmosphere for making further progress. It seems to me we need that kind of new approach, that kind of a change from the dismal routine we have been going through for most of the years of the strategic weapons race.

For all of these reasons, Mr. Chairman, I support the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) and urge that a delay in the test be supported by the House.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

The question was taken; and on a division (demanded by Mrs. MINK) there were—ayes 27, noes 70.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WOLFF

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

The Clerk read as follows:

Amendment offered by Mr. WOLFF: On page 8, after line 7, add a new title to the bill, as follows:

TITLE III

Sec. 301. (a) All functions, powers, and duties of the Atomic Energy Commission (hereinafter referred to as the "Commission") under chapter 10 of the Atomic Energy Act of 1954, relating to the issuance and review of licenses for the transfer, receipt, manufacture, production, acquisition, possession, use, import, or export of utilization and production facilities, are transferred to and vested in the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") to be exercised by him in accordance with subsection (b).

(b) The functions, powers, and duties transferred by subsection (a) shall be exercised and carried out by the Secretary through the facilities and personnel of the Public Health Service: except that from and after

the transfer (1) no license shall be issued with respect to a utilization facility if the Federal Power Commission determines (and notifies the Secretary) that the issuance of such license would be contrary to or inconsistent with the national power policies of the United States, and (2) no license shall be issued with respect to a utilization or production facility if the Secretary of the Interior determines (and notifies the Secretary) that the issuance of such license would be contrary to or inconsistent with the conservation of natural resources in the area involved or with the national conservation policies of the United States.

Sec. 302. So much of the positions, personnel, assets, liabilities, contracts, property, records, and unexpended balances of authorizations, allocations, and other funds of the Commission as were employed, held, used, or available for use in connection with the functions, powers, and duties.

Sec. 303. The Director of the Office of Management and Budget shall prescribe such regulations (including regulations establishing the procedures to be followed by the agencies involved in carrying out section 301(b) and governing the transfers referred to in section 302) as may be necessary to carry out this title.

Mr. WOLFF. Mr. Chairman, the amendment I am proposing to the bill before us, H.R. 9388, would add a new title III to the bill. The new title would amend chapter 10 of the Atomic Energy Act of 1954 to transfer licensing authority relating to commercial, civilian uses of nuclear power from the Atomic Energy Commission to the Department of Health, Education, and Welfare.

The language of my amendment is similar to the language of H.R. 1197, a bill I introduced at the beginning of this Congress and on which I testified before the Joint Committee on Atomic Energy on June 23. I have, however, eliminated from the amendment the language in H.R. 1197 which would have required a finding of practical value for industrial or commercial purposes before a utilization facility could be licensed. That requirement was eliminated from the Atomic Energy Act of 1954 by Public Law 91-560, approved December 19, 1970, and I will not attempt to reverse that congressional policy decision at this time.

My amendment would retain the thrust of my bill, and that is to reduce the AEC's authority and add checks and balances to our present system for licensing nuclear facilities. The AEC and the Joint Committee have expressed opposition to such efforts in the past, because the transfer of licensing responsibility to another agency would weaken the AEC. In my judgment, that is precisely what we need to do.

As currently constituted, the AEC is responsible for promoting, licensing, and, for the most part, regulating the atomic energy industry. The checks and balances which are a fundamental safeguard throughout the American system seem to have been ignored when the Atomic Energy Commission was created. This has produced a serious danger of imbalance in the agency in favor of expansion—at the expense of objective regulation, licensing, and protection.

In recent months there have been reports of two issues in which the present imbalanced system led to weak regulations. In the first case, that surrounding the maximum permissible limit of radiation which may be emitted from nuclear powerplants, the AEC has finally moved to lower those standards to 1 percent of the present levels. Mind you 1 percent of what has been permitted up to now. In lowering the standards, the Commission acknowledged that there is no safe threshold where radiation exposure is concerned—a fact which the Commission had effectively ignored in enforcing the higher standards for many years. Even at the new lower levels, there is no guarantee of safety for the public.

In addition to the radiation standards, emergency core cooling system criteria have been toughened within the past month. Had there been adequate checks and balances in the licensing of reactors, the stronger criteria might have been issued long ago.

I believe that a shift of the AEC's licensing responsibilities to HEW, with a concomitant shift of personnel, records, and funds to HEW, might have led to stronger core cooling system criteria and lower limits for radiation exposure years ago. Certainly such a shift now would result in careful reexamination of nuclear reactor licensing procedures and might lead to a strengthening of standards in many phases of the licensing process.

When I appeared before the Joint Committee recently the gentleman from California (Mr. HOLIFIELD) raised certain questions about the need for this legislation and about my position regarding atomic energy. I would say to the gentleman that I am aware of the fact that we are constantly exposed to background radiation and that we get radiation from X-rays and other modern inventions. But I must also say to the gentleman that we do not get X-rays every day. Nor can we ignore the linear or cumulative effect of radiation. It is fact that there is no safe level of radiation and it is fact that the effects of radiation—from all sources—can build up over an extended period of time. Some low level radiation has a half life of over 1,000 years. Think of the cumulative effects to man today. Think of the genetic effects upon our children or grandchildren.

I would also say to the gentleman that the issue here is not our contrasting views of the danger of radiation but the fundamental question of whether the AEC, or any regulatory body, can have too much power. To permit the present situation to continue would be to ignore the basic fact that the AEC cannot responsibly fulfill its mission because of the very contradictory nature of its assignments.

I urge support of my amendment.

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

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

Mr. ANDERSON of Illinois. I am curious as to why in your amendment you would seek to transfer licensing to the Department of Health, Education, and Welfare. They have no background of

expertise or knowledge in the licensing of atomic facilities. If the gentleman had suggested the Environmental Protection Agency, I might have seen some logic to the suggestion, although I would still be opposed, frankly. But I am bemused by your suggestion that we transfer this responsibility to the Department of Health, Education, and Welfare.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. PRICE of Illinois. Mr. Chairman, the bills to which the gentleman from New York has referred, including one that he himself has introduced, have been referred to the Joint Committee on Atomic Energy. In recent weeks—on June 22 and 23 and July 13 and 14—in public hearings, we heard testimony on these bills. Mr. WOLFF himself appeared before the committee. He and others who have introduced similar bills have had an opportunity to testify before the committee. The hearing is still going on. We are in recess at the present time awaiting additional views on the legislation that is before the committee.

But the proposed amendments are under consideration, and I think that this would be an improper way to deal with these bills. I, therefore, urge defeat of the amendment.

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

Mr. PRICE of Illinois. I yield to the gentleman from California.

Mr. HOSMER. Although the bills before the committee are still under consideration, I would like to point out that this is the same proposal to transfer the licensing and regulatory authority of the AEC to the unwelcomed and unwelcoming nest of HEW whose reports last year universally were rejected, turned down, and so far the reports on the gentleman's legislation this year have also all been in the negative. Therefore, I also urge that the amendment be rejected.

Mr. PRICE of Illinois. The gentleman is correct.

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

The CHAIRMAN. The gentleman from New York is recognized.

Mr. BINGHAM. Mr. Chairman, I shall not take the 5 minutes. I would merely like to say that I agree very emphatically with the general principle that lies behind the amendment offered by my colleague from New York (Mr. WOLFF), namely, that the AEC should not have the dual responsibility of promoting nuclear power and at the same time regulating it. I feel that way not because I question the ability of the Atomic Energy Commission to lay down adequate safeguards, but because I question whether the public is ever going to have confidence in the safety work of the AEC while it has these two conflicting responsibilities.

As far as the question of which agency should have this responsibility, I originally, last year and early this year, felt as does Mr. WOLFF, that it should go to HEW.

Since the creation of the Environmental Protection Agency and since a number of trained personnel have already been transferred there, I now feel that the transfer, if it were made, should be to the Environmental Protection Agency. I hope that the Joint Committee will give favorable consideration to that recommendation which I made to it in testimony yesterday.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WOLFF).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SKUBITZ

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

The Clerk read as follows:

Amendment offered by Mr. SKUBITZ: Page 3, lines 9 and 10, after the word "\$1,000,000" on line 8, strike out all of lines 9 and 10, the words: "Project 72-3-b, national radioactive waste repository, Lyons, Kansas, \$3,500,000."

Mr. SKUBITZ. Mr. Chairman, nearly 30 years of my life have been spent on Capitol Hill. I have as a staff member prepared committee reports, and I have participated with agencies in preparing these reports. I am aware of the cant and the ambiguities and the sophistries that on occasion can be found in these reports. So in the time I have available to me, I would like briefly to touch on justifications cited in the committee report for the authorization of funds to purchase lands in Kansas to store these deadly wastes.

On page 28 of the report, the Joint Committee notes:

Questions and objections were raised concerning the desirability of moving forward on the repository, particularly before research has been completed on such factors as three dimensional studies on heat transfer at a salt-shale interface, areal hydrology and geology, possible environmental damage, the transportation of the waste to the salt mine, and waste retrieval after burial.

Members of the committee, this happens to summarize the very problems raised by the Department of the Interior and by the 40 scientists that met in Kansas on April 5 to confer with the AEC referendum.

AEC has stated that many questions cannot be answered until small amounts of high level radioactive waste are actually deposited in the salt mine to demonstrate the feasibility of using this facility for its intended purpose.

Mr. Chairman, this is the contention which is vigorously opposed by the Governor's scientific advisers. They work under contract with the AEC as advisers and consultants on the waste project. They tell the Governor this:

Most of the work requires intensive laboratory investigation that should provide a sound basis for on-site demonstration.

This is the very heart of the controversy between the State of Kansas and the AEC. Obviously, Kansas does not have faith in the AEC, nor trust its promises—and neither do I. This is why the Governor has written the President of the United States, the chairman of the Joint Committee on Atomic Energy, and the chairman of the Appropriations Committee, urging that no funds for

land acquisition be authorized or appropriated until Kansas can be sure that the project is safe.

I was not impressed with the statement of the gentleman from Illinois, when he said:

The Joint Committee strongly feels that all reasonable questions raised must be answered from the standpoint of satisfying Kansas and Federal officials before the Lyons facility is put into operation as a repository for industrial wastes.

Mr. Chairman, if the English language means anything, this means that both Kansas officials and Federal officials must be satisfied. I do not know about the Federal officials, but I do know, and I can tell the Members, the officials of Kansas are not satisfied.

But the report really does not care about Kansas officials, because it adds that important qualifying clause, that italicized clause, which, in effect, makes it clear that no matter what Kansas feels, it is all right to go ahead, burying high level waste so long as we do not bury industrial waste.

Mr. Chairman, let us talk about this industrial waste from privately owned plants. The AEC does not plan to ship large quantities of waste into Kansas tomorrow. There is no great pressure on the AEC to get the facility ready immediately. Big quantities of industrial wastes are not sitting around waiting to be buried in Kansas. What concerns the Kansas scientific community about is that the AEC plans to bury deadly waste to carry on experiments on the site—before it completes its laboratory tests.

Now, the gentleman from Illinois (Mr. PRICE) tells us that the committee will, as a part of its justification for this project, establish an advisory council on which representatives from Kansas, from the AEC and from the executive department will sit.

I suppose this is to placate the Governor of Kansas, the members of the delegation, and the people of Kansas.

Mr. Chairman, who is being fooled by this device? It is a Mother Hubbard, designed to cover up, to hide something, while the basic problems raised by competent scientific minds remain untouched. I, for one, would not be a party to such bare-faced deception. Nor, I predict, will it fool Governor Docking and his scientific consultants.

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

(By unanimous consent, Mr. SKUBITZ was allowed to proceed for 4 additional minutes.)

Mr. SKUBITZ. Mr. Chairman, we come finally to the report's assurance on page 62 that if anything goes wrong the project will be abandoned. The Joint Committee tells us that in its 25-year history it has not hesitated to cancel and rescind projects that went wrong. It says that if the research and demonstration program at the salt mine does not meet reasonable standards before commercial operation is begun the project will be canceled.

How comforting. A clear case of nailing the barn door shut after the horse is stolen. How can the project be safely

terminated, as the report puts it, when the AEC does not have the means to retrieve the dangerous wastes?

Mr. Chairman, if the Kansas scientists are wrong in insisting that further laboratory research is necessary, all that will have been lost is a small amount of time—perhaps a year, at most two. But if the AEC is wrong, as evidence indicates it is, Kansas and its people will live with that error—if indeed life is possible—for the next half million years. That is how long these wastes will be deadly to mankind.

I want to add one other point.

My three colleagues who serve on the committee, circulated a letter asking Members to vote "no" on this amendment. They admit it is not necessary to have ownership immediately. They say and I quote—

Ownership authority now is almost essential—

"Almost essential"—

for the purpose of conducting R & D vital to safe storage of existing and future atomic wastes.

Here is where we differ. We say the tests should be resolved in the laboratory first, before they begin burying waste.

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

Mr. SKUBITZ. I yield to my colleague from Kansas.

Mr. WINN. I appreciate the gentleman from Kansas yielding to me. I rise in support of his amendment.

I was just preparing to point out that the "dear colleague" letter sent out yesterday did say that ownership authority "almost essential," as the gentleman just pointed out.

I feel sure the gentleman in his earlier remarks, in reference to the rule, pointed out the documents and information sent to us by the Governor of our State, in which the Governor said if Congress approves the AEC project the Kansas attorney general is making preparations for filing a lawsuit to halt the project, and the Governor would support him.

Did the gentleman point that out in his earlier remarks?

Mr. SKUBITZ. I did point out that particular point.

Only 2 days ago this body voted against proceeding with a contempt citation. Why? It was because it did not want a confrontation in the Supreme Court of the United States. Here we are today voting on a project that may bring about a legal action between Kansas and the AEC.

Mr. WINN. Is it true that there is now a lease on the property, and that the experiments can go ahead without the purchase of the property?

I pointed out that they have been operating on a lease for a number of years in the State of Kansas on this project. The only reason the AEC could possibly want for insisting on ownership at this time is to escape legal actions for damages to land and life if its experiments go awry.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we have heard a lot about salt mines from the gentleman from Kansas.

As it started out on its tortuous route through the Congress a request for \$25 million in construction money was before us. In deference to the gentleman's fears and alarms and so on, that request was scaled down in the authorization of \$3.5 million. Of the \$850,000 operating money that was requested for research and development in respect to the salt mine, in another portion of the bill, we added \$1 million to it, making a total of \$1,850,000.

What this authority seeks to do here is simply to permit the AEC to acquire this property so that the research and development can continue to determine whether ultimately, in fact, it will be safe for all time to store this high level radioactive material in this particular place. If so, the title to the property will be secure and the storage can proceed then, not now, but then.

The gentleman from Kansas quotes a Dr. Hambleton who says the work that has to be done is largely laboratory work and you do not have to have the salt mine itself in order to do that work. The fact is that the scientists and the experts hired by the Atomic Energy Commission dispute this and say that an important segment of this R. & D. can be done only at the site. When you put these high-level wastes anywhere inside the earth, even in the experimental quantities, temporarily and only in order to make sure that it can be done safely for all time, you cannot put them into leased property, but it has to be on Government-owned property. That is why it is essential now to acquire title to the land.

I heard the words quoted I had used in a letter that it was "almost essential" to acquire title. I think indeed I will say to the gentleman from Kansas that that "almost" probably is a better phraseology to use.

We could eventually acquire title later after the feasibility for the use of the salt mine was established and proved beyond any reasonable doubt. Yes, we could do that. But the reason why it is "almost essential" that we get title before is that if we wait until that time, the salt mine will cost us so much money that there might not be enough left in the U.S. Treasury to buy it. The real estate speculators will boost the price. There is no option to buy it at a price certain. I submit that when you get into this emotional type of thing that is before us, which is going on with respect to this salt mine, a sort of semantic witch hunt going on and on forever, then I tend to suspect the reasons behind it. I do not suspect the gentleman's motives at all, but I do know that in connection with all of these other fine areas in this Nation that we have tried to set aside for use as national parks, when we said, yes, we will set them aside and have them used for national parks, but did not make sure of the title first, we found that we do not have enough money to buy the land later. Up went the price. This is exactly what the U.S. Government will run the risk of here if it is not permitted to acquire title before the value of the property is established at a high sum as a suitable permanent radioactive waste disposal site.

Let us not place the Government of

the United States in a corner where it can be held up and robbed.

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

Mr. HOSMER. I yield to the gentleman from Kansas.

Mr. SKUBITZ. Does the gentleman admit that this is an abandoned salt mine and has been abandoned for about 50 years?

Mr. HOSMER. I do admit that it has been in existence for over 50 years.

Mr. SKUBITZ. Mr. Chairman, if the gentleman will yield further, I am talking about an abandoned salt mine and not one that is in operation.

Does the gentleman know of any area where abandoned salt mines bring a high price?

Mr. HOSMER. We are talking about big hunks of salt underneath the surface of the earth which have been determined to be very useful for the storage of radioactive waste material and when you do that the price goes sky high.

Mr. SKUBITZ. The gentleman's own report says that there are 10,000 to 12,000 miles of salt in Kansas.

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

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

Mr. Chairman, I rise in support of the amendment by my distinguished colleague, the gentleman from Kansas (Mr. SKUBITZ). I congratulate him on his excellent presentation before this Committee.

As Mr. SKUBITZ indicated, the purpose of this amendment is to delay the purchase of this site in central Kansas for the purpose of long-term storage of high-level and low-level atomic waste material until completion of tests indicating, as far as is scientifically possible, the safety of this proposed repository.

This bill authorizes moneys under section 101(a) for such research to determine the safety of this repository. We do not oppose these studies. In fact, we support funds for research because our foremost interest is the safety of the people and the quality of the environment of our State and our Nation.

But such tests have not been completed. Some have not even begun. Safety has not been assured.

But the AEC proposes to go ahead with site purchase, construction of storage facilities, and perhaps even storage while simultaneously conducting safety tests.

Gov. Robert Docking and the Kansas scientific community, especially the Kansas Geological Survey, have worked closely with the AEC. But they have insisted and continue to insist that safety tests and studies can and must be conducted before the AEC purchases land for the site.

The position of Governor Docking and the Kansas scientific community is expressed in summary in a letter of July 13, 1971, last Tuesday, to the chairman of the Joint Committee on Atomic Energy. It is as follows:

I repeatedly have asked government officials and members of congressional committees to delay the AEC's plans to proceed with the Lyons project until further scientific research can be conducted in the area to determine the safety of the project. I believe this to be a reasonable request.

The Joint Committee report also made the following statement: "The Joint Committee reiterates, with regard to this program, what has been its traditional posture throughout its 25-year history, namely, that if the research and demonstration program at the salt mine in Kansas does not meet reasonable standards before commercial operations begin, the project will be cancelled and appropriate steps will be taken to safely terminate any activities undertaken prior to that decision." I fully appreciate the sincerity of the committee members in making this statement; and I sincerely believe the committee members intend to stand by it. Under more normal circumstances, this statement perhaps would dismiss many of the fears I have concerning the proposed Lyons project. But based on our experiences with the "bulldozer" tactics of the AEC in the past few months, I cannot accept this statement and then blindly follow the lead of the AEC.

The AEC has treated the concerns of Kansans as trivial when in fact our concerns are quite real and should not be dismissed by AEC officials working and living, 1,500 miles from Kansas. An example of the tactics of the AEC can be found in the AEC's new environmental statement. The AEC environmental statement does not respond to specific comments and criticisms, which often are met with the response that these comments and criticisms call for information and answers which cannot be included in an environmental statement.

Dr. William Hambleton, director of the Kansas Geological Survey at the University of Kansas, summarized the AEC statement: "Seemingly, the document is designed to convince the reader that all problems will be addressed (1) during the design and development phase of the project, or (2) will be treated in a Design and Safety Analysis, or (3) will be verified during the demonstration phase of the facility operation.

If this environmental statement is to serve as a model for other environmental statements, every agency will request approval with respect to environmental impact on the basis of preliminary conceptual plans, explaining that all problems will be solved during a design phase of the project, wherein all adverse environmental consequences will be eliminated. *In effect, environmental statements will be no more than expressions of faith and requests for trust.*

Dr. Hambleton concluded: "Contrary to the benign expressions of the Atomic Energy Commission, I do not agree that investigation of the environmental impact of this project must be investigated during the design and demonstration phase of the storage site. Most of the work requires intensive laboratory investigation that should provide a sound basis for on-site demonstration."

We in Kansas realize our great national energy needs. We are aware that there are and will be great amounts of highly dangerous atomic waste material which has not been placed and will need to be placed in long-term storage sites. We are aware that the salt mines of our State may be the most satisfactory site available.

But, my colleagues, we are talking about truly perpetual care, about 500,000 years, 10 times the history of man on earth, and we are only asking that such long-term storage be preceded by as much assurance of safety as it is scientifically possible to provide.

If we permit purchase of these lands by the AEC, we are irretrievably giving up all State control of safety provisions.

The people of Kansas, the Governor of Kansas, and all members of our Kansas congressional delegation oppose site

purchase before completion and evaluation of tests that may or may not find Kansas salt mines to be a safe site for storage of atomic waste materials.

In fact, Gov. Robert Docking states in a letter to me dated July 13, 1971:

If Congress approves the AEC project, Attorney General Vern Miller is making preparations to file a lawsuit to halt the project; I will support him in legal action.

I ask support of the amendment to delete funds for purchase of the site for an atomic waste repository at Lyons, Kans.

To defy the reasoned and measured wishes of the State of Kansas is an improper action for this Federal body.

I would like to take the balance of my time and direct a question to the gentleman from California who preceded me.

I hope we are not being told that there is only 1,000 acres of abandoned salt mines in the United States that might be possible repository sites for high-level and low-level atomic waste materials. When you speak of the possible inflation which will result if these 1,000 acres are not purchased, is it not true that there are many other abandoned salt mines?

Mr. HOSMER. Mr. Chairman, if the gentleman will yield, there are some sites, alternate sites such as in Michigan and in New York State, but those salt mines do not have the depth of formation that those in Kansas do, and therefore with an overabundance of caution these in Kansas seem to be the wisest choice to continue with in our guarantee to make certain that it will be safe to use these for these purposes.

Mr. ROY. But when the gentleman speaks of the inflation that will occur, is it not true that there are thousands and thousands of acres of these salt mines, and not just this one small, specific area about which we are speaking?

Mr. HOSMER. There are many thousands of acres, but there are not many thousands of acres of suitable salt mines.

Mr. SKUBITZ. If the gentleman will yield, the abandoned salt mine that my colleague talks about is in Kansas and it has been there for 50 years. There has been no big rush to buy it. The committee report shows that one of the reasons the AEC wants the Kansas site is because there are approximately 12,000 miles of salt in the vicinity of the proposed site. Do not let anybody kid you about this being a demonstration project; this is going to be the atomic waste dump. This is why the Governor wants the safety tests made first.

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

Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Kansas (Mr. Skubitz). This amendment would delete \$3.5 million in the AEC authorization bill for construction of a proposed national radioactive waste repository near Lyons, Kans. These funds would be used for site acquisition, architect-engineering services and design of the national repository for nuclear wastes.

When the Atomic Energy Commission first informed me of its decision to establish the salt mine repository at Lyons on June 18, 1970, I emphasized in a public statement that before the Congress

acts on the AEC request for fiscal year 1972 it is essential that State public health and geological authorities determine the long-range safety of this project.

Today as we debate this AEC authorization, more than a year after the decision was announced, the permanent safety of this project still is at issue. In fact, there is widespread opposition to the construction phase of the repository at this time.

The Governor of Kansas has been in communication with the Joint Committee, the Public Works Appropriations Subcommittee, the Atomic Energy Commission, members of the Kansas congressional delegation, and the President, requesting that funding of the project be deferred until safety of the project is assured.

While many of the responsible leaders of the city of Lyons support the establishment of the AEC repository near their community, I feel the Congress has no other recourse but should abide by the request of the Governor of the State who is acting upon counsel of acknowledged geological, scientific and public health authorities of Kansas.

On July 7, 1971, Gov. Robert Docking, of Kansas, wrote to Mr. John A. Erlewine, assistant general manager for operations, Atomic Energy Commission, in response to the final environmental statement of AEC on the proposed radioactive repository. Governor Docking concluded his letter stating:

The final statement as prepared by the Atomic Energy Commission offers no scientific proof of the safety of the proposed Lyons project. It offers only pledges to have faith in the AEC. Our experiences with the officials of the AEC in the past few months have given us ample reasons not to have faith in the AEC.

You are ignoring the wishes of a great many Kansans when you propose—as you do in this final statement—to continue to press for construction of the repository without first conducting further tests.

Your final statement, which leaves many, many questions unanswered, only reassures me that my position regarding the Lyons project is the right one: That instead of continuing with plans to build the repository, the AEC should defer requests for Federal funds to purchase land and construct the repository until scientific tests can be completed and the safety of the project can be determined to the satisfaction of the citizens of Kansas, scientists and elected officials.

The Environmental Protection Agency also has submitted an environmental impact review of this project as proposed by the Atomic Energy Commission. The Environmental Protection Agency has pointed out the need for further review of the environmental and safety implication of the project.

The report agreed that salt formations appear currently to offer the most satisfactory storage environment for nuclear wastes. But it suggested that the commission should develop:

First. The various factors relating to the long-term integrity of the salt formation and its ability to adequately contain the deposited radioactive material and to prevent contamination of terrestrial and hydrologic environments.

Second. The need for contingency

Spence	Veysey	Wyatt
Steed	Vigorito	Wydler
Steele	Waggonner	Wylie
Stubblefield	Ware	Yates
Stuckey	Whalley	Yatron
Sullivan	Whitehurst	Young, Tex.
Teague, Calif.	Wiggins	Zablocki
Thomson, Wis.	Williams	Zion
Udall	Wilson, Bob	

NOT VOTING—64

Arends	Evins, Tenn.	Mollohan
Baring	Gallagher	Monagan
Boggs	Gubser	Montgomery
Bolling	Halpern	Pepper
Brotzman	Hanna	Pettis
Buchanan	Hansen, Wash.	Pickell
Celler	Hastings	Purcell
Conable	Hawkins	St Germain
Conyers	Hébert	Shipley
Coughlin	Hillis	Shoup
Daniel, Va.	Hollifield	Sikes
Danielson	Ichord	Staggers
Davis, Ga.	Kee	Symington
Dent	Kluczynski	Talcott
Diggs	Landgrebe	Thompson, Ga.
Donohue	Long, La.	Tiernan
Dow	McCulloch	Van Deerlin
Edmondson	McDade	Wilson.
Edwards, Ala.	Macdonald,	Charles H.
Edwards, La.	Mass.	Wolf
Eshleman	Mills, Ark.	Wright
Evans, Colo.	Minshall	Zwach

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BINGHAM

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

The Clerk read as follows:

Amendment offered by Mr. BINGHAM: On page 1, line 7, strike out "\$2,025,571,000" and insert "\$2,030,972,500".

Mr. BINGHAM. Mr. Chairman, the effect of this amendment would be to make two additions to the provision in the bill for safety research for nuclear reactors, \$2.3-million for nuclear safety research, and an additional \$3.1-million for the purposes of fusion research, which is a long-range program.

I would like to address my remarks, first of all, to the need for additional funds for nuclear safety research.

The principal danger that exists in the nuclear reactors that are being built in the country today is the danger of a failure of the cooling system. This is recognized by the Joint Committee, it is recognized by the Commission, and it is recognized by all who are concerned with existing and planned commercial fission plants.

At the very center of a nuclear reactor are about 9 million thimble-size pellets of uranium fuel. The center of these pellets is raised to a temperature of 4,100° Fahrenheit producing a near molten condition, thereby mandating that a flow of water under high pressure be continuously circulated to act as a coolant. Any interruption of the cooling process would result in disastrous consequences. It is, therefore, imperative that every reactor be equipped with a reliable emergency core cooling system—ECCS—which could guarantee the input of a coolant in the event of a loss of the normal coolant flow. The mere breaking of any water conduit would result in such a loss of coolant accident.

What disastrous consequences would result should a reactor lose its flow of coolant? Within seconds the core temperature commences an irreversible climb upwards causing the breaking of

containment within minutes. In light of the fact that a 1,000 megawatt nuclear reactor produces as much long-lived radioactivity every year as would the explosion of about 1,000 Hiroshima bombs, plus enough plutonium to give 500 billion people the maximum permissible plutonium dose, we clearly must be able to guarantee the containment in the core of all radioactive poisons. In a loss of coolant accident where ECCS failed to function, however, containment certainly would be breached and radioactive poisons would be released into the environment involving lethal implications for the surrounding population. ECCS is, therefore, the vital engineering safeguards which stand between the public and immense quantities of radioactive poison inside a nuclear power plant.

A system has been designed for these reactors for emergency cooling, but it has never been tested in practice. Some small-scale tests have been recently conducted which did not confirm the ability of the system to perform effectively. If one of these systems were to fail and if there were no ability to stop the overheating of one of numerous operating nuclear plants, the consequences would be very severe indeed. There is no question about that.

The Commission has recognized the serious need to do more research on the development and testing of a proper emergency core cooling system and at a late stage during the year requested an additional \$5 million for this purpose. This request was trimmed by \$2.3 million by the Administration in the Office of Budget and Management. It is this trimming which I seek to restore in large part in my amendment.

Mr. Chairman, I believe that the Commission's original \$5-million request for emergency core cooling safety research should be sustained by the House.

I would like to quote from the hearings where Dr. Kavanagh of the Commission indicated the lack of satisfaction that the Commission feels with reference to the present degree of testing of the cooling systems and his indication that more money was needed.

He stated at one point, when asked for his personal opinion, that an additional \$30 million could well be used. When asked for further specifications as to what he meant by an additional need for \$30 million, he gave a list of projects that totaled up to some \$5 million. It is the \$5 million figure which I support, which the Commission supports, but which was cut down by the Office of Budget and Management, and which I submit is a very small price indeed to pay for the kind of research that is needed for the safety of nuclear reactors and in order to make them secure against a breakdown in the cooling system.

The second part of my amendment has to do with further funds for fusion research. I think all agree in this field that down the road somewhere near the end of the century it will be fusion that will be the source of our nuclear energy and

not fission. There is no doubt about the question that down the road fusion can be the answer to our nuclear power problems. It will be efficient and it will be pollution free. The late AEC Commissioner Theos Thompson underlined the need for accelerated research in this field when he said, in 1970, not long before his death:

Assume, if you will, a world population by the year 2000 of 7 billion . . . and assume also a per capita consumption of electrical energy equal to twice that of today's U.S. consumption . . . Then, 1% of the deuterium in the world's water, even if we burn it with only 10% efficiency, would provide the world with enough energy for over 3 million years. One can thus recognize the truly dramatic promise which fusion power holds.

Think of it. The potential pay-off from successful fusion research and development is unlimited electrical energy, safe and virtually pollution-free, plus a fusion torch which could convert garbage and other solid waste back into its constituent atoms for re-use. Fusion would produce little or no radioactivity.

The Soviets are concentrating on fusion power rather than on fission power. They are doing very little in the way of developing the type plant on which we have been working. They are concentrating on the long-range development of fusion power, and are currently spending three times more on it than we are.

While money will not guarantee successful fusion research, lack of money will guarantee failure. How does it happen that a poorer nation—Russia—is devoting three times more manpower to fusion than we are? How does it happen that Russia is in the front car in the train toward fusion power while we sit in the caboose?

AEC funding for fusion research has remained basically static for the past 10 years.

The committee has recommended \$29.8 million for research in this field. I am recommending a small increase of 10 percent in that figure, a small increase which would represent only a little more than an increase in the cost of doing business during the past year.

This program has been statistically funded; it has not been allowed to grow as it should grow. Last June the Appropriations Committee said:

The Committee has long been concerned at the slow pace of the development of this (fusion) program which, if successful, could be the answer to the energy problems facing the nation and the world . . . The Committee hopes that future budget submissions will make more adequate provisions for acceleration of this research and development effort.

The Chairman of the Atomic Energy Commission has indicated that further funds are needed for this purpose. I quote Dr. Seaborg:

We ought to increase fusion funding on the possibility that we might be able to bring it in faster than some here testified. Nobody knows whether this can be done more rapidly, but the effort could be made if we are to proceed now to keep up with the work being done in the Soviet Union, if we are to proceed now to develop the kind of nuclear

power for the later years of this century that would be pollution free, and that would be efficient.

It may be charged that the people are not available, they do not know what they would be doing if these additional small funds were recommended. I submit that a small increase of 10 percent in this vitally important research field is certainly something with which they can accomplish essential work with. Dr. Seaborg has indicated that they could well use the funds. It is something that would indicate the desire of this Congress, and the feeling of the Congress, that additional emphasis should be put on the development of research in the fusion power field, and it would provide an incentive to the scientists engaged in this vital area to continue their work with renewed determination.

I am not suggesting that the Commission neglect its work in the fast breeder reactor, which is the next step down the road, and on which the committee and the President have suggested we now concentrate, but I am suggesting that the Commission be given the funds to accelerate work in the field of fusion as well.

Mr. Chairman, the complexity of the issues discussed here has made a brief and informative discussion difficult. I trust, however, that each Member has been alerted to the urgency of this amendment. Our vote today on this amendment could clearly reflect to this Nation our concern that atomic energy development proceed with more attention to basic safety questions and with the necessary attention to fusion research whose promise includes safer, more efficient, and ecologically sound energy in unlimited quantity for the future. I urge each of you to vote yes on this amendment.

In summary, Mr. Chairman, let me repeat: the amendment I am now proposing would provide a small increase of \$2.3 million in the core cooling research funds, and an increase of \$3.1 million in fusion research funds.

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

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Joint Committee on Atomic Energy has given particular consideration to the matter of increasing funds for the fusion program. As a matter of fact, the committee has given an increase of \$1.4 million over last year that the Commission itself had requested. So there is in the bill \$1.4 million above the last fiscal year budget for the fusion program.

We considered a higher amount of \$35 million. That was discussed within the committee, but we rejected the idea because the committee sought information from those who know most about the fusion program, and they could not advise us where they could use any amount above what is requested in this bill.

We also looked at the Commission's recommendation on the other item that the gentleman from New York (Mr. BINGHAM), seeks to amend. I would point

out that the committee is usually sympathetic to any requests for increased funds for research and development, but the Commission itself did not seek any above the amount approved by the Office of Management and Budget, and they made no request from the committee to go above the OMB's approved amount.

We feel that the nuclear safety research and development funds can be applied wherever the Commission seeks to apply them, and in view of the lack of any request on the part of the Commission we just did not approve anything above the budgeted items.

So, Mr. Chairman, I ask that both of these amendments be rejected.

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

Mr. PRICE of Illinois. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I join the gentleman from Illinois in his objection to the pending amendment.

We are certainly trying to do what needs to be done with what is available today and how fast it should be done with respect to research.

We think the bill offers that and there is within the Atomic Energy Commission authority to reprogram it if anything has to be done that comes up later.

Therefore, Mr. Chairman, I urge the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

AMENDMENT OFFERED BY MR. ECKHARDT

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

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: On page 7, after lines 16, add the following:

SEC. 108. None of the funds authorized by this Act are authorized for appropriation, obligation, or expenditure, directly or indirectly, to pay any part of the cost of the testing (under, on, or above ground) by detonation or otherwise, of any nuclear bomb, warhead, or other device on, or in the vicinity of, the Aleutian Island of Amchitka, Alaska unless and until an independent body of scientists, knowledgeable in the fields of nuclear energy and in the field of environmental control and not otherwise connected with a governmental agency, have at the invitation of the Atomic Energy Commission, examined the effect of any such test and certified to the Commission that such test will not be detrimental to environmental quality.

Mr. ECKHARDT. Mr. Chairman, this is an amendment which does not go early as far as the Mink amendment. But you will recall the debate on the Mink amendment in which it was pointed out that such a distinguished scientist as Dr. Kenneth Pitzer stated that:

The largest of the observed associated after-shocks have been between one and two magnitudes less than the explosion itself. However, there does not now appear to be a basis for eliminating the possibility that a large test explosion might induce, either immediately or after a period of time, a severe earthquake of sufficiently large magnitude to cause serious damage well beyond the limits of the test site.

I know that Dr. Pitzer, who was president of Rice University and who is a very distinguished scientist who has engaged in advice to governmental agencies over a great number of years and who was later president of Stanford and only recently resigned—he is certainly not one of those who goes off halfcocked with respect to matters such as these. Some recognition of the same dangers was pointed out by Dr. Jeremy Stone, executive director of the Federation of Scientists.

Now this amendment does not strike out the appropriation for the Cannikin experiment. It does not in any way inhibit that experiment. It could be conducted in October under my amendment. The only thing it would do is to call on the AEC itself to ask for advice from neutrals, that is from the academic community, from people who do not have a stake in it.

Now you may say, and many of you will say on my side of the aisle, this is not nearly strong enough, because the Atomic Energy Commission has control and it will just appoint people who will agree with the Commission.

Well, that is the way I want it. I do not want to limit them. The only thing I want to do is to provide some means by which men of good will may have an opportunity to take a second look at the matter.

Now I would suggest this—there are times when a governmental agency gets itself so far along the road toward a conceived project that it cannot turn around. If you bore a hole in the ground a mile deep and 4½ feet across, it is awfully hard to crawl out of that hole and fill it up.

It seems to me we ought to take a second look at this program when distinguished scientists say that we have not shown with any degree of certainty that an explosion here in the magnitude of 5 megatons will not set off earthquakes that could be most disastrous. What is wrong with taking a little time to ask again of neutral sources whether this might happen? If we do that, and if we let the Atomic Energy Commission appoint them, how would we restrain their authority? All we ask in this amendment is that men of good faith, men like the members of the Commission, ought to go and ask for just a little further advice by those they choose to advise them. This is an extremely mild and limited amendment which will not inhibit them.

But I for one I am not willing to let this opportunity go by without an effort, at least, to examine further the possibility of earthquake. Would I not be most presumptuous, on my single judgment, and even on that of you Members, to say that these scientists who question the wisdom of this action are necessarily wrong?

Let us look into it a little more deeply or at least let us provide that opportunity.

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

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

Mr. ANDERSON of Illinois. The gentleman certainly seems to make a reasonable request when he suggests that the House has an obligation of calling upon independent scientific authority to examine the possible consequences of Project Cannikin.

I hold in my hand part 4 of the hearings for the authorizing legislation that we held this year, and at pages 2794, 2795, and 2796 there are 25 different separate items in the bibliography that show the list of the scientific studies that have already been made on all of the safety aspects from the environmental standpoint on this particular shot.

I submit that the information the gentleman asks for is already here in the record.

Mr. ECKHARDT. I say once more the danger and the doubt still exist.

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

Mr. PRICE of Illinois. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. PRICE of Illinois. Mr. Chairman, the gentleman from Illinois (Mr. ANDERSON) has made a very fine point. This program has been studied for several years by many organizations and groups independent as far as relationship to AEC is concerned. I would like to read a list of them: The U.S. Geological Survey; the National Oceanic Survey, formerly the U.S. Coast and Geodetic Survey; Air Resources Laboratory; the National Oceanic and Atmospheric Administration, formerly ESSA; and the Environmental Protection Agency.

It has also been considered by a panel of consultants as well as special consultants, made up of individuals and such organizations and institutions as the Geological Survey, the University of California, the University of Illinois, St. Louis University, the University of Nevada, Washington State University, University of Michigan, Columbia University, California Institute of Technology, Palo Alto Medical Clinic, Scripps Institute of Oceanography, Sheppard T. Powell & Associates, Shannon & Wilson. They represent such disciplines and subdisciplines as radiobiology, soil mechanics, structural mechanics, geophysics, hydro-radiation medicine, oceanography, seismology, and hydrology. It has been well studied.

Let me point out to the House that every day of delay while another independent group makes some kind of study on this subject—and I do not know what kind of study that could be made that has not been made—would cost the taxpayers \$65,000 a day.

In addition to that, if the studies should run as much as a year, it would cost almost as much as we have funds in this bill to continue this. It would cost \$18 million, and we have only \$19.7 million for the conduct of the test.

I urge the House to reject the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The amendment was rejected.

AMENDMENT OFFERED BY MR. HOSMER

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

The Clerk read as follows:

Amendment offered by Mr. HOSMER: Page 6, line 18, strike out subsection (d), lines 18 through 21, and insert in lieu thereof the following:

"(d) Section 106 of Public Law 91-273, as amended, is amended by (1) striking from subsection (a) thereof the figure "\$50,000,000", wherever it appears therein, and substituting therefor the figure "\$100,000,000"; (2) striking from subsection (a) thereof the phrase "up to a total amount of \$20,000,000"; and (3) adding the following after the words "civilian base program" "Provided, That such assistance shall not include the furnishing of end capital items of this demonstration plant excluding items which the Commission may deem necessary for research, development, or testing in light of its liquid metal fast breeder reactor base program: And provided further, That such assistance which the Commission undertakes specifically for this demonstration plant shall not exceed 50% of the estimated capital cost of such plant: And".

Mr. HOSMER. Mr. Chairman, the joint committee has recently received reports that are not encouraging for arriving at Government-industry arrangement to construct a demonstration breeder reactor even with the increase from \$50 million to \$100 million of the amount of monetary assistance which AEC would be authorized to provide.

The total estimated funding for the demonstration plant is in the \$450-\$550 million range.

Under the authorization bill as reported, AEC's share of the \$450-\$550 million would consist of the \$100 million in funds, referred to above, plus \$20 million in services or use of facilities or equipment otherwise available to or planned by the Commission under its base research and development program, plus \$10 million in waiver of use charges.

The \$20 million limitation on Commission assistance in the form of services, et cetera which are otherwise available to or planned by the Commission under its base research and development program is obviously too restrictive. As now written in the law—the total research and development effort which the Commission can provide would be subject to the \$20 million ceiling. The complete unreasonableness of this ceiling is evidenced by the fact that it would be absorbed entirely by making available for the demonstration plant the research and development results from the FFTF plant. Such a restriction is not at all compatible with the objective of the base research and development program which is to provide research and development data for the demonstration plant. The \$20 million ceiling could be a reason for the currently estimated cost of \$450-\$550 million for the plant since, if it is to remain, research and development work would have to be duplicated

by the private participants for the demonstration plant.

In short, the \$20 million ceiling in the present statute imposes a restriction on use of AEC's base research and development program which is unrealistic, contrary to the purpose of that program, contrary to a viable cooperative LMFBR demonstration program under which it is reasonable to expect the large share of the massive research and development effort to be borne by the Government, and is completely unnecessary.

Accordingly, I am proposing this amendment to this section which would: first delete the \$20 million ceiling; second, prohibit the use of research and development base program assistance for any and capital items in the demonstration plant; and third, provide that research and development assistance which is undertaken by the Commission specifically for the demonstration plant shall in no event exceed 50 percent of the estimated capital costs of the plant.

It should be noted that the amendment does not increase the authorization for the breeder program; the amendment simply lifts the restriction on the maximum amount of the base research and development work authorized for the breeder program which can be utilized on the demonstration power reactor plant.

Mr. ANDERSON of Illinois. Mr. Chairman, I strongly support the amendment offered by my distinguished colleague, President Nixon, in his message of June 4 to the Congress, recognized the great national need for a comprehensive energy program, and the very first item mentioned in the President's energy program was—and I quote.

A commitment to complete the successful demonstration of the liquid metal fast breeder reactor by 1980.

I fully subscribe to the urgency and intrinsic importance of this commitment which must start with a cooperative arrangement for the first demonstration plant, authorized by the Congress last year.

It makes absolutely good sense to provide the added flexibility the amendment would enable.

The Argonne National Laboratory is heavily engaged in AEC's base LMFBR program. There is no reason why AEC should not be able, as part of a cooperative arrangement, to agree that the results of the laboratory's efforts in that base program—such as basic physics studies, experimental activities pertaining to its critical facilities, core analyses, experimental work in safety areas, or other R. & D. functions—would be available for the demonstration plant.

The authorizing statute, Public Law 91-273, provides that before the AEC enters into a cooperative arrangement, the basis for the arrangement must be submitted to and lie before the Joint Committee on Atomic Energy. Thus, AEC's proposed utilization of its permitted areas of assistance will be fully identified, and it will be carefully reviewed and evaluated by the joint com-

mittee, before any commitments are made.

I urge approval of the amendment.

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

Mr. Chairman, I had not intended to speak on this bill, but do I understand this amendment would increase the expenditure under this bill, which is already above last year's appropriation? Am I informed correctly?

Mr. PRICE of Illinois. Mr. Chairman, if the gentleman will yield, this is not above the amount of last year.

Mr. GROSS. It is above the appropriations for last year.

Mr. PRICE of Illinois. Perhaps it is above the appropriations.

Mr. GROSS. Is that not what counts?

Mr. PRICE of Illinois. The authorizations are usually above the appropriations.

Mr. GROSS. Is that because authorizations are all bloated out of shape?

Mr. PRICE of Illinois. That is because the authorization committee does a good job, and the Appropriations Committee does a good job.

Mr. GROSS. I assume most members understand authorizations are always on the high side so that if they are cut somewhere along the line there will still be more to spend. This is sometimes called elbow room in which to operate. But I do not care to pursue that point. The fact is that this bill as it now stands, and before the pending amendment was offered, was some \$13 million above the appropriations for the same purposes last year. Do I understand that this amendment will increase the expenditure and, if so, by how much?

Mr. PRICE of Illinois. This amendment will not increase the authorization in the bill. This money is already in the bill. This permits the commission to have discretion in the use of that money, previously limited to \$20 million, on the research and development related to the demonstration plant. It is already in the bill. It does not increase the amount of money already in the bill.

Mr. GROSS. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HOSMER).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BURKE of Massachusetts, 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. 9388) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; pursuant to House Resolution 528, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed, and to include extraneous matter.

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority whip the program for the remainder of this week, if any, and the schedule for next week.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, the program for the House of Representatives for the week of July 19, 1971, is as follows:

Monday is Consent Calendar day.

There are nine measures to be considered under the suspension of the rules procedure, as follows:

H.R. 9265, Veterans Drug Treatment Act;

House Joint Resolution 748, VA Medical School Assistance Act;

H.R. 4762, VA Medical Information Exchange;

Senate Joint Resolution 111, Mary McLeod Bethune Memorial authorization;

H.R. 6239, maritime lien bill;

H.R. 6724, senior ROTC subsistence allowance;

H.R. 4729, ROTC scholarships;

H.R. 4606, Armed Forces judge advocates and law specialists; and

H.R. 6723, Marine Corps Officer Candidate subsistence allowance.

Tuesday is Private Calendar day. Also on Tuesday House Joint Resolution 3, Joint Committee on Environment, and H.R. 9020, Egg Products Inspection Act Amendment, subject to a rule being granted.

On Wednesday S. 699, radiotelephones on certain vessels, and H.R. 4354, motor bus width limit on Interstate System, both subject to rules being granted.

For Thursday and the balance of the week, military construction authorization, also subject to a rule being granted.

Of course, there is the usual reservation that conference reports may be

brought up at any time, and any further program will be announced later.

It is understood at the present time there are six bills pending in the committees of conference.

ADJOURNMENT OVER TO MONDAY, JULY 19

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I am not clear on how many of those bills do not have rules. Do any of them have rules for next week?

Mr. O'NEILL. Well, of course, on Monday there are nine suspensions.

Mr. GROSS. Yes. I understand that. But let us take the bills that are subject to being considered under rules.

Mr. O'NEILL. There are four bills subject to rules.

Mr. GROSS. Four bills subject to rules. And how many of those have rules now? How many of them are subject to consideration now?

Mr. O'NEILL. There is one. At the present time the Joint Committee on the Environment is the only one.

Mr. GROSS. I ask the gentleman further, when has he programed the so-called bus width bill? For what day is that scheduled?

Mr. O'NEILL. For Wednesday.

Mr. GROSS. And that still does not have a rule. Is that correct?

Mr. O'NEILL. That is correct.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

DISPENSING WITH BUSINESS IN ORDER ON CALENDAR WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

Mr. SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE CRITICAL BALANCE-OF-PAYMENTS PROBLEM AND THE RELATIONSHIP OF THE FOREIGN INVESTMENTS TO THE TRANSFER OF OKINAWA

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

Mr. VANIK. Mr. Speaker, yesterday I was shocked to learn that the General Motors Corp. agreed to pay \$56.3 mil-

lion for a 34.2-percent interest in Isuzu Motors Ltd. of Japan.

This agreement, which calls for an exportation of \$56 million combined with the proposal of the Chrysler Corp. to acquire 35 percent of the Mitsubishi Motor Corp., constitutes a tremendous outflow of American capital at a time when this Nation is faced with an unprecedented balance-of-payments deficit.

In reviewing the law, I am discouraged and dismayed with the failure of the interest equalization tax to reach a transaction of this type. At the time that the interest equalization tax was considered by the Ways and Means Committee, of which I am a member, it was determined that the tax would not be made to apply to capital investments in excess of 10 percent of the value of the foreign acquisition for the reason that such investments would be monitored and controlled by the direct investments program administered by the Department of Commerce.

It was my understanding that the Department of Commerce would establish rules and regulations which would control the outflow of American investment in foreign acquisitions in a manner to safeguard the limited supplies of American capital and preserve a healthy balance of trade.

In my judgment, the exportation of American capital in this way operates to the detriment of jobs and the productivity of the United States. Our European experiences have indicated that our multinational corporate investments have resulted in exportation of American jobs as well as American dollars.

The announcement of the Isuzu Motors agreement with General Motors and the Chrysler Corp. proposal to purchase 35 percent of the Mitsubishi Motor Corp. come at such proximity to the conclusion of negotiations of the transfer of Okinawa to Japan to lead me to believe that the Japanese approval of the American capital investment was in some way related to the transfer of Okinawa to the Government of Japan.

If this is so, it would be a shameful arrangement which would provide for the transfer of Okinawa to the Japanese Government contingent upon the development of capital investment opportunities for certain American corporations. The tax dollars and the blood of Americans were not spent to deliver special financial advantages to American corporations.

I have directed this matter to the attention of Secretary of Commerce Maurice H. Stans to determine the effect—if any—on the critical balance-of-payments problem and the relationship of the foreign investments to the transfer of Okinawa.

CAMPAIGN SPENDING II—FULL AND COMPLETE DISCLOSURE

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

Mr. STAFFORD. Mr. Speaker, last week I made some general, introductory

remarks on the Campaign Expenditure Disclosure Act of 1971, H.R. 7299, which I have introduced. It is presently being considered by the Committee on Standards of Official Conduct, of which I am a member. Today, I would like to outline the provision in the bill which requires full and complete disclosure of any and all campaign contributions which exceed \$10.

During the various discussions of this issue, I have heard of the establishment of unreported campaign funds and I have heard of unreported campaign committees set up to aid candidates. This is not to say that what may have been done is illegal. Loopholes in archaic laws make such actions possible. It does not take much imagination to see the difficulty the general public has in discerning how much candidates are spending to win elections. They just do not have any way of telling what the truth is. There is no public record to help them.

Mr. Speaker, I propose a public record. My bill would require each candidate as a condition precedent to filing as a candidate, to name one campaign depository. It would further stipulate that all funds received by the candidate shall be deposited in the bank by a single campaign treasurer within 3 days after their receipt. Accompanying each deposit, the treasurer will prepare a statement showing the names and addresses of each person or organization contributing more than \$10.

Final reports, including all contributions and expenditures, would be required to be filed not later than noon of the 10th day before, for everything as of the 14th day before each election, and the 28th day after each election, for the remainder of the contributions and expenditures. These records would be deposited with, and maintained by, a registrar, attached to the General Accounting Office. This registrar will be the subject of a further discussion.

Each campaign would have three sets of complete records: First, with the Registrar; second, with the candidate; and third, with the single bank. Thus, there would be—on record—full and complete disclosure and records of contributions and expenditures for each campaign.

Mr. Speaker, I don't contend that full and complete disclosure, by itself, will slow the incredible increases in the costs of campaigning we have seen in the last decade, but I do think it will be a large step in the right direction. Therefore, to follow this up, my bill contains two other important provisions. First, it would establish a registry of election finance, mentioned briefly above. Second, the bill would place a limit of \$100,000 on the amount any candidate may spend in a general election.

I will discuss these two provisions next week.

THE SHARPSTOWN FOLLIES—XV

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

Mr. GONZALEZ. Mr. Speaker, the judge who sentenced Frank Sharp should have disqualified himself because he was a good friend of Frank Sharp's.

What else could explain the sentence that the judge handed Sharp?

Judge Singleton says that he never personally represented Sharp. He does not say that he never knew Sharp, because he knows that it would be a lie if he did. On June 28 or 29, Judge Singleton merely said that he had never met Sharp while employed at a law firm back in 1954. What about the rest?

The truth is that Singleton knew Sharp very well, and was very closely acquainted with many of Sharp's very good friends. In the court record itself, when Singleton sentenced Sharp, Singleton said:

The court has known you and know of you for quite some time. You are and have been an experienced businessman . . . Because of your position in the community and because of the stature that you have gained in the community as an astute businessman, as a leader in the community, your affairs have been the subject of considerable recent publicity. Most of it could be probably characterized as adverse.

The judge was talking to an old friend. He was completely sympathetic to Sharp because he was an old friend.

Indeed Judge Singleton was so solicitous of Sharp that he inquired whether the hour for sentencing would be convenient. The court, speaking to Sharp, said:

I will just sentence you this afternoon at 2:00 o'clock, if that is all right with you, Mr. Sharp.

The judge was well acquainted with at least two out of the three character witnesses produced by Sharp. How could he be expected to render an impartial judgment on an old friend, and before his other friends at that? The judge should have disqualified himself.

Had Singleton not known Sharp, Sharp would have gotten the kind of treatment that another banker got in a different Houston court, on the same crime Sharp pled guilty to.

In that case, the court of Judge Allan Hannay sentenced Jack Henderson to the maximum sentence allowed by law for the crime of making a false entry in his bank's books. This was the same crime Sharp pled guilty to before Singleton.

Look at the difference. Same crime, but different judges: Hannay finds Henderson has "betrayed everyone, including his family."

Hannay finds that Henderson violated his trust. For that, for making a false entry of \$17,600 on his bank books, Hannay assessed a 5-year prison sentence and a \$5,000 fine on Henderson.

But Singleton, in sentencing Sharp on a false entry charge of \$535,532.91—a considerably larger amount—treated his defendant quite differently. Singleton did not find that this was a betrayal of public trust, no—just that it involved "complicated business transactions." Indeed, just to be found guilty of abusing his position, the Judge said, was plenty of punishment for a great man like Sharp. And so Singleton sentenced Sharp to a fine of \$2,500 on the false entry count, and 1½ years under probation.

Together with the other crime to which Sharp entered a plea of guilty, the total sentence was 3 years on probation and a fine of \$5,000.

If Singleton had not been a good friend of Sharp's he would not have been so solicitous. The judge should have owned up to all of this. He should have disqualified himself. Certainly he had a responsibility here—not to the defendant, but to the court itself, to protect its integrity.

Was Sharp just guilty of some technical fault in a "complicated business transaction." Or was he guilty of a betrayal of his public trust, just as the other fellow was? It was the same crime. But in Sharp's case the judge was his friend, and one man's betrayal was another man's little old technical violation.

TRUTH IN NEWS BROADCASTING AND PUBLIC AFFAIRS PROGRAMING

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

Mr. KEITH. Mr. Speaker, today, I am introducing my bill to assure that freedom of owners and operators of radio and television networks and stations to continue to do everything they have been doing in the interest of "the people's right to know."

It, will however, require them to advise their audiences when an apparent "news happening" really is a staged happening; when an apparent "spontaneous, unrehearsed interview" really is not; and when a taped or filmed interview has been altered.

My bill differs from proposed legislation previously submitted on this problem in that it holds networks, which the Federal Communications Commission does not license, just as responsible for truth in broadcasting and public affairs programing as it holds individual stations, which the FCC does license.

Thus, my bill goes directly to the source of the problem which, in a couple of blatant instances, one national network has created for the entire broadcasting industry, for the public, and for the Congress.

This is most unfortunate, for this Nation has the finest, most dedicated, communications media in the world. It possesses outstanding and dedicated newsmen. In electronic journalism, however, the newsman's work is sometimes distorted or mutilated by sales-oriented corporate executives and sensation-seeking producers.

These distortions are as unfair to working newsmen in radio and television as it would be to their newspaper counterparts should editing and publishing responsibility be assigned to printshop, pressroom, or sales personnel.

My bill would protect the integrity of radio-TV newsmen and their interview and discussion guests. It would protect the right of their audiences to know when presentations have been altered from original form. It would protect the owners and operators of network affiliate stations who, with FCC licenses at stake, have, on occasion, become innocent, but

damaged third parties caught between an offended public and an offending network.

This bill does not impinge upon freedom of speech nor press. It fortifies those freedoms by requiring radio and television executives to protect the public's "right to know" when it is being misinformed, deceived, or lied to.

The Congress has decided, and the Courts have agreed, that the airways belong to the public and that broadcasters must be federally licensed and regulated. In this bill, in the consumer interest, we adopt the same philosophy that we have for the past few years with other agencies, their constituent parts, and the public.

We have the Securities and Exchange Commission and the act which requires full and complete disclosure. We have the Federal Trade Commission and the act which requires truth in advertising. We have the Federal Reserve System and the act which requires truth in lending.

In concept and purpose, my "Truth in News Broadcasting and Public Affairs Programing Bill" is not different from these "consumer" acts. It simply protects the consuming public against willful deceit and fraud.

INTRODUCTION OF RESOLUTION ON INDOCHINA WITHDRAWAL

(Mrs. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks, and to include a copy of a resolution.)

Mrs. ABZUG. Mr. Speaker, the "light at the end of the tunnel" is now as clear as broad daylight. Under the basic terms of the new North Vietnamese peace proposal made recently in Paris, we can insure the safe and speedy return of our prisoners of war and of all our troops from Vietnam. We can end our involvement there by the end of this year.

I believe that the offer, which proposes that the repatriation operation and the withdrawal operation "will begin on the same date and will end on the same date," provides an excellent basis for our Government to negotiate a settlement terminating American participation in the longest, most controversial, and most unpopular war in our history.

I also note that the North Vietnamese have specified that their proposal is not contingent on a political settlement in South Vietnam. The United States can, in good conscience, no longer leave in the hands of the Thieu Government the power to determine when American troops should leave Vietnam. The scheduled October elections appear to offer no hope that any startlingly democratic transformation will occur in an essentially autocratic regime. It is time that we stop interfering in the internal politics of Indochina and leave the people there free to work out their own future.

Two weeks have elapsed and although the White House has described the new proposal as containing some positive elements, I am concerned that still another opportunity for ending the war may be talked away and lost in rhetoric.

Each passing day prolongs the anguish of American prisoners of war and their families. Each passing day exposes American soldiers to needless danger of death or injury.

In an effort to have our body assume a role in pointing the way toward peace, I am today introducing a sense of the House resolution similar to that introduced in the Senate by Senators MONDALE and EAGLETON. It calls upon the administration to pursue in good faith the proposals made by the North Vietnamese. It suggests that the administration's sole consideration in negotiating these proposals be that an agreement be reached providing for repatriation of American prisoners simultaneously with the safe withdrawal of American forces. It provides that no agreement arising out of the negotiations on this proposal be contingent upon, or delayed until, the completion of the South Vietnamese elections scheduled for this fall.

Our responsibility is to the American people. They want us to get out of Vietnam and to get our prisoners home safely. We now can do both, and I urgently appeal to you to act promptly and affirmatively on this resolution.

The full text of the resolution is as follows:

RESOLUTION

Whereas the overwhelming majority of the American people desire the earliest possible return of our prisoners and withdrawal of all our forces from Indochina, conditioned only upon the safety of our men;

And whereas the President has stated as a purpose of his policy in Indochina the prompt return of prisoners of war and the safe and orderly return of U.S. forces;

And whereas, the current negotiating proposals of the North Vietnamese and Viet Cong delegations in Paris may permit a negotiated agreement for repatriation of prisoners and prompt and secure withdrawal of U.S. forces independent of a political settlement in South Vietnam;

Now, therefore, be it resolved, that it is the sense of the House of Representatives that:

(1) the highest urgency of this administration shall be to pursue promptly, with good faith, and with the full resources at its disposal, the current proposals made by the North Vietnamese and Viet Cong delegations in Paris.

(2) the sole consideration in negotiating these proposals be that an agreement be reached which provides for repatriation of all U.S. prisoners simultaneously with the safe withdrawal of all U.S. forces, and

(3) under no circumstances should such agreement be contingent upon, or delayed until, the completion of South Vietnamese elections in October 1971, or any other South Vietnamese elections or political events.

THE NEED FOR EMERGENCY STRIKE LEGISLATION

The SPEAKER pro tempore (Mr. DE LA GARZA). Under a previous order of the House the gentleman from Michigan (Mr. HARVEY) is recognized for 30 minutes.

(Mr. HARVEY asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. HARVEY. Mr. Speaker, again this Friday, as so many times in the past, the Nation will be confronted with a strike in the railroad industry. In recent years, the outcome of a rail strike has

been fairly predictable: The threat of a complete stoppage of rail transportation forces the President to turn the matter over to the Congress. There the substantive details of the individual dispute are settled, in whole or in part, on the floor of the House and the Senate, the unions are required to resume their jobs, and the Nation's railroads again operate.

This time, however, the circumstances are somewhat different. The Supreme Court, by refusing to overturn a district court ruling, has affirmed the right of the railroad unions to selectively strike. This means, that after national bargaining between the union and all of the carriers has broken down, and all provisions of the Railway Labor Act have been exhausted, the union may elect to strike one or more of those carriers; it is no longer required to shut down all of the Nation's carriers simultaneously. The presumption here is that, since a major part of the rail transportation system would still be operating, there would be no national emergency and no need to involve the Congress in order to terminate the strike. Eventually, a settlement arrived at between the disputing parties themselves would bring the selective strike to an end.

There is much to be said for this approach to settlement of rail industry labor disputes, particularly if current labor-management procedures and precedents in other industries are used as the norm. It has been the advent of national bargaining and a presumption that all carriers had to be struck, together with a public antipathy to such nationwide strikes, that has led to the unique situation in which the rail industry finds itself. Any possible remedies, such as the judicial ruling for selective strikes which will preserve the benefits of national bargaining without inducing the national strikes—congressional settlement syndrome should by all means be given serious consideration.

The public interest, however, may still not be met under the present, new selective strike situation. That is, the resulting economic impact on business and commerce, as well as the general disruption of public affairs, may still be such that public opinion will not permit the administration and the Congress to stand idly by. In addition, under present law and judicial rulings, any selective strike is very apt to escalate to a full, nationwide strike. This could occur either as a result of careful move and countermove by the carriers and union managements, or uncontrollably through individual carrier lockouts or wildcat strikes as the situation deteriorates across the country.

Now it must be admitted that the concept of public interest is one which has never been, and may never be, satisfactorily defined. For example, a major auto manufacturing strike such as we recently experienced, or a shutdown of the steel industry, may well be fundamentally more disruptive of the country's well-being than would stopping the Nation's trains. Whether any one of these is to be considered a national emergency, however, depends on many factors, including the decisions of the Chief Executive, as well as the mood of the public.

Consequently, we can never hope to see

laws written which will specify exactly to what degree a union can strike, or precisely when management is justified in a lockout. It may be that some day we will, in fact, proceed beyond the today's acceptance of the strike and lockout as tools of legitimized economic warfare in the settlement of questions of working conditions. But until that new day dawns, we need somehow to find a balance between three contending rights: that of the individual to work only under conditions acceptable to him, that of management to operate its business in an efficient and profitable manner, and that of the public to be protected from undue disruption of its affairs due to conflicts between the first two rights.

I believe that there are solutions to the problem. Certainly, the present law covering the railroad industry has not worked, as evidenced by the number of times the Congress has been required to intervene. And the recent interpretation of the right to strike selectively cannot be the final answer, since escalation to a national shutdown is highly probable. What is needed is twofold. First, a revision of law which will restore the incentive to the parties to undertake serious collective bargaining and to reach settlements without, each time, resorting to Congress. Second, a revision of the law which will enable the President, when negotiations have failed, to take administrative actions until a resolution of the conflict is achieved.

With regard to this latter point, a key requirement is flexibility. Certainly, no one administrative procedure will be appropriate for all of the different situations and the wide variety of substantive issues which will arise in the future. The President must, therefore, be provided with a variety of tools with which to work. And, if these tools are in fact sufficient, he must be given the power—indeed, he must be required—to use them judiciously but inexorably until the dispute at hand is settled.

But this very flexibility, which is so necessary when finally needed, is also the key element to avoiding the need for its use in the first place. For almost every knowledgeable observer agrees that it has been the certainty of governmental action which has, in the past, contributed most to the failure of collective bargaining. A situation is needed in which neither party can foresee that the Government will intervene to their potential advantage. Then, and only then, can the usual procedures of collective bargaining move forward fruitfully.

What administrative options should be given to the President to achieve this doubly effective flexibility? Probably there are many which might be effective one time or another. Some would recommend that one option be to allow unlimited strikes, arguing that no permanent harm would result. Others would argue for governmental seizure and operation of the railroads, arguing that nothing less would prevent irreparable harm to the Nation.

I would reject these particular positions as being extreme, and because I feel that other, less drastic, measures will suffice to resolve the conflicting demands of labor, of management, and of the public. First, I would suggest that selective

strikes be permitted by the President unless he finds, in a particular instance, that this would cause immediate imperilment of the national health and safety. However, this option must be circumscribed with appropriate safeguards to insure that the resulting shutdown of transportation does not result in, nor escalate to, a situation which the public refuses to countenance.

Second, I would, of course, permit the President to call for additional time at the bargaining table. Many instances will arise where the vagaries of calendars and of argument will require only more time to resolve.

Third, I would adopt the novel suggestion put forward by the administration under the title of Final Offer Selection. This process, not yet tried anywhere to my knowledge, holds the promise of eliminating the divisiveness of compulsory arbitration while providing an extremely strong impetus to collective bargaining, and an assurance to the public that a peaceful resolution of the dispute will be achieved. What this proposal provides is that, after the parties have bargained to their best ability, each puts forward a final offer which constitutes a complete and binding agreement. Then one and only one of these offers will be selected, complete and intact, by a board composed of public members. The essence of this procedure is that each party is induced, first, to resolve as many issues as possible during bargaining and, second, to make the most reasonable possible final bid on all outstanding issues. For the selection board, which is charged with the public interest, will select that final offer which they find to be most reasonable in view of the facts of the situation.

In addition, I imagine that there are other options which might be given to the President to increase the flexibility of his response. However, the important point is that the administration must be given the power to deal with labor disputes which threaten the Nation, to deal with them fairly, and firmly, so that Congress does not have to be involved in each individual dispute, and so that the public interest will be protected.

The three major points that I have just mentioned are embodied in legislation which I first introduced on May 13, 1971, as H.R. 8385. I am, of course, extremely pleased that 54 other Members of this House, from both sides of the aisle, have since joined in cosponsorship of this legislation. These additional bills include H.R. 9088 and H.R. 9089, introduced on June 14; H.R. 9571, introduced on July 1; and three additional cosponsors on the bill dropped into the hopper today.

I believe this legislative proposal has gained broader support from this body than any other. Naturally, I am delighted that our House Committee on Interstate and Foreign Commerce will begin hearings on this important subject on July 27. The interests of all the people will be best served by productive, successful hearings leading to sound legislation.

Mr. McKEVITT. Mr. Speaker, I am pleased to be among the cosponsors of this emergency strike legislation. So far, a total of 55 Members representing 23 States have joined in cosponsoring this legislation which is aimed at preventing

crippling nationwide transportation strikes.

This legislation has wide bipartisan support. It is simply designed to offer solutions to labor-management disputes within the transportation industry without the need for congressional intervention.

Briefly, the legislation allows for a 30-day cooling off period, selective strikes in any of the three rail regions of the Nation, and final offer selection, all at the option of the President.

The appealing part of this legislation is that it is a compromise, one that includes the best and more realistic provisions of the various measures that have been referred to the involved House committee.

I believe this is good legislation.

GENERAL LEAVE

Mr. HARVEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the subject of my special order today with reference to the need for emergency strike legislation.

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

There was no objection.

REPEAL OF AUTOMOBILE EXCISE TAX

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. CHAMBERLAIN) is recognized for 15 minutes.

Mr. CHAMBERLAIN. Mr. Speaker, today the entire Michigan congressional delegation, both Democrats and Republicans, has jointly introduced legislation to repeal the 7-percent Federal excise tax on passenger automobiles. A companion bill is also being introduced today in the other body by Senators ROBERT P. GRIFFIN and PHILIP A. HART.

This united action reflects the belief that to end this tax now would serve to stimulate the economy, spur employment, help check inflationary pressures by keeping prices down, and aid in making American cars competitive with foreign imports.

It has been said that when the automobile industry sneezes, the economy catches cold, and this is generally true. The automobile is truly the bellwether for the economy. This is apparent when you consider that one out of every six businesses is automotive related.

Last December, it will be recalled, in one of its final actions, the 91st Congress passed the Excise Estate and Gift Tax Adjustment Act of 1970, Public Law 91-614, which among other things provided for a gradual phase out of this tax beginning on January 1, 1973, with total repeal coming on January 1, 1982. While encouraged by this action, I nevertheless opposed this plan for such a drawn out means of ending what Congress has repeatedly branded as an unfair tax.

Last year, in the report accompanying H.R. 19868, my colleague, the distinguished gentlewoman of Michigan (Mrs. GRIFFITHS), and I joined in submitting separate views urging that scheduled reductions in the auto excise tax should

not be postponed. At that time we argued:

Reduction and repeal of the auto tax would provide needed stimulus to the auto manufacturing industry and to the entire economy which is now operating at depressed levels . . . Allowing the reductions in the auto tax to take effect as scheduled would prove of inestimable value in sustaining the economy in producing dynamic growth, more jobs, and higher corporate profits. This in turn would add to government tax revenues over the long run.

The weight of evidence therefore is strongly against the postponement of the scheduled reductions in the auto tax. These reductions should be permitted to take place on schedule. The modest immediate loss of revenue involved would be far outbalanced by the equity advantages to consumers, the economic gains of getting the economy to move ahead and the overt sign that the Congress intends to honor its tax pledges.

Today, these views remain equally valid, and, in fact, the economic situation prompts us to urge that the entire 7 percent tax be removed effective today, July 15, 1971.

The only justification offered in recent years for the continuance of this tax has been the urgent need for Federal revenues. No one questions the need for tax revenues, but it is also true that there will never be a time when the Government is not going to need more money. Although this tax is expected to bring in approximately \$1.9 billion during fiscal 1972, it is certain the added economic stimulus that would flow from the repeal of this tax would generate additional tax revenues so that the net loss would be considerably less than that.

Another factor to be considered is that the repeal of this tax would help hold down auto price increases that are certain to come and would therefore be counterinflationary. New Federal regulations and equipment mandated to promote safety and control pollution are adding to new car costs. The repeal of this tax would cushion the inflationary impact of these new requirements. In terms of the consumer, this is no academic question since excise taxes are known to be especially burdensome to low- and middle-income groups.

Mr. Speaker, as ways are sought to help the economy, I submit that the long promised, long postponed repeal of the auto excise tax should be among the very first items of consideration, both out of fairness and because of the important impact that such action would have on the well-being of the entire Nation.

Now, Mr. Speaker, I would like to take this occasion to bring to the attention of the House another matter deserving of the most thoughtful consideration of the Congress and the Nation. That is, in my opinion, it is time we reconsider a single, 6-year term for the President of the United States.

Mr. Speaker, recently I have become persuaded that we would be well advised to amend the Constitution to limit our Presidents to a single, nonrenewable 6-year term in office. You will recall that in 1947 Congress passed the 22d amendment, ratified in 1951, to limit our Presidents to being twice elected to that office. I believe passage of that amendment was wise, both for the sake of representative democracy and for the well-being of the man who must shoulder the burdens of

that office. Yet, our experience of the past 20 years suggests to me, and others as well, that we need to go further.

One of the popular ways of viewing the President is to think of him as a leader who wears many hats: That of leader of all the people, that of administrative head of the Government, that of legislative leader, that of chief foreign policymaker, that of Commander in Chief, and that of party leader. In considering these multifarious areas of responsibility, which directly affect world peace and the domestic well-being of every American citizen, the legitimate question has been raised as to whether a President can devote the fullest measure of his time and talent to the pressing duties of state if he must be preoccupied with the concerns of reelection. The problem has been well stated by former Presidential Assistant Jack Valenti, who has written:

The man who holds that office has to deal with problems so monstrous, so disruptive, so resistant to permanent solution that the re-election process is no longer suitable. The President cannot be allowed to be diverted from his hard duties and even harder decisions by the so-called normalcies of politics and re-election.

While the demands on the modern Presidency make the need for a change in election procedure that much more pressing, interest in a 6-year term for the Chief Executive actually dates back to the early days of our Republic. Considerable discussion of a 6-year term took place at the Constitutional Convention in 1787, and well over 100 amendments have been offered to achieve that purpose since the Constitution became operative. During his Presidency, Thomas Jefferson declared himself in favor of a single 8-year term, while Presidents Jackson, Polk, William Henry Harrison, Andrew Johnson, Cleveland, and Taft, at one time or another, advocated the 6-year, nonrenewable term.

In 1912, the House Committee on the Judiciary reported a resolution to amend the Constitution to provide for a single, 6-year term. In its report to the House, the committee stated:

The President should be ineligible to a second term, because being ineligible there will be no temptation improperly to use the powers and patronage of that exalted office.

And further:

It will make the President the Chief Executive of the whole people and not the leader of a mere faction or the chief of a political party.

Considering 4 years an inadequate period of time in which a President may act to realize the goals of the platform on which he was elected, the committee felt that "6 years coupled with the freedom from anxiety for reelection, would give sufficient opportunity to the President to properly organize his administration and to bring about real accomplishments within the bounds of his duties and powers under the Constitution." In conclusion the committee wrote:

This amendment, if submitted and ratified, will increase the efficiency of the administration of the President; will remove the temptation to build up a political machine by the abuse of patronage and power; and will save the President from the humiliating necessity of going to the stump to repel assaults made upon him.

It is equally interesting to note that in 1913, the Senate actually approved a proposed constitutional amendment for a 6-year term, but since President Woodrow Wilson objected, the measure died in the House Judiciary Committee.

With the passage of time, the powers and responsibilities of the Presidency have, of course, increased dramatically. If there were reason and justification for considering such a course of action almost 60 years ago, how much more justified are we in proposing a 6-year term today when the burdens of that high office have multiplied to previously unimagined complexity? As Washington Columnist Marquis Childs has written:

The difficulties facing a President today are so enormous, so complex, so riddled with partisanship that no Chief Executive can emerge at the end of four years with the prospect of a majority of the electorate.

I think that judgment to be a sound one. The reality of it suggests that the President would be better able to direct his energies both toward the administration of the Government and the implementation of his programs were he accorded a longer term and relieved of the partisan political concerns involving reelection to office. The pressures on a President are tremendous. I do not suggest that the office of the Presidency be made immune to the legitimate problems of state, but I do think that removal of the concern over reelection would permit a President to act more efficiently in terms of what is best for the country.

I fully realize that the proposal for a 6-year term for the President is not without risk or reasons for doubt, and certainly there are pertinent questions to be considered with respect to any new limitations placed upon that office. But we have already accepted a time limitation with the passage of the 22d amendment, and arguments against creating a "lame duck" Presidency lose much of their validity when we realize that a President is already a "lame duck" for his entire second term of 4 years.

Mr. Speaker, the 6-year term is no panacea, for there are none. However, after reflecting on the matter for some time I am satisfied that on balance it has much to recommend it. Consequently, I am introducing a proposed constitutional amendment providing for a single 6-year Presidential term, and urge that this proposal be reconsidered by the Congress:

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

SECTION 1. The term of office of the President and the Vice President of the United States shall be six years. No person shall be eligible for election for more than one term as President or Vice President. A person who has been elected as Vice President for any term shall be eligible for election as President for a later term. A person who has been

elected as Vice President for any term, and who during that term has succeeded to the office of President, shall be eligible for election as President for a later term.

Sec. 2. This article shall take effect on the 1st day of February following its ratification, except that this article shall not affect the duration of the term of office of President and Vice President in which such day occurs.

Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of its submission to the States by the Congress.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a 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. The first Rotary Club was founded in February 1905 by Paul Harris, a Chicago lawyer with just three members and developed into Rotary International in 1922. Today Rotary Clubs are found throughout the United States and the world promoting understanding between the business world.

JOINT COMMITTEE ON THE ENVIRONMENT

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, I am a co-sponsor of House Resolution 59 to create a standing committee to be known as the Committee on the Environment. However, I will support House Joint Resolution 3—Joint Committee on the Environment—for I feel that Congress has a vital role to play in this area, and the problems are of sufficient weight to require, initially, joint consideration by both bodies of Congress.

Eventually, a standing committee of the House—matched, I would hope, by an equivalent standing committee in the other body of Congress—will be sorely needed to forge some of the legislation providing delivery systems which will be needed in the decades ahead.

I am not thinking in terms of a few years or even a decade of environmental therapy, Mr. Speaker, it may well take many years of research and applied science to restore clean air, with a proper balance of carbon dioxide and oxygen. Or to rescue bodies of water such as Lake Erie, San Francisco Bay, and the Potomac River from their current status and return them to a state when they will be clean enough to swim in. Or to learn how to dispose of our solid wastes and our chemical and radiological poisons without having them turn up to bedevil our children and grandchildren like Biblical plagues. Or to learn how to control insect and plant pests without killing our wildlife and upsetting our ecological balances.

Because of the magnitude of these problems, eventually I believe that a single, action-oriented standing commit-

tee will be needed if Congress is to take a leadership role in salvaging our natural environment. As a matter of fact, the initial step for a joint committee failed last year when conferences for the two bodies could not even resolve their differences on a resolution to establish a joint committee.

Mr. Speaker, if this situation should develop again, the House should be prepared to organize itself for the task.

There are historians who believe that the 20th century will be recalled primarily as the dawn of the nuclear age. Others believe it will be noteworthy as that point in time when man was first able to break the fetters of gravity and travel to the stars. Still others are of the opinion that future generations will regard genetic and medical discoveries as the greatest contribution of our generation to the mainstream of civilization.

However, Mr. Speaker, I believe we have the opportunity to initiate, in this Congress, a distinction which would be more important to the future of mankind than any of these noble tasks.

We can become that generation in which the men, for the first time, are wise enough to leave the earth, its waters, and its atmosphere in better condition than we found it.

THE PENTAGON'S RESPONSE TO THE GAO STUDY ON FUNDS FOR VIETNAMIZATION

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 20 minutes.

Mr. ASPIN. Mr. Speaker, yesterday the Pentagon responded to a still secret GAO study, reported originally in the New York Times, which stated that the GAO had been unable to account for \$1.7 billion, meant for the Vietnamization program over the last 3 fiscal years. The Pentagon's response all but admitted that Congress does not have sufficient data to rationally determine the progress of the Vietnamization program on which the withdrawal rate of U.S. forces partly depends.

By the Defense Department's own admissions it does not know the total amount spent for pacification by the responsible agency—Civil Operations and Rural Developments Support—CORDS—during the 3-year period, or the amount spent on specific programs, or who got the money or even what we got for our money.

The reason for this is because the auditing for these programs was not done within CORDS, but was done by each service independently and was thus lost within their overall accounting systems. What is so tragic about this incredible auditing procedure is that the money spent under CORDS is an integral part of our whole Vietnamization policy. Our rate of withdrawal from Vietnam is based in part on the success of our Vietnamization program. Yet, because of the Pentagon's auditing procedures we are simply unable to adequately evaluate the effectiveness of over \$2 billion spent for these Vietnamization programs.

Because of these auditing procedures the Defense Department could not an-

swer such basic questions as how much money was spent for training programs for Vietnamese National Police, or how much it cost to provide security to a village and the surrounding countryside.

Knowing how much money was spent, by whom, and for what purposes is the most fundamental prerequisite for effective management in any operation. The question now becomes what we can and should do to correct this obviously undesirable and unnecessary situation.

Much of the problem stems from the fact that most of the security assistance to Vietnam is military assistance, service funded—MASF. In fiscal year 1972, about \$2 billion of a total \$2.5 billion program is funded in the military service budgets. The principal reason for transferring military assistance to Vietnam—and Laos and Thailand—from the military assistance appropriations to the military functions appropriations was to provide the flexibility needed to respond to combat conditions in Southeast Asia. It afforded the advantages of common budgeting where large numbers of U.S. forces were engaged and the savings resulting from a common logistics system.

As part of the service budgets, the separate identity of funds for Vietnamese and other free world forces was lost. In response to a question raised in the hearings on the 1972 authorization bill, the Defense Department responded that "no separate formal accounting system exists for free world forces support funds in the military functions appropriations, nor is it feasible to establish such a system under conditions that have existed and exist today."

Without separate accounting for Vietnamization, it is difficult if not impossible to evaluate the results of previous expenditures and determine future funding requirements. Moreover, there is no internal management discipline to assure that these funds are responsive to program objectives and that there is no waste and graft.

It is time for Congress to assert its control of the funding for Vietnamization, which has a direct impact on U.S. security objectives in Southeast Asia and, perhaps most important, on the timing of troop withdrawals. The administration's Vietnamization program should no longer be allowed to avoid the scrutiny of Congress. This can be accomplished in two ways:

First, the Armed Services Committees should hold special hearings on the progress of the Vietnamization program, to include a critical examination of past expenditures and results, and plans for further improvements of Vietnam's armed forces. These hearings should not be limited to the portion of the program funded to date by the Department of Defense but should include the total program regardless of how it is funded.

Second, GAO should conduct an audit of the entire program to date and make specific recommendations for improving the management of the Vietnamization program.

These steps will permit the Congress to obtain the visibility, accountability and control needed to assure that the billions spent on Vietnamization are not wasted and are best designed to enable

the Vietnamese to assume the full burden of their own security.

REVENUE SHARING AND GOVERNMENTAL REFORM

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Indiana (Mr. HAMILTON) is recognized for 60 minutes.

Mr. HAMILTON. Mr. Speaker, the American people are disturbed about the present state of their Nation. They are worried about things that Americans for many generations assumed were present: national unity and political stability. They are no longer confident of the Nation's steady progress, and many feel that the United States has slid backward in recent years.

They are losing confidence in the ability of their government to govern and their leaders to lead. They wonder if their Nation can marshal the will and the way to meet the challenge before it.

They doubt whether their government—in Columbus, Ind., or in Washington, D.C.—is responsive, whether they can make a difference in the decision-making process, whether government can meet its problems before they occur or merely react to crises after they occur.

America's federal system is on trial as never before. The challenge is to make government work better to make it more responsive, more efficient, less costly, less confusing.

The challenge to the federal system is to search for solutions to its problems through cooperation among levels of government, while avoiding poor administration, waste, confusion, ineffectiveness, and lessening of individual freedom.

The plain fact is that the problems are too complex to be solved by any one level of government. This is why the central domestic concern of the Congress this year has been to find ways and means to reinvigorate the federal system. Everyone knows that this system is not working as well as it should.

A distinguishing feature of the federal system has been a remarkable capacity to adapt to changing circumstances. The rate of change today is so swift that we face a totally different magnitude of problems. The old policies and practices, that suited the modest requirements of earlier decades, are grossly unsuited to cope with the urgent challenges before us. The dogmas of the quiet past are clearly inadequate for the stormy future.

I believe it is no exaggeration to say that the fate of the American federal system hangs on our ability to change the system so that it can deal with our problems. Without such changes, the federal system's ability to meet its problems will remain in doubt.

THE FEDERAL IMBALANCE

A fundamental cause of governmental crisis is an imbalance in the federal system. The Federal Government has most of the resources and the cities and States have most of the problems. This imbalance must be righted if our political system is to prosper.

The imbalance is both economic and political.

A. ECONOMIC

The fiscal base of the Federal Government, which places primary reliance on

individual and corporate income taxes, is strong and will continue to grow as the economy expands. The fiscal base of State and local governments, however, depends principally upon property and sales taxes to finance their programs; this base does not have the same strength or capacity for growth.

Statistics on this fiscal imbalance abound and are alarming:

First. State and local expenditures are rising at a rate faster than the rate of growth of our national economy. For example, from 1955 to 1969, State-local expenditures rose from \$39 billion to \$134 billion, a 244-percent increase, while our gross national product, or the total of U.S. goods and services produced, was rising about 200 percent.

Second. In the two decades from 1950 to 1970, State-local outlays as a percentage of GNP almost doubled, while Federal outlays as a percentage of GNP rose less than 40 percent.

Third. During the period 1959 to 1969, total State and local government debt more than doubled, increasing from \$64 billion to \$133 billion, while the public or national debt increased less than 30 percent.

While State and local governments' expenditures have been leaping upward, tax revenues needed to make ends meet have been hard to obtain. Each year, four-fifths of the States enact a tax increase of some sort. There have been 450 such increases since 1959. In 1971, Governors brought the biggest volume of tax increase proposals in history—over \$6 billion before their State legislatures.

Even so, 17 States still lack one or more of the leading revenue raisers: A general sales tax, an individual income tax, or a corporate income tax. Moreover, the Congressional Joint Committee on Internal Revenue Taxation has estimated that if all States raised revenue in relation to their personal income at the same rate as the 10 States which are making the greatest revenue effort, they would raise an additional \$18.6 billion in revenues.

The tax revenue situation of the Federal Government is just the opposite of what State and local governments have experienced. Since the Korean war, the Federal Government has cut its income tax five times; the latest cut was in the form of a \$4 billion business tax reduction through liberalized depreciation rules enacted by the President earlier this year. These five cuts have resulted in an estimated \$35 billion in tax revenues foregone.

As Walter Heller, former chairman of the President's Council of Economic Advisers, has so aptly put it:

Five income tax cuts in 17 years versus thousands of property, sales, excise and income tax increases at State and local levels in those same years. Does one need and further evidence of the fiscal mismatch in our Federalism today?

B. POLITICAL

The political imbalance in our federal system stems from the fact that power has gradually become centralized in Washington, D.C., to the detriment of effective State and local governments. As President Nixon has stated in his last state of the Union address:

The fact is that we have made the Federal Government so strong it grows muscle-bound

and the States and localities so weak they approach impotence.

We need to return to the system purposefully designed by our Founding Fathers, one that did not concentrate all power and responsibility at one level. At present, Federal aids to State and local governments weave a web of complexity and regulations that places those governments in a straitjacket. In the past decade, the number of Federal grant authorizations to States and localities has tripled, while the amount involved has more than quadrupled—from \$7.1 billion in fiscal year 1961 to \$30 billion in fiscal year 1971. These grants have provided many benefits for the States, but at the cost of profoundly reducing the ability of those States to solve their problems independent from Federal intervention. Governors and mayors have inadequate administrative authority with which to handle their own needs.

They have sought for solutions from within the present system of centralized government. But because of the political framework in which they work, they are forced to follow the complex tangle of Federal guidelines and regulations, rather than themselves making the important decisions which affect the futures of their States and cities.

WHAT TO DO ABOUT THE IMBALANCE

The primary domestic concern of this Congress should be to enact a remedy for the pervasive imbalance that now threatens our Federal system. The United States cannot be run solely from Washington, D.C. More emphasis must be placed on local initiative and local solutions to local problems; the increasing centralization of governmental power, and the unequal distribution of resources among Federal, State, and local governments must be prevented. The burdens of governing are simply too large and too complex for any single level of government to handle effectively alone.

Various remedies for righting the imbalance of power and resources have been proposed. They are not mutually exclusive, however, and the task at hand is to find the right "mix" that will best invigorate and improve State and local governments.

Several remedies have been discussed:

EXPAND CATEGORICAL GRANTS

The primary vehicle for Federal aids to State and local governments is categorical grants in aid. They are the instrument which enables the Federal Government to carry out essential national goals through distribution of funds—\$30 billion in fiscal 1971—to local administrators working under the direction of the parent agency in Washington.

These grants are proliferating at a rapid rate. According to the President's Advisory Council on Executive Reorganization, there are now more than 1,000 cataloged activities administered by 57 Federal departments and agencies. There are so many of these programs that they have to be listed in large catalogs, and there are so many catalogs that a special catalog of catalogs had to be published.

Though they assist in the meeting of national economic and social goals, grant

programs have several limitations, recently brought out in congressional testimony by Walter Heller and Secretary of the Treasury John Connally:

First. They support narrow functions—education, health, highways—rather than general State and local enterprise. Yet, a general strengthening of that enterprise is important to the health of our federal system.

Second. Rigorous Federal standards associated with grants have improved the quality of State and local government, but not its vitality and decision-making capacity.

Third. Partly because Federal aids are selective in their impact, they have led to distinct disparities in the quality of different services, evidenced by our excellent highways system and our poor garbage collection facilities.

Fourth. They require a cumbersome Federal approval process, which rewards recipients who learn to manipulate the Federal bureaucracy rather than those who most need the money.

Fifth. Under categorical grants, State and local priorities can easily be distorted, especially by the provision which requires the use of local money to match Federal grants.

Sixth. They make it difficult for the electorate to hold specific local officials accountable for the success or failure of a given project.

Seventh. Finally, the Advisory Commission on Intergovernmental Relations has concluded in a study of grant expenditures that they have had an insignificant impact on equalizing the striking differences in both needs and revenue-gathering capacities between various units of government.

Merely to expand the categorical point system, as some advocate, would exacerbate an approach which is not working as well as it should, needs reform and restructuring, and imposes too much Federal control.

Rather than a bundle of good intentions wrapped up in a ball of bureaucratic redtape, what is needed is an improved delivery system which insures that grant administration achieves the following: Promotion of better administration and more effective planning, improved program coordination, elimination of overlapping and duplication of programs, and the promotion of economy and efficiency to the fullest extent consistent with the achievement of program goals.

Any effort to right the present imbalance in the federal systems should recognize the important role of Federal categorical grants. The danger is to rely exclusively on them. We have reached the point where many think that the solution to every problem is a categorical grant program. What we need is a better "mix" of Federal assistance programs.

FEDERALIZATION OF WELFARE

Assisting States and localities by absorbing their welfare cost burden is another proposal mentioned by those trying to right the imbalance in our federal system.

The concept of federalizing welfare is not very clearly defined. In its simplest form, federalization would mean that the

Federal Government would take over State and local welfare programs and absorb their total costs, thus saving State and local governments \$4.7 billion in assistance payments plus another \$0.4 billion which is their share of the cost of administering present programs.

As a practical matter, however, it appears unlikely that such a simple Federal takeover of present welfare programs could occur. Though welfare guidelines are spelled out in Federal legislation, benefit levels and eligibility requirements are still largely a matter of State determination. So Federal takeover would require the operation of a collection of diverse programs which have been designed by individual States. In addition, it might be difficult to justify full Federal funding of programs providing widely divergent assistance levels not necessarily consistent with actual variations in living costs from State to State.

Federalization of welfare, however, can also mean some type of restructuring of present welfare programs which would increase the Federal involvement and result in some savings to State and local governments. Such is the case in the welfare reform measure, H.R. 1, that recently passed the House. It contains a "hold harmless" provision whereby a State's welfare expenditures after 1971, should it desire to supplement Federal benefits in order to maintain present assistance levels, would not exceed the 1971 level because the Federal Government would pay for the supplement. In addition, all States could save the full amount of their current administrative costs since the Federal Government would, if the State wished, administer State supplemental payments without charging the States any part of the administrative costs involved. Enactment of this welfare reform measure is estimated to result in State and local savings on welfare expenditures of \$1.64 billion in fiscal 1973, including \$8.6 million in Indiana.

This method of welfare federalization does have its shortcomings, however.

First. Such a means of providing fiscal relief for State and local governments would be an ineffective, uneconomical way of achieving that end. It would seem necessary that a Federalized welfare program introduce some measure of uniformity into the levels of assistance provided in different States.

If a uniform level is established at a relatively low point, the amount of fiscal relief achieved is minimal since most States would be required to provide substantial supplementation in order to maintain recipients at current assistance levels. If a relatively high uniform Federal assistance level is established, most of current State costs will be assumed by the Federal Government, but the total Federal cost will far exceed the amount of fiscal relief since substantial expenditures will be involved in making the higher assistance payments in States which now provide low or moderate levels of assistance. For example, under the House-passed measure, \$3.4 billion in Federal money would be spent to achieve fiscal relief to State and local governments of only \$1.2 billion. This is an expensive way to provide only a modest amount of fiscal relief.

Second. Welfare federalization does not necessarily result in providing fiscal relief to those States which are most in need of it. Benefits to the States would be unevenly distributed and would not match population distribution, welfare caseload distribution, or distribution of Federal welfare payments under current law. As Secretary Connally pointed out in recent testimony before the Ways and Means Committee:

a. "58 percent of the money would go to the 10 richest states, with 33 percent of the population, and only 6 percent of the money would go to the 10 poorest states, with 15 percent of the population.

b. New York and California alone would receive 40 percent of the assistance, yet they have only about 19 percent of all the people in the country."

Third. The Nation's cities, which are often considered to be most in need of funds, would be helped very little under welfare federalization. County and city governments absorb only about one-tenth of State and local welfare costs, and only six of the Nation's 43 largest cities would receive any fiscal relief from this proposal.

Regardless of these shortcomings, it is becoming increasingly apparent that Congress will move in the direction of partial federalization combined with welfare reform. H.R. 1 is a step in this direction, and one that I support. Federalization of welfare costs could enable States and localities to direct their scarce financial resources toward other pressing needs and protect them against future increases in welfare costs which might offset the benefits to be derived from more direct forms of fiscal relief.

TAX CREDITS

Another proposed aid to our cities and States would allow taxpayers to credit some portion of their State and local income taxes against their Federal income tax.

This proposal must be rejected, largely because of its perverse distributional effects, both between States and between States and localities.

The major purpose of the tax credit approach is to encourage the maximum use of personal and progressive income tax systems at the State and local levels. Eleven States currently do not have such a system, and others make minimal use of it.

Contrary to the stated intention, however, the impact of such a tax credit would not be to augment State and local treasuries, but would merely provide tax relief to individuals from the payment of existing State and local income taxes.

The distribution of this relief would be quite inequitable. There would be no relief whatever to individuals living in States which do not, or in some cases constitutionally cannot, impose a progressive income tax. For those individuals who would be able to take advantage of such a credit, greater benefits would be realized by high-income individuals, frequently living in richer States, whereas lower income individuals would receive very little relief. The administration has calculated that over 42 percent of the fiscal relief from such a plan would go to the 10 richest States and only about 9 percent to the 10 poorest States.

An additional disadvantage of the tax credit approach is that it would, with existing tax structures, channel 90 percent of the aid to States, leaving 10 percent for local governments. Even assuming State legislatures do take actions imposing State income taxes or increasing existing levies, it is not known whether State officials would pass on any portion of their increased revenues to needy urban and county governmental units. Moreover, it would be difficult for localities to ever receive substantial assistance from tax credits because of their infrequent use of an income tax and their dependence on sales and property taxes.

FEDERAL TAX REDUCTION

A reduction in Federal taxes would, like a tax credit, supposedly make more of the country's tax base available for State and local governments to tap.

This proposal is subject to many of the same criticisms that apply to the tax credit scheme, especially because of its bias in favor of the wealthy States, where citizens would gain more from a percentage reduction in their Federal tax load than would poorer States.

Furthermore, the tax cut would only compound the structural problem underlying much of the current fiscal crisis of local and State government. For, in effect, it would cut back the flow of revenue from the efficient, growth-sensitive Federal income tax system with no real assurances that State and local levies would be increased. If they were increased, it would be apt to be in the direction of increased dependence on inefficient sales and property taxes, a dependency that should be reduced. Those jurisdictions unable to implement higher taxes would not, of course, receive any direct assistance from this approach.

AID TO CITIES AND COUNTIES ONLY

Two proposals directed toward relief of the cities' financial plight have recently been put forward.

Chairman WILBUR MILLS of the House Ways and Means Committee is preparing a 3- to 7-year, \$3.5 billion plan of aid to cities and counties to assist them in meeting their regular expenses. Its major features, though not yet clearly defined, are identified in a National Journal article of July 10:

1. Aid would be funneled directly to eligible units of local governments. States would not be assisted under the justification that they will be the primary beneficiaries of the welfare reform plan just passed by the House.

2. Communities would have to show a need for the additional Federal aid. "Need" could be determined by the number of low-income residents.

3. All the new aid would be funneled into specific purposes such as law enforcement and sanitation. Use of the funds for other purposes, such as capital construction and reduction of the municipal debt, would be prohibited.

4. The plan would be funded annually at a level set by Congress.

A related effort to aid municipalities only is the Urban Development Bank—Urbank. Urbank would be a Government-aided private institution which would lend to all municipalities at one rate for all borrowers, regardless of their size and credit rating. The loan would be

tax exempt and the rate lower than the municipalities would have to pay in current markets, where they receive second-class treatment relative to corporate borrowers. U.S. Treasury losses would be avoided through annual congressional appropriations and taxes on the Urbank bonds.

The Urbank proposal suffers from the disadvantage that the total cost of the facilities desired and constructed would be greater than under a form of fiscal relief not involving loans, because of the interest cost on the loans.

The Mills plan has the possible defect that, if the aid allocation is based only on the number of low-income residents, the central cities tax efforts will not be given the consideration they deserve. Since central cities have a tax effort that is three and a half times greater, on the average, than the more affluent communities, its inclusion in a "need" formula would seem to be a prerequisite for efficient distribution of funds.

Both the Mills and the Urbank proposals share additional faults:

First. The manner in which fiscal relief is offered is not unlike the present categorical grant programs, whose deficiencies have been discussed earlier.

Second. They are both stopgap measures that do not offer comprehensive, long-term plans for fiscal relief. Yet, a totally new structure of Federal assistance is needed, one that rests on a coordinated effort at all levels of government and on an agreement to divide revenues equitably on an automatic, rather than annually reviewed, basis.

Third. State governments are frozen out of both proposals. If the Federal Government is to be reconstituted, however, the States have to be involved in some way. Otherwise, the Federal Government is going to be dealing with thousands of units of local government, a gargantuan and inefficient practice.

Fourth. They discriminate against the nonurban poor, perhaps under the mistaken belief that most or even a good portion of the poor reside in central cities. This is not the case. Of the 24 million Americans below the poverty line in 1969, only 33 percent lived in central cities and almost 50 percent in nonmetropolitan towns and rural areas, where their contribution to the tax base used by State and local governments was minor.

GENERAL REVENUE SHARING

Finally, there is the proposal for righting the imbalance in the Federal system by a program of general revenue sharing. It would operate in this manner:

First. A modest portion of the Federal income tax base would be earmarked for general aid to State and local governments. The portion would be about 1 percent of the tax base, or about \$5 billion, and would increase in dollar amount as the economy grows, thus causing tax receipts to grow.

Second. The revenues so shared would be distributed to each State, city, and county in as fair and equitable a manner as is possible. The allocation would be made according to precise formulas based on revenue effort, contained in the Federal statute. Each State and

locality would receive revenue-sharing money in addition to any benefits it is now obtaining from the Government.

Third. The States and localities receiving the money would make the decisions as to which purposes the funds should be directed toward.

Fourth. Financial reporting to the Treasury would be required merely to assure that the money is being spent for a lawful governmental purpose and in a nondiscriminatory manner.

Revenue sharing, supported by 77 percent of the public in a recent Gallop poll, is superior to any of the other remedies presented because it offers more than just fiscal relief. By shifting decision-making authority to State and localities, it combines economic resources, in the form of the shared revenues, with political authority, thus taking a significant step toward correcting the political imbalance that currently plagues our federal system. It offers a return to federalism as it was envisaged by our Founding Fathers.

Its additional advantages are these:

First. It ties the future development of State and local revenues to economic growth, something tax credits and tax reductions do not do. It taps the greatest actual and potential source of governmental revenue: The individual income tax.

Second. It complements categorical aids by strengthening the whole level of State and local government, rather than just specific services they provide. Through local decisionmaking, it enables local officials to improve social services such as street lighting and fire protection that do not qualify for Federal aid.

Third. It can be an effective instrument for reducing fiscal disparities among the States, a problem not resolved by remedies such as Urban and categorical grants. The disparities are great: Per capita incomes and revenues in the five richest States are about twice what they are in the five poorest States. Yet, as a percentage of income, tax revenues averaged only 30 percent more in the five highest than in the five lowest States, leading to the conclusion that the poor States are getting a far leaner diet of governmental services for their tax pains.

Under a revenue-sharing formula of per capita distribution based on State population and revenue effort, these disparities would be significantly reduced. Moreover, the ratio of Federal aid to fiscal relief for the States would be 1:1 or \$5 billion to \$5 billion, a far better ratio than would be the case under federalization of welfare, where \$1 of Federal aid does not mean \$1 of fiscal relief.

Fourth. Revenue sharing responds to the plight of our central cities, while not excluding aid to our suburban and rural areas. According to economist Walter Heller, distribution of the local revenue share on the basis of a locality's revenue effort has been shown to result in a larger per capita share to the core cities than to other local units.

Fifth. Adoption of general revenue sharing would serve the interests of a progressive tax system. It would put the

claims of State and local government on the growth of a progressive income tax ahead of the claims for further tax reductions. Additionally, a revenue-sharing plan should provide, as most of those plans circulating now do, for an incentive for the States to make greater use of a progressive income tax system, thus reducing their use of inequitable sales and property taxes.

Revenue sharing has not been universally welcomed. Chairman Mills has referred to it as "the most dangerous proposal that has ever been invented." Some of its alleged "dangers" are these:

First. It separates the responsibility for taxing from the act of spending, thereby dismantling the present fiscal control system.

This charge belies the fact that the decision to share Federal revenue is itself a spending decision. Regardless of this issue, however, it should be realized that fiscal controls would be sharper at the local budgetary level, where elected officials would be accountable for use of the revenues, than they are now under the categorical grant system, with its 1,000 spigots of Federal funds. The control factor would be merely shifted, not lost.

Second. There are more pressing expenditure requirements. Furthermore, there is no revenue to share.

As the Advisory Commission on Intergovernmental Relations pointed out last year, revenue sharing rates a top budgetary priority since it both deals with national problems and serves to strengthen the State and local governments that must handle them. Moreover, the national interest in a renewed federalism exists independent from the state of the Federal budget, and is not contingent on the presence or absence of a fiscal dividend.

Third. Revenue sharing will expand the influence of the Federal Government over State and local governments.

The present aid system already involves extensive Federal influence, with its myriad regulations and restrictions. Besides, political realities will hold the revenue-sharing level far below that necessary to free State and local officials from dependence on their own resources. One of my colleagues has estimated that shared Federal revenues, under any of the proposed plans, would not amount to more than 8 percent of local revenues.

Fourth. State and local modernization should be required before Federal revenues are gratuitously distributed.

There is no denying that much remains to be done in this area, and I shall touch upon this issue later in my statement. It would be counterproductive to the cause of improved federalism, however, if every State was required to put its house in perfect order before it received a penny of shared revenues. The primary goal of revenue sharing is the redressing of the fiscal and political imbalance between the Federal Government and the 50 State-local fiscal systems, and it should not be expected to cure all the ills of our federal system.

Fifth. Revenue sharing is a haphazard allocation of assistance to everyone regardless of need.

The allocation of funds under all of the various revenue-sharing plans is to be according to a carefully established formula, reflecting differences in need. The only automatic feature of many of the proposals, including those of the administration and Senator MUSKIE, is the total sum involved, since it is geared to a certain percentage of tax income from Federal tax returns. This approach removes revenue sharing from the uncertainties of the annual congressional appropriations process, an insulation that is critically needed if State and local officials are to be able to plan in advance for resource use.

Additional safeguards and incentives should be combined with revenue sharing to assure its maximum impact and effectiveness. Added qualifications are present in the proposal of Senator MUSKIE and the bill jointly drafted by Congressman REUSS and Senator HUMPHREY, and should be present in any revenue-sharing bill enacted. Some of them are these:

Nondiscrimination safeguards. Use of the shared revenues to perpetuate discriminatory practices should be prohibited. In addition to using the sanctions in Federal civil rights legislation, States should be required to set forth State and local spending plans and to certify their compliance with Federal statutes in advance of receipt of funds each year. Individuals should also have the right to bring suit for noncompliance.

Local pass-through formula. A State should get a 10-percent bonus in its portion of the revenue-sharing pot if it sits down and negotiates an agreement with a representative number of county and city governments determining the share of funds to be passed through to localities and the local distribution of these funds.

State income tax incentive. A State's income taxes should either be counted twice in the national distribution formula after a certain date—July 1, 1974, in the Humphrey-Reuss bill, or, a State's yearly revenue-sharing allocation should be increased by 10 percent of the amount it collected in income taxes the preceding year.

Federal collection of State income taxes. A further incentive to a State's adoption of an income tax should be authorization for Federal collection of those taxes, thus saving the States the considerable administrative burden and cost of collection. If Federal collection was authorized on the condition that State taxes be set at a "piggyback" percentage of the Federal tax liability, the interests of State fiscal relief and progressive tax systems would be served at one and the same time.

General revenue sharing is the best means of improving the economic and political plight of our States and localities. But it is not a panacea, and it must be combined with categorical grants and other techniques if it is to succeed in achieving its goals of fiscal relief and improved federalism.

REFORM OF STATE AND LOCAL GOVERNMENTS

It must also be combined with a thorough reform of State and local govern-

ments. Without reform, revenue sharing will only underwrite political systems badly in need of change and revitalization. The illogical and complex structure of State and local governments confuses most citizens. Local officials and State executives enter office with high hopes and sweeping aspirations. But, once they have taken office, they discover their power to provide effective leadership is often inadequate.

Despite their abilities and aspirations, which are often commendable, they lack the proper tools for responsive and efficient government. The Congress must encourage the States to provide the effective tools of government.

Evidence of the need for these tools abounds. Regarding State governments, the Committee for Economic Development—CED—compiled in 1967 a list of outmoded structures that has changed little:

Only a handful of states have adopted new constitutions since 1945, including recently admitted Alaska and Hawaii. Most were drafted in the 19th century, including Indiana's.

Over half the legislatures still meet in regular session only once every two years, and time limits of 40 to 195 days are imposed in two-thirds of the states.

Many legislatures are unwieldy in size. Less than half of the lower chambers have fewer than 100 members.

Only half a dozen states give their governors the means for exercising administrative authority commensurate with their responsibility.

Independent departments, agencies, boards, and commissions abound, inhibiting most governors.

Almost half the states deny their governors a second or third consecutive term, reducing gubernatorial ability to provide political as well as administrative leadership.

Staff assistance, both gubernatorial and legislative, is usually inadequate and occasionally non-existent.

Local governments are plagued by both poorly functioning State governments as well as their own inefficiencies. Most of the metropolitan problems are soluble only with the help of State action: Restrictions upon the debt and taxing capacities of local government, annexation procedures, zoning powers, building and housing codes, to name a few.

Local governments' own problems have recently been described by journalist Max Frankel:

There are more than 80,000 units of local government in the United States—21,000 of them juggling the affairs of the major metropolitan areas that house 80 percent of the population. That works out to an average of 91 governments for the typical metropolitan area, . . . including 12 school districts, 12 municipalities, 7 townships and 16 special districts that run the water supply, treat the sewage or provide some other service.

Counties and school districts in this tangle exercise powers delegated to them by the states and therefore dovetail across the map in jigsaw pattern. All the other units of local government have sprung up in random and overlapping profusion.

Local office holders can rarely find enough money or authority in their slender jurisdictions to fill even the most elementary needs of the citizens. Most of the thousands of local governments can neither attract nor afford the expertise and administrative skills they so plainly lack.

These brief descriptions of the handicaps under which State and local governments operate show the need for Federal incentives to reform these procedures. Otherwise, revenue sharing could become a constant flow of money out of the Federal Treasury that would not buy anything for the national interest. The Federal Government has the same obligation to help provide them as it does to establish standards for pollution control, social security, and welfare. In all these areas, including governmental reform, the well-being of the American people is at stake.

The Federal revenue-sharing dollar should be used, then, to induce structural reform at the State and local levels of government, above all, reforms that would produce a genuine and democratic sharing of burdens. Such an inducement is contained in a revenue-sharing bill I have introduced, whereby States qualify for the funds, in the second and subsequent years of the program, by preparing a master plan and timetable for modernizing State and local government. A suggested "checklist" of reforms is a part of the bill and is attached at the end of my statement.

CONCLUSION

If the crucial question of the relationship between our central government and the State and local governments is to be resolved, it will have to involve cooperative and concentrated action at all three of these levels. The Federal Government alone cannot resolve this issue by the mere pumping of additional billions of dollars into the pipeline via general revenue sharing or increased categorical grants. Reform in our federal system must "bubble up" as well as "trickle down." Fiscal relief to our State and local governments must be combined with modernization of their administrative procedures, if the relief itself is to have maximum impact.

Using revenue sharing as a catalyst, rather than a crutch, for State and local action is the most desirable means by which federalism can be strengthened. Revenue sharing is needed, but in a form that offers State and local governments the best chance for them to solve their own problems.

The enactment of revenue sharing, coupled with measures to encourage reform of State and local government would, at a time of increasing doubts about the federal system, be a vote of confidence in the basic system, and reaffirm our confidence that it can, with alterations, be made to work effectively to meet the challenges that threaten its existence.

The checklist of reforms follows:

SEC. 3. QUALIFICATIONS FOR BLOCK GRANTS.—In order to qualify for block grants in the first and subsequent fiscal years, each State shall, within a specified period prior to the first quarterly payment each year, do one of the following: (a) enact and file with the President a local government distribution law (which may from time to time be amended) pursuant to section 2(c)(2) of this Act; or (b) enact and file with the President a State-local apportionment agreement (which may from time to time be amended) pursuant to section 2(d)(1) of this Act. In order to qualify in the second and subsequent fiscal years,

a State's chief executive officer shall prepare and file with the President (and may from time to time amend) a master plan and timetable for modernizing and revitalizing State and local governments, by methods (where appropriate) such as those on the following illustrative checklist—

(1) **INTERSTATE.**—Proposed arrangements, by interstate compact or otherwise, for dealing with interstate regional problems, including those of metropolitan areas which overlap State lines, and for regional cooperation in such areas as health, education, welfare, conservation, resource development, transportation, recreation, housing.

(2) **STATE DIRECT ACTION.**—Proposed strengthening and modernizing of State governments (by constitutional, statutory, and administrative changes), including recommendations concerning the short ballot; longer terms for constitutional officers; annual legislative sessions; adequately paid officers and legislators; modernized State borrowing powers; improved tax systems (including an income tax of at least moderate progressiveness); rationalized boards and commissions; increased assistance to local governments; revising the terms of State aids and shared taxes so as to encourage modern local governments and to compensate for differences in total local fiscal capacity; State assumption of direct fiscal responsibility for basic functions; and modern personnel systems.

(3) **STATE ACTION AFFECTING LOCALITIES.**—Proposed strengthening and modernizing by the State of local, rural, urban, and metropolitan governments (by constitutional, statutory, and administrative changes), including—

(A) changes designed to make local government more efficient and economical, as by—

(i) reducing the number of, or eliminating local governments too small to provide efficient administration or possessing inadequate fiscal resources, and special districts not subject to democratic controls;

(ii) restricting local popular elections to policymakers (the short ballot);

(iii) concentrating on a single responsible executive for each local unit;

(iv) reform of personnel practices;

(v) granting adequate home rule powers to local governments of sufficient size and scope;

(vi) improving local property tax administration;

(vii) authorizing local governments to utilize nonproperty taxes, coordinated at the State or regional level;

(viii) easing restrictions on the borrowing and taxing powers of local governments;

(ix) encouraging the formation of multi-county and regional bodies.

(B) changes designed to strengthen local government in metropolitan areas, as by—

(i) liberalizing municipal annexation of unincorporated areas;

(ii) discouraging new incorporations not meeting minimum standards of total population and population density;

(iii) authorizing city-county consolidation, or transfers of specified functions between municipalities and counties;

(iv) authorizing intergovernmental contracts for the provision of services;

(v) authorizing the municipalities to exercise extraterritorial planning, zoning, and subdivision control over unincorporated areas not subject to effective county regulation;

(vi) restricting zoning authority in metropolitan areas to metropolitan units, to larger municipalities, to counties, or to the State, in order to prevent zoning by smaller municipalities which excludes housing for lower income families;

(vii) authorizing the formation of metropolitan councils of government and other regional governing bodies;

(viii) authorizing the establishment by the State, by local governmental bodies or by the voters of the area directly, of metropolitan area study commissions to develop proposals to improve and coordinate local governmental structure and services, to permit side-by-side areawide and local governments, or to permit consolidation of municipalities; and to present to the voters of the area such proposals;

(ix) authorizing the formation of metropolitan planning agencies to make recommendations to local governments concerning such matters as land use, zoning, building regulations, and capital improvements; and

(x) furnishing State financial and technical assistance to metropolitan areas for such matters as planning, building codes, urban renewal, consolidation, and local government and finance.

(C) changes designed to make local government more responsive and democratic by decentralizing power and functions back to the neighborhood wherever possible.

AFL-CIO CONFERENCE ON JOBS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, on Monday of this week the AFL-CIO sponsored a most important conference in Washington, a conference on jobs. Considerable publicity was given by the press to the speakers of the morning session on the problems of unemployment and inflation that hang over all our heads today. The afternoon saw the conference divide itself into several discussion groups focusing on specific aspects of the unemployment problem. One of these sessions was devoted to a discussion of job losses resulting from foreign trade. The importance of this session should not be missed on anyone. It constituted something of a milestone in the long history of organized labor in this country. It was a followup to the historic decision in Atlanta in May which put the AFL-CIO on record as favoring a whole legislative package to tackle the problem of increased flooding of our domestic markets by cheap foreign imports. Anyone who attended Monday's session had to be impressed by the testimony of union leader after union leader documenting firsthand the loss of jobs and work that our present trade policies have resulted in. I regret that more Members of Congress could not have been present. The close to 4 hours of testimony had to make a profound impression on anyone within hearing range, whatever their philosophies, on entering the room. The weeks and months ahead are going to witness an increase in pressure from millions of workers across this country on their Congressmen to act on trade legislation. No one should be surprised about this development; it has been coming for some time. Plenty of warning has been given; action is demanded and demanded now.

At this point, I would like to have included in the RECORD a copy of my speech on that important occasion and would only add it is moderate in comparison

to most of the other speeches delivered on that occasion:

ADDRESS OF CONGRESSMAN JAMES A. BURKE

Let me begin by saying how much I appreciate the honor which has been given me in being invited to participate in this session on foreign trade and American jobs here today. I think the timing is perfect and I think that the AFL-CIO is to be congratulated on sponsoring the session. The unemployment figures only seem to be able to drop these days because of statistical flukes. How else do you explain the curious fact that the Nation has a million more unemployed but the adjusted rate registers a decline. The foreign trade figures for the past two months are just about as alarming as the unemployment figures. For the first time since before the Korean war, the United States has registered for two successive months trading deficits. It has long been my conviction that these two statistics are interconnected and the fact that both of them have been bad news recently is no accident or coincidence. While it is true that the whole economy is still in the midst of a recession and that things will probably improve in the months ahead—certainly before the election—it is clear that we are faced with the prospect of a residue of high unemployment which is not cyclical, but which is directly attributable to the long-range trend we have been experiencing these past few years of rising unemployment in pockets of this country's manufacturing industries. Most notable examples of this study decline and increasing unemployment are of course the shoe and textile industries, the consumer electronics industry, the specialty steel and glass industries.

I am also aware that everyone here can give firsthand evidence of just how many other industries in this country are experiencing the pains of facing increased flooding of their markets by cheap foreign imports. As I have said on many occasions, I've grown accustomed to the role in Congress, predicting doom if this country does not reexamine its present trade policies soon. I have also felt at times as though I was a voice crying in the wilderness where foreign trade is concerned. I wouldn't be a realist if I wasn't aware that what we are up against is one of the most powerful, well-financed lobbies in this country—the free trade lobby. I'm aware that economics, as it is taught in our colleges and universities throughout the country inculcates all the values and virtues of free trade theory in each generation of college students.

I am also aware that I am attacking one of the fattest sacred cows in our society. I know that it is difficult to admit that for the last twenty years we may well have been pursuing the wrong policies for the wrong times. I know it is difficult for our bureaucrats and trade negotiators to admit that they have been hoodwinked and had, at the conference table, in negotiating tariff reductions and international trade agreements. I'm not surprised that the free trade advocates are finding it difficult to adjust to the grim figures and are finding it difficult to take on a hard-nosed approach to foreign trade, but facts are facts and they can't be ignored forever. This conference here today is an example of growing impatience in the labor movement with existing policies. After all, it is jobs that are being exported, not dividends. The shareholders still collect handsome profits from foreign operations. The worker, meanwhile, is left to survive off the crumbs of trade adjustment assistance, unemployment benefits, and welfare. Needless to say, it was bound to be the workers and their unions that

would first develop serious reservations about the system of continued laissez-faire where foreign trade is concerned. Normally, one would expect that management wouldn't be far behind. Experience in the footwear industry and the textile industry demonstrates a remarkable unanimity of opinion on the need of remedial legislation.

As I see it, the major reason that other industries have not developed a unified front on the subject is that other industries are dominated by multinational firms who have opted for foreign investments increasingly, when faced with the possibility of declining domestic profits. The cases that get the publicity have involved the closing down of whole plants and relocating them overseas. But, these are but the most dramatic examples. Every time a decision is made to invest in a foreign subsidiary, capital and capital goods, and with them jobs, are being exported from this country and resulting in increased imports into this country. I must confess that Congress has been napping while the multi-national corporation have grown like topsy in the last decade or so. Any re-examination of this nation's trade policies must of necessity deal with these giants of the international community.

I know that we will be confronted with opposition in all of this. Already the free trade press is revving up its smear campaign against us. They are getting their brushes ready to smear and tar us with the label of protectionists and trying to paint us as the lineal descendants of Smoot-Hawley. But this should not deter us: our proposals are not as inflexible as high tariff walls. The international world of today is too sophisticated, is changed too much from the days of Smoot-Hawley to make that ham-fisted approach either relevant or tempting. Accusations that we are in danger of setting off a foreign trade war which will end up building walls of isolationism are too exaggerated for words. Unfortunately, such fears understandably cause people to pause.

However, I am convinced once they realize that there is little retaliation left to the foreigners in the absence of much in the way of reciprocity from such markets as the Common Market and Japan, then we will be able to proceed with the task before us. What we are trying to do is to restore some sense of balance to our trading picture. We are trying to substitute orderly growth for runaway flooding and that is an imminently reasonable objective, as far as I am concerned. My only regret is that the time it will take for the public and Congress to realize this will be bought at a high price indeed. The cost will continue to be paid in the form of additional jobs lost and whole communities disrupted and possibly destroyed. Anything we can do here today to shorten this time lag will be the single most important contribution this conference can make.

CAUTION; RIDING IN A BUS MAY BE HAZARDOUS TO YOUR HEALTH

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 60 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, exactly 1 year ago today a chartered bus carrying a group of students and adults from a New York school traveled west on rainswept U.S. Route 22 in my congressional district. A short distance west of Allentown, as the bus passed the small rural community of New Smithville, it skidded from the

highway and plunged 50 feet down an embankment.

Seven of its young passengers died in the crash and the driver and 51 passengers were injured, some critically. In the days that followed, the incident was marked by further tragedy when the bus driver's wife collapsed and died at the hospital where she had gone to visit her husband.

The toll of deaths and injuries ranked this accident as the most serious of 40 motor vehicle accidents which have occurred along a sector of U.S. Route 22 in New Smithville within a span of 42 months. The mishap was declared a major highway tragedy by the National Transportation Safety Board which set out immediately to investigate and to schedule a formal Federal hearing. News media nationwide focused on the crash, its toll and the ensuing flurry of reports of possible safety violations and inadequate controls.

Because the laws and regulations of two States and the authority of several Federal agencies were enmeshed in the circumstances surrounding the accident, I urged formal investigation at the Federal level and set out on my own to gather information which could help me determine what corrective or preventive steps might be initiated administratively or through legislative action.

As a Member of Congress, I had no authority nor any intention to pinpoint responsibility or blame. It was my intention to identify evidence of safety regulation inadequacies, enforcement flaws or other circumstances which may have played some role in this accident or may signal weaknesses in programs to prevent or minimize future accidents. The information gathered in my study is considered in the following report:

CAUTION: RIDING IN A BUS MAY BE
HAZARDOUS TO YOUR HEALTH

The American traveler is being lured to "take a bus—and leave the driving to us." Few bus riders recognize that the current state of Federal safety enforcement programs leave much of the responsibility for bus safety, as well as bus driving, in the hands of the bus operators, whether public or private.

Those mandatory safety regulations which apply to bus transportation are weakened by inadequate inspection efforts, cumbersome enforcement procedures, and an apathetic attitude toward expeditious handling of apparent safety violations. One case involving thousands of alleged violations dating to the early 1960's against a major interstate carrier remains unsettled today.

Many Federal efforts to achieve bus safety are based solely on voluntary adoption of minimum standards by the individual States—an approach which has met with only marginal success and which fails to resolve the wide discrepancies between the safety standards of bordering States.

A yearlong review of regulations relating to motor carriers, including several efforts to prod Federal agencies to exercise existing authority to correct apparent safety deficiencies, served to point up the inadequacies of existing laws. Statutes are vague and sometimes con-

tradictory. Authority and responsibility are almost hopelessly divided between agencies which have obviously conflicting attitudes toward safety. Uncertainty and confusion abound as to what regulations apply, who is responsible for enforcing those that do apply, and how effective are they in safeguarding the public.

Motor carrier safety regulations are found in two separate titles—title 23, section 402, and title 49, sections 1651 to 1659—of the United States Code.

In title 23, the Federal Government uses the carrot and stick approach to effect highway safety. This means that the standards are voluntary and, if a State adopts them, then that State is entitled to receive Federal funds to carry out its approved safety programs. If the State does not present to the U.S. Secretary of Transportation an acceptable safety program, then the Federal Government can reduce Federal highway funds apportioned to that State by 10 percent, and this reduction shall continue until an acceptable program is implemented. As of this week, the Federal Government has yet to withhold any highway funds to force a State to adopt title 23 safety standards despite the fact they have been fully adopted by only 17 States.

Title 49 of the United States Code also established minimum standards for motor carrier regulations, except that these minimum standards are mandatory only for carriers operating in interstate commerce, and penalties can be imposed upon the motor carriers for non-compliance with the safety regulations.

Under existing Federal statutes, motor carrier regulatory authority is split between the Interstate Commerce Commission and the Department of Transportation. The ICC administers economic regulations including rates, tariff classifications, and licensing of carriers to provide service while DOT administers applicable safety regulations. Although the act creating the Department of Transportation transferred responsibility for enforcement of safety laws pertaining to interstate bus and trucking operations from the ICC to the Secretary of Transportation, the Secretary was not given authority to suspend or revoke operating rights for violation of safety regulations. This authority remained with the ICC and today represents one of the most significant flaws in effective enforcement of motor carrier safety. My bill, the Motor Carrier Safety Enforcement Act, H.R. 12, would place that necessary enforcement tool in the hands of the Secretary of Transportation.

Not only is the division of authority confusing to the researcher attempting to trace lines of responsibility for enforcement of various regulations pertaining to motor carriers, or in attempting to determine if specific regulations apply to one situation or another, but it also has become evident in this study of existing bus safety regulations that there is at best some confusion within the responsible agencies as to what regulations apply when and how to whom. For example, it was not until 60 days after the tragic bus crash near Allentown that the ICC concluded the ill-fated tour bus was being operated with-

out necessary ICC authority when it plunged off U.S. Route 22. Much of the confusion regarding ICC authority in that instance resulted from an uncertainty whether the chartered bus was serving as a schoolbus at the time of the tragedy, thereby being exempt from compliance with ICC regulations.

The "schoolbus" designation applies to a bus used to transport students to and from school, or on school-related trips, and is accorded special status under Federal statutes. This special status must be recognized and understood, because it is this status which lifts an interstate schoolbus operation out of the hands of the Interstate Commerce Commission and, in most instances, places the schoolbus out of reach of existing Federal safety regulation.

It is this special status which permits a local school system to take one of its yellow-painted, poorly constructed cheesebox type buses which are designed primarily for low-cost, low-speed local transportation, fill the bus with a school athletic team or band, and send it off at high speeds on interstate highways where a similarly constructed commercial bus would be prohibited from traveling. Under such circumstances, the safety of the student passengers is exploited solely in the interest of economics. Last summer, reporting on two schoolbus crashes in Alabama, the National Transportation Safety Board pointed out that the common yellow school buses are assembled in such a manner that they "keep out weather or hold insulation in place" but provide little safety protection for the children they transport.

The special status of the school bus derives from its automatic "exemption" from motor carrier economic regulations under section 303, of part II, Interstate Commerce Act of 1935. It is there the ambiguities begin. Upon first reading section 303 one would believe that school buses were exempt only from the economic regulations imposed upon motor carriers. In fact, members of my staff repeatedly were assured that the school bus "exemption" applied only to economic regulations of the ICC and that in no way did the exemptions extend to safety standards. The fact is, the only school bus which is required to meet any Federal safety standards is a chartered bus which transports students interstate.

The common yellow school bus, owned by a local school or school system, may transport students from one State to another without meeting any of the Federally imposed safety standards.

The common school bus is not subject to the mandatory safety standards of title 49 because those apply only to chartered school buses. It is not subject even to the minimum safety standards defined in title 23 unless those standards have been adopted voluntarily by the state in which its school or school system is located. Only 17 States, Pennsylvania among them, have adopted those standards. Minimum structural standards for school buses and standards for school bus operation are developed by the National Conference on School Transportation of the National Education Associa-

tion, but they, too, are merely recommendations which may or may not be adopted voluntarily by the individual schools or school districts which buy and operate school buses.

It is with the above distinctions in mind, that one can begin to comprehend the problems and difficulties in regulating bus transportation. Only by discerning the problems can one attempt to find solutions.

A growing controversy over the effectiveness of bus safety legislation has emerged since the multiple tragedy near Allentown on July 15, 1970. In the interim, the Department of Transportation and several Congressmen, myself included, have promised tougher safety laws. But what laws does one strengthen?

One clue to the identity of laws requiring strengthening generally can be derived from data pertaining to accidents. Presently, most States record sufficient accident data relating to the owner and make of the bus, time of the accident, road conditions, and so forth, but there is little information available about the nature and specific causes to bus accidents, or in the case of schoolbus crashes there is no significant information compiled regarding the number of standees, the location of injured pupils within the vehicle at the time of the crash, or the precise cause of their injuries.

A 1966 study of schoolbus accidents in Indiana concluded that the bus driver was at fault in 203 out of 381 accidents studied. Such conclusions reflect a need not only for better training of bus drivers but also for more stringent and uniform driver qualification standards. Minimum standards of driver qualifications are imposed by the Federal Government now only for operators of motor carriers that travel interstate and are registered with the ICC.

Usually, the driver of a schoolbus is employed only part-time, and his prime qualification for driving is his willingness to do so. Each individual State established the physical and mental requirements, age limitations, and character standards for its schoolbus drivers. The result of individual State control is that 35 States set no maximum age limit for schoolbus drivers, four have set age 70 as the maximum, while 11 others specify 65 as the age limit. A driver can qualify to operate a schoolbus at age 16 in nine States, at age 17 in five States, and at age 18 in 12 States. Only 19 States set 21 as the minimum age for bus drivers, although age 21 is the Federal minimum for drivers of interstate motor carriers, included buses.

Even if an individual's age and driving experience were considered unimportant, provided he was subjected to an intense training program to qualify as a schoolbus driver, further examination of State laws would identify only four States in which classroom instruction is required, and only six others which require any specific training in the operation of a bus. Seven States do not even recommend any form of training for bus drivers.

When a parent considers that the bus-driver who will take his children to school this September may never have

operated a bus until he pulls up in front of your house the day school opens, that parent might be inclined to agree there is too little being done to equip the driver with the training and practical experience to safeguard the children he transports. Clearly, the low minimum age requirement for busdrivers precludes their having even a reasonable amount of automobile driving experience before the steering wheel of a bus and the lives of fifty or more children are placed in their hands. Clearly, there has not been sufficient incentive until now to compel the States to remedy this readily apparent flaw.

Another product of nationwide neglect can be found in the physical condition of the 250,000 buses which, during the school year, daily transport over 17 million children, and which, on nonschool days, often are pressed into service transporting school and school-related groups to athletic events, on field trips or on other outings.

The National Transportation Safety Board, in a report released on August 27, 1970, indicated it regards the inadequate structural quality of common schoolbuses an injustice to the children who ride them. Basing its report on several schoolbus crashes in which the light weight vehicles were literally torn apart at the seams upon impact, the Board blamed inadequate fastening of exterior metal panels to the bus frame. Because the exterior panels of intercity-type buses are better fastened to the bus frame the result is an "integrated structure able to resist impact damage."

The influence of cost upon the structural integrity of school buses is reflected in the following excerpt from the Safety Board report:

Schoolchildren can be carried on longer distance excursions, including intercity trips, either by a school bus or by chartered buses of the intercity type. Long distance trips by school bus are often authorized by local school boards in the interest of direct cost savings. It costs less to operate a light school bus. School buses are also sometimes used by the military services for other than local service in preference to the intercity type of bus, again on an apparent direct cost saving basis. The school bus type of construction, however, does not appear to be designed for continuous high-speed, over-the-road service. Most school bus usage involves local service, speeds below top highway speeds and short duration of passenger occupancy. It may be that some school bus manufacturers have adopted the methods of minimal joining under the assumption that school bus crashes will occur at low speeds. If that is the case, the occupants of school buses exposed to long, high-speed travel may be exposed to greater risks than are occupants of typical intercity buses. The generally low fatality rate in typical local school bus service may not apply when the same buses are used for intercity service.

Beyond the inadequate exterior structure of the common school bus, further safety hazards are readily apparent when one views the interior of the bus. Unlike the heavily padded interior of the family car, the interior of a school bus is likely to have exposed steel bracing, steel-edged seat backs and other hard or sharp objects or edges to injure a child who is jostled or thrown about by a crash

impact. The absence of interior padding, like the inadequate fastening of exterior panels to the frame, are products of cost-cutting on school transportation programs.

Aside from structural features, the safe operation of a school bus is primarily dependent upon the condition of the vehicle's equipment ranging from tires to lights and brakes. The serviceability and safety of such equipment is checked; inspections monthly or quarterly, 11 specify three inspections per year, 14 require semiannual inspections and nine require only one inspection per year. By no means does the existence of a schoolbus inspection law in 42 States imply that the buses are subjected to uniform inspection standards. It is apparent that a bus which would be ordered off the road in one State for safety deficiencies might exceed minimum safety standards in a neighboring State.

In a report, "Bus Safety Program," issued by the "Committee of Concerned Community Parents," of School District No. 14, Hewlett and Woodmere, N.Y., it was estimated that private inspection stations charge approximately \$24 per bus for an inspection requiring one and a half to two hours to complete. The committee of parents, including the parents of some of the children who were killed or injured in the bus accident near Allentown, Pa., concluded that such a cost was insignificant in relation to the safety benefit derived, particularly when divided among the large number of students transported in each schoolbus.

The results of two "crash" bus inspection programs, one conducted in Los Angeles and the other in Kansas, illustrated clearly that a high percentage of school buses in operation were defective or experienced malfunctions which impaired their safety. The Los Angeles study showed that 362 of 587 buses inspected had malfunctions. The Kansas inspection rejected 1,210 out of 2,690 buses as unsafe.

Further, under the laws of 31 States, children being transported on schoolbuses are permitted to stand in the aisle—indeed are forced to stand in the aisle because greater numbers of students than the schoolbus can accommodate are assigned to it, again chiefly for economic reasons. If standees were not permitted on schoolbuses, many school districts would have to buy additional buses or reschedule school starting times to accommodate the students being transported. There is little regard shown the fact that upon the impact of a crash, children standing in the aisle are in danger of being thrown the length of the aisle or of being dashed against seat-backs or other obstacles within the bus.

The January 1970 issue of Pediatrics magazine cites the State of New Jersey for its solution of the standee problem. The magazine reported:

Instead of two rows of seats of equal width, the seats (of schoolbuses in New Jersey) are 45 inches and 30 inches wide, respectively, seating five (three and two) pupils in every row, thereby giving ample seating accommodations of 15 inches to each pupil.

As mentioned previously, a cursory

reading of the Interstate Commerce Act of 1935 would seem to indicate that schoolbuses are subject to mandatory safety regulations now administered by the Department of Transportation while being exempted from the ICC's economic regulations. Only after careful checking and crosschecking of the act's vague and involved text does it become clear that specific references to schoolbuses in the act are totally meaningless.

The exclusion of schoolbuses from compliance with safety regulations imposed upon interstate motor carriers, including minimum standards for driver qualification, vehicle inspections and maintenance, hours and service of drivers and the reporting of accidents, derives from the omission of a definition of "private carrier of passengers" in the 1935 act.

Section 303(b)1 specifically exempts schoolbuses from economic regulation by the ICC but goes on to clarify that the exemption does not extend to the safety provisions of section 304. However, examination of section 304 shows clearly that the act applies, by definition, only to three classes of motor carriers: First, common carriers which include scheduled interstate bus service operated for compensation; second, contract carriers, which include chartered buses operating interstate for compensation; and, third, private carriers of property.

The ICC, over the years, has come to regard schoolbuses as "private carriers of passengers," a class of carrier not defined in the act, and, consequently, not subject to the act's safety regulations. Through evolution, the term, "private carrier of passengers," has come to mean a carrier whose transport of passengers is incidental to the carrier's primary function. Thus, a school or school district which provides bus transportation for its students does so in a manner incidental to its primary function of education.

As previously stated, the Government has several ways to establish minimum standards. The effect of voluntary and mandatory standards must be judged separately.

Under the mandatory standards, no person shall drive any motor vehicle under Federal jurisdiction unless he meets the specified minimum qualifications. Some of the more important mandatory qualifications that relate to these drivers are: First, he must have a minimum of 1 year's driving experience; second, he must be 21 years old; and, third, he must have an original physical examination, and is subject to a periodic physical examination at least once every 36 months.

One mandatory requirement that relates to the safety of passengers specifies that no motor carrier shall permit any driver to drive more than 70 hours in any period of 8 consecutive days.

Other Federal requirements apply to inspection and maintenance. These regulations state that every motor carrier under Federal jurisdiction shall systematically inspect and maintain all motor vehicles subject to its control, and insure that such motor vehicles are safe. Accurate records of this systematic inspection and maintenance program shall be maintained for each motor vehicle,

and the burden of inspecting and of determining the fitness of the bus is placed upon the motor carrier himself. In short, he inspects his own buses.

Although these regulations are a start, experience has shown they do not solve the major problems or, in many instances, even offer enough stimulus to the accident investigator to find out how the accident occurred. Part 294 of the motor carrier regulations requires the motor carrier to file the same accident report prescribed for their own use. This report must contain the usual data—name of driver, place of accident, and number and types of injuries but, as pointed out earlier, this report does not explore the causes of the accident. Therefore, these reports are usually of no aid in determining what causative factors should be corrected by future safety regulations.

SAFeway TRAILS CASE STILL PENDING

Federal regulations governing hours of service of drivers seem to be equally useless not because the regulations are insufficiently detailed but because even when violations are discovered, the responsible Federal agencies are slow to levy appropriate penalties upon the violators.

The prime example can be found in the case, still unresolved by the Interstate Commerce Commission, known as *Federal Highway Administration v. Safeway Trails, Inc.*, docket No. MC-C-6434, involving charges of thousands of hours of service violations by Safeway Trails drivers dating back to the early 1960's. The case has its roots in some 3,000 hours of service violations which the ICC determined had taken place in 1960 and January of 1961. On the basis of those violations, the ICC issued a cease and desist order directing Safeway to end such practices.

Safeway drivers, however, continued to register hours of service violations until 1968. Then, on June 25, 1969, the Federal Highway Administration initiated proceedings against Safeway. Hearings were held by an ICC examiner in September, October and December of 1969. In February of 1970 the National Association of Motor Bus Operators filed a petition seeking to intervene in the proceedings, and in March of 1970 NAMBO was granted permission to intervene.

By July 1970, when the Allentown bus tragedy focused national attention on bus safety, the case against Safeway still was awaiting decision by the hearing examiner. During a meeting of members of my staff with officials of the Bureau of Motor Carrier Safety to review bus safety laws several days after the Allentown tragedy, the Federal safety officials lamented their inability to prod the ICC rule in the Safeway case. Immediately following that meeting my office began making inquiries with the ICC, as did representatives of the news media and within only a few days—on July 28, 1970—the hearing examiner ruled that Safeway had willfully violated the hours of service regulations more than 5,000 times since 1964 and recommended that Safeway's operating certificate should be revoked for 20 days.

Now, almost a year has passed since the hearing examiner recommended the

20-day suspension of Safeway's operating authority, still without any action by the ICC to impose even that seemingly moderate penalty for such a blatant record of safety regulation abuse.

Under date of February 18, 1971, I again contacted the ICC about both the Safeway Trails case and another long-pending proceeding known as Ex parte No. MC-78, Vehicles Employed Solely in Transporting School Children and Teachers—the latter discussed in detail later in this report.

ICC Chairman George M. Stafford responded on February 24, 1971, advising that—

Because of budgetary difficulties which have brought about a drastic reduction in staff, the Commission has not been able to process these and other proceedings as speedily as it would have liked. Both proceedings are, however, under active consideration at the present time and every effort will be made to expedite their handling so that decisions in both proceedings can be rendered as soon as possible.

Then, under date of June 28, 1971, consumer advocate Ralph Nader entered the Safeway Trails picture by filing a petition to press the ICC to reach a decision and issue an order in the case. Nader's letter to Chairman Stafford read as follows:

Examination of the record in *Federal Highway Administration v. Safeway Trails, Inc.*, MC-C-6434, indicates that the hearing examiner filed his report and findings in July, 1970, and exceptions and replies were submitted by October. The examiner found Safeway in flagrant and repeated violation of the Bureau of Motor Carrier Safety seventy-hour rule for bus drivers, endangering bus drivers, passengers, other motorists, and the general public. In light of Safeway's arrogance toward past disciplinary proceedings related to violation of the seventy-hour rule, detailed in the discharge petition attached, he recommended the penalty of a 20-day suspension of Safeway's operating authority.

It is our understanding that after eight months the Commission still has not acted on this recommended order. I would appreciate your explanation of this inaction. Non-enforcement of the law in the face of specific findings by an impartial examiner adversely affects the confidence of the public in the integrity of the government and invites continued lawlessness. Such conduct contradicts the Commissioners' oath of office and their Code of Employee Responsibilities and Conduct, Section 735.201 a (f). Does the Commission wish to wait until another bus tragedy occurs like the one last summer near Allentown, Pennsylvania, when a chartered bus carrying 59 children went skidding on its bald tires over a 50-foot embankment, killing 7 and injuring 53 others?

The only "explanation" for the delay on the record appears in your reply to an inquiry about the Safeway Trails Case from Congressman Rooney of Pennsylvania in February, 1971. Your reply complained of "budgetary difficulties" which prevented the Commission from proceeding "as speedily as it would have liked." This is patently absurd, particularly since the Commission is engaged in few enforcement actions of this dimension. Does your statement to Mr. Rooney mean that the Commission has no personnel to pass on an examiner's findings? Does this mean that existing personnel are working overtime to conduct such essential duties?

On July 2, Stafford replied that the draft report in the Safeway case was circulated last month "and I anticipate that

the decision will be rendered shortly." The decision is still awaited.

FEDERAL SPOT CHECKS REVEAL BUS INSPECTION PLANS

Probably the most significant and immediate contribution to the safety of bus passengers to result from the multiple fatalities in the Allentown bus accident, and subsequent revelations about apparent safety faults associated with that chartered tour bus, was the motivation it provided for an inspection crackdown by Federal inspectors.

Department of Transportation reports show that during calendar year 1969, Federal inspectors routinely inspected only 397 of the thousands upon thousands of buses transporting passengers on the Nation's highways. Of those 397 buses, the Federal inspectors found that 47, or 11.8 percent, were in such unsafe operating condition that they were ordered out of service until appropriate repairs were made.

In the wake of the Allentown crash it was immediately clear that Federal inspectors of motor carriers were almost exclusively concerned with the inspection of trucks rather than buses. During the meeting with top officials of the Bureau of Motor Carrier Safety soon after that crash, members of my staff proposed that the Department of Transportation immediately begin a crash program of surprise bus inspections in the interest of passenger safety. By mid-August, Secretary of Transportation John Volpe announced plans to initiate just such an inspection program with a goal of 5,000 bus inspections by September 30, 1970. However, Volpe's original decision limited those surprise inspections only to chartered tour buses and did not propose to include scheduled interstate buses.

On August 18, 1970, I wrote to Secretary Volpe to ask that scheduled interstate buses be included. I recognized that such inspections would cause some public inconvenience, including missed connections with other commercial transportation and extended traveltime when defective buses were ordered out of service and substitute buses had to be placed in service. The most important consideration, however, was the ultimate safety of the passengers, as well as other motorists who might encounter the defective bus on the Nation's highways. Further, it seemed apparent that if bus operators realized their vehicles were likely to be stopped en route by Federal inspectors and ordered off the road if defects were found, that knowledge would provide the impetus to apply an extra ounce of prevention before dispatching their vehicles.

Secretary Volpe's response was favorable. He wrote:

This is in further reference to your letter . . . suggesting that additionally unannounced inspections be made upon buses in regular route service.

I believe this is an excellent idea, and have directed the Federal Highway Administration to include in the Bureau of Motor Carrier Safety's expanded inspection program now in progress, a representative number of buses in line operation.

As you are aware, we have as a part of our regular surveillance program, inspected reg-

ular route buses, and the current effort will be broadened to include such vehicles. By inspecting the regular route bus at origin, destination or intermediate terminals, we can maximize coverage and minimize inconvenience to passengers.

The accelerated program of bus inspections produced positive results. During calendar year 1970, Federal inspectors examined 5,902 buses—15 times the number inspected the previous year—and ordered 688 of those, or 11.6 percent, out of service.

The alarming fact is that one out of every 10 buses, which interstate bus operators were willing to fill with passengers and dispatch at high speeds along the Nation's interstate highways, was found to have such significant defects as to warrant that bus' immediate removal from service. This statistic illustrates clearly that existing law, which places responsibility for inspection and maintenance of buses and trucks upon the carriers, themselves, leaves much to be desired in terms of insuring that the vehicles those carriers put into service are really in safe operating condition.

Even more alarming are the inspection statistics relating to numbers of defects found. During the 5,902 bus inspections, Federal inspectors recorded a total of 11,726 defects, or an average of 198.1 defects per 100 buses.

The inspection data reveals still other enlightening information. For example, by mid-September of 1970, or less than a month after the crash inspection program was inaugurated, the Department reported that 2,000 inspections had been made and that one of every eight buses inspected had been ordered out of service immediately. Thus, the fact that the overall inspection program resulted in only one of every 10 buses being ordered out of service indicates that as the inspection program progressed, the inspectors found fewer serious safety defects. It can be assumed that the bus operators, faced with the threat of faulty buses being ordered out of service, improved their own inspection and maintenance efforts as the unannounced inspections continued. This would seem to indicate that the Federal statute which places inspection and maintenance responsibility upon the carriers themselves is significantly more effective when the carriers know the law is being actively enforced, than when Federal inspectors carry out only a few token inspections as they did in 1969.

Unfortunately, the accelerated inspection program ordered by Secretary Volpe last August was short lived. While finishing touches were being applied to this report yesterday, I learned that the Department of Transportation has reverted to the old policy of only making token bus inspections in 1971. I immediately dispatched another appeal to Secretary Volpe to reinstate the accelerated inspection program in view of the favorable impact it had in 1970 to safeguard bus travelers.

One unsafe bus in every 10 rolling along interstate highways at 60 or 70 miles an hour is a potential mass killer. It is too much of a risk to take to allow that 10th bus access to our highways.

Yet, if the carriers will not keep that bus off the highways out of a personal commitment to provide safe bus service, the only alternative is a stiff Federal enforcement program that involves many thousands of surprise inspections, not a few hundred. Or, perhaps better still, complete Federal takeover of the inspection role for all carriers of passengers.

UNITED STATES OVERLOOKS STATE FAILURE TO ADOPT TITLE 23 SAFETY PROGRAMS

The Department of Transportation has the authority to force States to enact the "voluntary" safety regulations spelled out in title 23 of the United States Code. But despite the fact that only 17 States have adopted the standards in full, that authority has not been used. The clout is contained in the provision allowing the Secretary of Transportation to reduce Federal allocations of highway construction money to the individual States by 10 percent for any State which does not adopt the safety regulations.

Title 23 contains such features as guidelines for driver selection, training and bus maintenance that, supposedly, must be observed by the States wishing to receive Federal funds toward financing of highway safety programs. It also includes standards for periodic motor vehicle inspections and motor vehicle registration, requirements for the issuance of a drivers license, physical requirements for driving, and guidelines for State recordkeeping. If universally adopted, these standards would be somewhat more effective even than title 49 requirements in that they would require periodic inspection of all motor vehicles to be performed by competent personnel who are trained to perform their duties and certified by the respective States.

The driver licensing provisions would insure that only persons physically and mentally qualified will be licensed to operate motor vehicles on any highway of the State. The advantage of these provisions, especially for licensing and vehicle inspections, is their application to all interstate and intrastate vehicles, including private carriers of passengers—including schoolbuses. In addition to the 17 States which have adopted the minimum standards of title 23, another 14 States have adopted parts of the uniform standards for State highway safety. In total, 42 States now have some form of vehicle inspection, ranging from independent examiners inspecting motor carriers to having the carriers inspect their own vehicles as allowed by the Bureau of Motor Carrier Safety under title 49 of the United States Code. Eleven States have not adopted any of the safety regulations under title 23.

Such diverse policies preclude standardization of school bus safety regulations, without additional and more forceful legislation.

The net result is that throughout the United States there are almost as many different approaches to motor vehicle safety as there are States. The mandatory Federal standards of title 49, because they apply only to selective groups of vehicles in interstate commerce, and because they are inadequately enforced, contribute little to produce uniformity of safety standards across the country.

TITLE 49 ENFORCEMENT REQUIRES PROOF OF INTENT

Inadequate Federal enforcement is as much or more the result of unworkable penalty provisions as it is the result of apathy involving understaffing and underfunding and extraordinary processing delays.

Even after a violation of the title 49 safety standards is committed, the Government cannot readily apply the penalties provided. It must first prove that the violation was committed knowingly and willfully by the motor carrier. If the Government can merely establish that the violation occurred, but not that it was known by the carrier and occurred willfully, it cannot achieve a conviction.

This stems from the fact that such violations can be prosecuted only in criminal court where a case must be made that the violation represented an act conscious and intentional, deliberate, and voluntary, and not one characterized by negligence. Not even acts of gross negligence can be successfully prosecuted under the penalty provisions of existing law.

In those infrequent instances when intent can be proved, and a conviction secured, then a fine of not less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$500 for subsequent offenses may be levied. Each day shall constitute a separate offense. Of course, these penalties apply only to carriers in interstate commerce.

Precisely because intent is virtually impossible to establish in many instances, I introduced last July a bill known as the Motor Carrier Safety Enforcement Act. It not only increases the allowable fines but it also simplifies successful prosecution by permitting the Department of Transportation to prosecute violators in civil proceedings, as well as criminal proceedings, and provides that in a civil prosecution the commission of any violation is sufficient evidence to establish proof of guilt. Thus, if any violation occurs, intentionally or as the result of negligence, the responsible carrier could be penalized. This bill, reintroduced in the current 92d Congress as H.R. 12, will be discussed in more detail later in this report.

The difficulties encountered in achieving successful prosecution of alleged safety violators is further demonstrated in the dismissal by a Lehigh County, Pa., judge of charges of involuntary manslaughter which had been brought against the driver of the ill-fated tour bus which crashed west of Allentown, as well as the two representatives of the Tedesco Bus Co., which owned the bus. In that instance Judge Henry V. Scheirer dismissed the charges, contending that the Commonwealth had failed to show a definite cause for the accident.

District Attorney George Joseph, indicating an appeal would be considered, contended:

We do feel strongly that evidence at the trial clearly showed that seven children were killed in a mechanically defective bus which shouldn't have been on the road, and was operated in a grossly negligent manner. You have to consider speed, the curve of the road and the wet surface.

Such factors as evidence the bus had various defects including several bald tires, or that the driver had eight previous motor violations including driving while his license was suspended did not enter into the decision to dismiss.

Still pending, however, are charges being brought by the Interstate Commerce Commission alleging 17 counts of unauthorized travel by the Tedesco Bus Co. The ICC charges that the bus was chartered and traveling interstate at the time of the crash, that because both the bus and driver were supplied by the company the firm was providing transportation for hire, and consequently the trip should have been registered with the ICC.

That case was only recently rescheduled for hearing beginning tomorrow. None of the 17 counts alleges a safety violation. All 17 represent alleged violations of the ICC's economic regulations. Understandably, if the Federal Government were to prosecute Tedesco for safety violations it would have to prove knowledge and intent to violate the law. The burden of proof upon the Government in regard to the other counts alleging Tedesco's failure to register interstate bus operations with the ICC is significantly less ominous, and conviction could result in loss of Tedesco's operations privileges. Nevertheless, it is sadly ironic that the main issue in the case will not involve safety but rather administrative procedures based on economic considerations when the impetus for the charges was a crash in which seven children died. But this seems typical of the state of bus safety enforcement in the United States today.

The tragedy at Allentown serves to point up, too, the unwieldy division of authority which resulted from the creation of the Department of Transportation. This is not to say DOT should not have been created. To the contrary, it is intended to stress that DOT was short-changed of authority necessary to revoke or suspend operating privileges for violations of safety laws assigned it for enforcement.

Nevertheless, it is difficult, if not impossible, to understand the failure of DOT to pursue apparent safety deficiencies associated with the crash at Allentown, in view of the provisions of parts 291.13 and 296.2 of title 49's safety regulations. One of these parts places the burden upon the motor carrier to review the driver's past driving record. Why were eight previous driving violations overlooked? Why were several tires on the bus bald or near-bald after a systematic inspection of the vehicle? And why, if proper inspections were made by the carrier, did the New Jersey Public Utility Commission order 11 of the first 35 Tedesco buses it inspected "out of service" because of their extremely dangerous condition? Does self-inspection of motor vehicles by the carriers themselves provide the level of safety protection for bus passengers this Nation deems necessary?

ICC RULING UNDERMINES DOT STANDARD FOR SCHOOL BUS SAFETY

Seldom do two Federal agencies, supposedly with common goals, take such decidedly opposite points of view as is ap-

parent in recent separate actions of the ICC and DOT.

The ICC, in a ruling May 12, 1971, declared that commercial buses which double as school buses during peak school transportation hours need not be equipped with the safety features characteristic of common school buses in a growing number of States. The ruling is at direct odds with the position taken by DOT's National Highway Traffic Safety Administration in the proposed new "Standard 17" code of safety regulations for school buses. Standard 17 would require commercial buses which serve as school buses to be painted national school bus yellow and be equipped with all of the safety features—flashing red lights, mirrors, and school bus markings—which the standard proposes for ordinary school buses nationwide.

On the basis of the ICC ruling in the case identified as 'Ex Parte No. MC-78, Vehicles Employed Solely in Transporting School Children and Teachers,' I can only conclude that the ICC has allowed its economic responsibilities to take total precedence over its seemingly more compelling responsibilities to facilitate safety, particularly in regard to the transportation of schoolchildren. In light of this ruling, I can better understand the shocking comment in a letter from ICC Chairman Stafford responding to my letter asking the ICC's assistance in the preparation of legislation to discontinue automatic exemptions from ICC regulation for school buses traveling in interstate commerce. My obvious purpose was to keep light-weight school buses, which I am convinced are totally unsafe for high speed interstate travel, off the Nation's interstate highways solely to protect the children who today are being transported interstate in just such unsafe vehicles.

I was startled to read the following sentence in Chairman Stafford's response a few weeks later:

You appear to be concerned primarily with the safety of the passengers involved . . .

It was as if to imply that economic considerations—dollars and cents—were more important than the safety of passengers, indeed child passengers.

That one line in the ICC Chairman's letter did more than anything else I have found during this past year of studying bus safety regulations to convince me that the ICC should be totally stripped of all responsibility it still has in regard to motor vehicle safety.

To elaborate on the ICC ruling in MC-78, the Commission's decision permits commercial buses that are used "exclusively" in the transportation of school children "to and from school" or on trips related to school activities to fall within the purview of the school bus exemption section 303(b) (1) of the Interstate Commerce Act.

The Commission further decided that these commercial buses would not lose their economic exemption—which excuses them from compliance with ICC regulations governing rates, tariff classifications and licensing of carriers—if used for routine commercial bus transportation when not transporting school pupils.

The ICC's reason for permitting such dual usage of commercial buses is to maximize the utility and efficiency of the bus company's fleet of vehicles in order for the company to realize its greatest economic potential. The ICC ruling indicates that it is economically advantageous to the bus company to serve this dual role.

If money making were the sole consideration, and if safety were not involved, the ICC ruling might not be subject to challenge. But safety is a very pressing issue and, consequently the ICC ruling must be challenged.

Clearly, if an intercity bus, without special identifying features such as standard 17 proposed to make uniform nationwide, is permitted to transport schoolchildren, there is no way for an approaching motorist to identify that intercity bus as a schoolbus. On the other hand, if that intercity bus is required to be painted national school bus yellow, to be equipped with flashing red lights and special mirrors, and is labeled "school bus" as standard 17 proposes, then that bus will be readily identified as a schoolbus by approaching motorists and the safety of its student passengers will be significantly enhanced. Because the identification factor would be lost if "yellow buses" were permitted to serve any purpose other than transportation of schoolchildren, standard 17 would prohibit use of a "yellow school bus" for commercial transportation purposes at other times of the day.

Despite standard 17's obvious weakness due to the fact that it is a voluntary standard, it offers real hope that uniform bus safety regulations can be achieved on a nationwide basis. But that hope is dashed, if unmarked commercial buses are permitted to double as school buses on a part-time basis.

It is disappointing that so little coordination exists between the ICC and DOT, as to permit two such diametrically opposite policies to undermine such an important purpose as protecting the safety of the Nation's schoolchildren.

This conflict serves as an open invitation to all those motor carriers which fill the dual roles of transporting commercial and school passengers to lobby within their respective States against the standard 17 safety proposal which would force those same commercial carriers to serve one purpose or the other, but not both.

If the ICC ruling in MC-78 is permitted to stand unchallenged, DOT's efforts to achieve safety in school bus operations will be frustrated.

STANDARD 17

The latest proposal to improve safety standards applicable to school buses takes the form of a series of regulations known as "standard 17" proposed by the National Highway Traffic Safety Administration division of the Department of Transportation.

These regulations, again, are not mandatory. They simply are a series of standards which the individual States may adopt totally or partially or not at all, on a voluntary basis. They do, however, have the potential to achieve uniformity of State safety laws applicable

to school buses if they were adopted by each of the 50 States.

Standard 17 currently is in the hands of Congress where it has been sent for a required 90-day period. During this time, House and Senate committees are afforded an opportunity to review the proposed standards and offer comments to the Department of Transportation.

The review period will expire September 1, 1971. At that time, if there have been no serious objections raised by Congress against the proposed rule, it will become effective immediately. Of course, additional time will pass before the individual States have had an opportunity to review the proposed standard and consider adoption of its features.

Viewed as an important first step in nationalizing school bus transportation safety laws, its objective is to improve State transportation programs by setting uniform requirements for safe and proper equipment, maintenance of equipment, and the selection, training, and supervision of drivers and maintenance personnel. The standard intends to eliminate danger of death and injury to passenger pupils while riding to and from school. The standard does not as yet provide uniform regulations for the transport of pupils on routes other than to and from school.

The amendment has been sent to all States and other concerned parties for comment and criticism. The National Highway Safety Advisory Committee has published a list of suggestions on improving the amendment; these are being carefully considered at the moment.

Under the standard a State agency will be set up, staffed full time by a professional whose sole responsibility will lie with pupil transportation. The agency will be expected to develop its own system for collecting and imparting information regarding the safety of school vehicle operations in accordance with safety program standard No. 10, "Traffic Records."

Specifically, under the standards, the following safety regulations would be enacted:

"Type I school vehicles" (any motor vehicle with motor power, except a trailer, designed primarily to transport more than 16 pupils to and from school, not including buses operated by common carriers in urban transportation of school pupils must abide by the following regulations:

(1) The words "School Bus" must be printed in letters not less than 8 inches high between the warning signal lamps as high as possible without impairing visibility of the lettering from front or rear view. No other lettering may be on the front or rear of the bus.

(2) The bus must be painted National School Bus Glossy Yellow, Color 13432. The hood may be painted lustreless black, Color 37038.

(3) The bumpers must be glossy black, Color 17038 unless covered with retro-reflective material.

(4) The bus must be equipped with a system of signal lamps that conforms to the school bus requirements of Federal Motor Vehicle Safety Standard 108, 49 CFR 571.21.

(5) The bus must be equipped with a system of mirrors that will give the driver a view of the roadway to each side of the bus, and of the area directly in front of the bumper.

(6) The red flashing lights on the bus

will control all traffic around a loading or unloading zone for children.

(7) All school bus drivers must hold a valid state drivers license.

(8) The states shall prohibit by statute all other vehicles from carrying the words School Bus.

(9) All student standee's must be eliminated.

(10) All school buses must be inspected at least semi-annually.

(11) Bus drivers must perform a pre-trip inspection before each trip and the driver must put the defects in writing.

It will be the responsibility of the State agency to see that these regulations are carried out. The agency will also be expected to see to it that all drivers meet physical, mental, and moral standards set up by the agency. It will also see to it that regular inspections and emergency evacuation drills are conducted, and each State shall also develop a plan for selecting, training, and supervising persons whose duties involve transporting schoolchildren.

The standard also provides regulations for seating in the school buses, procedure for stopping and starting the buses en route. The State programs will be evaluated annually by the National Highway Traffic Safety Administration, assuming the standard is accepted by the State, and a written summary will be made of the State experience with the standard and these summaries will be submitted to the National Highway Administration.

The most significant shortcoming of these regulations is their voluntary nature. They will contribute to the safety of school bus operations only if they are adopted by the States and effectively enforced. Like the other voluntary safety regulations discussed earlier in this report, these, too, fall under title 23. The track record for State adoption of title 23 voluntary regulations already has been discussed, and while the results are not totally discouraging the objective of uniform safety regulations is a long way from realization.

My own reactions to standard 17 provisions already have been reported in writing to the Department of Transportation. Certainly, the series of regulations has considerable merit, but that merit will be realized only if they are widely adopted. In several aspects, I believe, standard 17 does not go far enough. My comments, sent to the Acting Administrator of the National Highway Traffic Safety Bureau, were as follows:

I heartily support most of Standard 17, with the exception of the exemption from compliance to school bus standards in the case of transit buses being used in the operation of transporting school children. I agree with the objections to this provision raised by Mr. William Reynolds, Executive Director of the National Association of School Bus Contract Operators before the Subcommittee on Public Roads on May 13.

A double standard has been created, in which students riding on the common urban carriers that double as school buses during peak school transportation hours, do not benefit from the many life-saving signs of identification and safety features that those riding in the common yellow school buses do.

If common urban carriers are to be used in transporting school children due to the lack of available yellow school buses, they should be equipped with flashing yellow lights,

marked with the words School Bus, and most importantly, painted National School Bus Yellow. When urban carriers are used and marked only with the words School Bus, the motorist has great difficulty in identifying them, and consequently might attempt to pass them, greatly endangering the lives of those children in them or crossing the street nearby.

Living in the Lehigh Valley where urban carriers are used to carry school children I have, on occasion, seen motorists who, not recognizing that they were following a school bus, attempted to pass one of these pseudo school buses and nearly injure pupils who were unloading and crossing the street. Similar instances have been reported to me by constituents.

Therefore, I heartily urge you to require that all school buses or urban buses used to transport school children be painted with National School Bus Yellow, and be marked with the other signs of identification that make school buses identifiable to the motorist.

In addition to the above-mentioned reconsideration of the use of urban carriers, I would also like to mention two other suggestions that I would have that might merit inclusion in the final draft of Standard 17.

The first of these, would be to require the Secretary, in conjunction with the representatives of the responsible state agencies to attempt to draw up uniform school bus passing laws. Since, many of the accidents involving school buses occur on highways, one cannot be sure how many might be prevented if out-of-state motorists, unfamiliar with the bus passing laws of the state in which they were travelling, were aware of school bus passing laws that were national, or at least regional in nature.

Furthermore, when school buses are transporting small children it is difficult for motorists to know whether the bus is empty or not. Consequently, the use of low beams on a bus whenever it is transporting children would be an extra signal to motorists that they should proceed with caution when following a bus with its lights on. I have seen this practice in a number of communities and appreciated the additional alert so that I knew that the bus was not merely heading back to the garage, but that it actually contained a number of school children.

Under date of July 2, 1971, Douglas W. Toms, the Bureau's Acting Administrator, advised that my proposal regarding the use of low beam lights when buses are carrying children is under study and that the "double standard" to which I had objected has been corrected. His response follows:

The problem of the double standard referred to by Mr. Reynolds of the National Association of School Bus Contract Operators, has been corrected and vehicles operated by common carriers to carry school children and school personnel exclusively, must comply with the requirements of Standard 17. (See III. Definitions)

Standard 17 takes a big step toward providing uniformity in bus passing laws. Item IIIC3a (5) provides for only one signal, the flashing red warning lights, to control traffic around a loading or unloading school bus. Traffic must stop when this warning signal is operating and may proceed when it is deactivated. With all school buses being uniformly identified by color, the words "SCHOOL BUS," and the red warning lights, an educational program, national in scope, can be mounted to alert the motoring public to its obligation upon meeting or overtaking a school bus which is loading or unloading children. In our congested urban areas it is often safer to load and unload children on the residence side of the street without trying to control the large volume of ve-

hicles around the bus. Traffic engineers have given strong support to the option granted to the States that the red warning lights do not have to be used every time the school bus stops to load or unload children. Where loading can be done in a driveway, at the curb or in an off-street loading area or loading zone, it is better to let the traffic move past the bus without stopping.

Your suggestion about using the low beam headlights when children are aboard is appreciated. I have asked appropriate staff to look into this special use of headlights.

Since my comments originally were submitted to the National Highway Traffic Safety Administration, I have continued my study of the proposed standard 17 and have discovered one additional feature I feel should be revised. I am preparing now to submit comment on that proposal in writing.

Briefly, subsection (b) (3) of the standard 17 proposal would require that a schoolbus driver qualify as a driver under the title 49 motor carrier safety regulations only if he or his employer is subject to those regulations as a common carrier or contract carrier. I believe this subsection should be revised to require that all schoolbus drivers be compelled to qualify as a driver under the comparatively stiff provisions of title 49, whether or not he or his employer now is subject to those driver regulations.

WHAT NEEDS TO BE DONE?

The avenues to correct flaws in the Nation's motor carrier safety laws are virtually unlimited in terms of possibilities. The alternatives are considerably narrowed, however, when viewed in terms of probability.

Schoolbuses could be made vastly safer, for example, if schools or school districts were included to pay a higher price for a schoolbus. Cost-consciousness has been the chief obstacle to the improvement of bus design. Similarly, if schools and school districts substituted better-built intercity-type buses for common schoolbuses to transport school groups to distant athletic events, on school outings or school trips, the transported pupils would be better safeguarded against harm in the event of an accident. But again, cost-consciousness dictates that a cheaper, lightweight bus be the transporting vehicle. It is difficult to justify a local tax increase to the satisfaction of the average taxpayer, even if that increase is the result of higher costs to buy safer schoolbuses.

Many other possible approaches to achieving maximum levels of safety for bus passengers interstate or intrastate run into immediate obstacles associated with practicality or cost. The best approach then, seems to dictate a start with the tools now available and to take steps which will make those tools more effective.

A first step, it seems, is to improve enforcement of the safety regulations which now apply to motor carriers in interstate commerce. A bill I introduced in the 91st Congress and reintroduced in the 92d Congress, H.R. 12, is known as the Motor Carrier Safety Enforcement Act. It has several basic objectives:

It gives the Secretary of Transportation, in addition to the ICC, authority

to revoke or suspend the operating privileges of motor carriers for safety violations.

It applies substantially stiffer fines and penalties for safety violations, to make it economically impractical for motor carriers to risk placing unsafe trucks or buses on the highways.

It relieves DOT of the difficult task to prove "willful intent" in prosecuting safety violations, by allowing DOT to file civil charges in which commission of the violation is sufficient evidence to convict.

Existing fines of \$100 to \$500 for a first offense would be increased to a range of \$250 to \$1,000 while existing fines of \$200 to \$500 for a second offense would be increased to \$500 to \$2,000. Clearly, these fines would make the risk of operating unsafe motor vehicles an expensive one.

Stronger penalties and a transfer of the powers to enforce these penalties or the power to enforce or revoke licenses will not, of themselves, guarantee safety on the highways, but they will help in regulating and enforcing present safety standards. What is needed for the future are uniform and more precise laws that govern all States. Uniform laws can be more easily enforced since all Federal, State, and local enforcement agencies will be enforcing the same standards.

The above concept has been the basic idea of title 23 of the United States Code. The basic weakness of title 23 is that the States have the option of adopting or rejecting the DOT safety regulations.

This basic weakness can be overcome readily, if the Secretary of Transportation were to exercise his authority to cut off 10 percent of the highway construction funds allocation to any State which does not submit to the Secretary an acceptable highway safety program. Clearly, what constitutes an "acceptable highway safety program" should be dictated by the provisions of title 23. Simple exercise of that enforcement tool has the potential to make title 23's provisions the uniform safety code of the Nation, rather than the code of only one-third of the States.

Further, because the title 23 safety standards do apply to local school buses, while the title 49 standards do not, the technique of withholding 10 percent of Federal highway fund allocations to the individual States to force States to adopt title 23 standards would have the additional effect of achieving uniform school bus safety standards nationwide.

Another step which needs to be taken, I believe, is to narrow the ICC interpretation of the words "solely to and from school" to limit common school bus transportation to mean precisely that—"to and from school"—and to exclude the broader interpretation which allows common school buses to travel interstate for school-related activities. This simple change of definition could be accomplished by a ruling of the ICC and without any legislative action. This could occur during reconsideration of the ICC's ruling in Ex Parte No. MC-78 which is discussed below.

In addition, I believe the 1935 Interstate Commerce Act should be amended

to make subject to its safety of operation provisions all carriers of 10 or more passengers except private, personally owned and personally operated automobiles. By so doing, the act's provisions would be made applicable to all manner of private carriers such as schoolbuses, carriers that transport migrant workers, and vehicles used by the military services to transport military personnel. It seems inexcusable that the U.S. Government should transport service personnel in the same lightweight buses which commonly serve as schoolbuses.

This, incidentally, also would subject the Volkswagen bus, when used as a school transportation vehicle, under the act's safety of operation provisions. Consumers Reports announced yesterday that it has rated both the Ford and VW bus wagons as "not acceptable" because they provide "grossly inadequate" crash protection.

As discussed in a separate section of this report, the ICC ruling in Ex Parte No. MC-78 threatens to undermine the new DOT-proposed standard 17 code of safety regulations for schoolbuses. My staff is working now to develop a petition to be filed with the ICC during reconsideration of the MC-78 ruling. The objective of the petition will be to point out how the schoolbus safety functions of DOT will be frustrated if the ruling is allowed to stand.

I expect to ask that the ICC prohibit the use of any bus as a schoolbus unless that bus conforms fully to the safety requirements of standard 17, including its requirements for identifying color, markings, and safety equipment and also to require that schoolbuses register under the convenience and necessity provisions of the ICC act. By so doing, commercial carriers that operate as schoolbuses will find no advantage in urging the individual States to reject portions of standard 17.

In addition, the use of common school buses for high-speed interstate travel would be halted except in those instances when a school or school system can demonstrate that their bus service is a convenience and a necessity which is not available through other bus services. The net effect will be to restrict the lightweight school bus to local transportation of children on local roads at relatively low speeds.

Another desirable change in present law would expand the applicability of DOT safety regulations to cover all motor carriers of passengers that go interstate, except personally owned vehicles that are used for personal transportation. This added authority would allow DOT to regulate all carriers of passengers in interstate commerce, and promulgate mandatory safety standards under title 49 for all carriers of passengers that travel interstate.

My review of the scope and impact of safety regulations during the past year served to point up a number of specific safety standards which, if strengthened, could make significant contributions to the achievement of highway safety. Among these are qualifications for drivers' licenses, inspections standards, a more-detailed accident reporting sys-

tem and establishment of safety performance standards to achieve uniformity of vehicle inspections. One approach to the latter need would be to license all inspection and repair facilities to insure a high level of competence.

Obviously, the ultimate objective of uniform safety standards and uniform inspection standards is to achieve a situation in which a vehicle inspection conducted anywhere in the country would satisfy the safety standards in any other part of the country. To achieve that objective, the existing practice of permitting carriers to inspect their own vehicles must be discontinued.

During the course of this study it became apparent that authority now exists for the Department of Transportation to institute licensing of all drivers who operate trucks or buses interstate. Officials of the Bureau of Motor Carrier Safety indicated that it is impractical now to attempt to license the more than 2 million bus and truck drivers in that category. As an alternative, I proposed several months ago that DOT initiate licensing only for some 30,000 bus drivers who transport passengers interstate. Although the DOT response rejected the proposal, I intend to explore further what I still am convinced is a real need for such a licensing program.

In conclusion, I do not propose to hold up this report as a cure-all for the problems associated with unsafe drivers operating unsafe vehicles over unsafe roads at unsafe speeds. I do hope, however, that it and the steps I plan to take in the weeks ahead will serve to prompt far greater consideration of unmet safety needs.

If we are to continue to make positive advances to achieve greater safety on our highways, we cannot do so if appropriations adequate to the task are not provided. The recent \$12 million cut of the appropriation requested for the National Highway Traffic Safety Administration in fiscal 1972 is not an answer. Instead, it is part of the problem.

ANDREW JACKSON DAY IN PENSACOLA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, Pensacola, always a source of rich and interesting historic data, will observe a very important date on July 17th. It is Florida's sesquicentennial as a part of the United States. Ceremonies lasting throughout the weekend will commemorate the date a century and a half ago when Andrew Jackson accepted the transfer of the sovereignty of Florida from Spain to the United States in Ferdinand Plaza.

Planning for the program is under the able direction of Pat Dodson. He is chairman of a committee composed of interested citizens from historical groups, education, government and civic organizations. Mr. Dodson has a long and outstanding record of leadership contributions to Pensacola and Florida.

When General Jackson's American troops hoisted the 23-star emblem of the budding American union, it marked the beginning of General Jackson's career as governor of the new territory with Pensacola as the territorial capital. He had demonstrated great leadership in public office and in war. His exciting victory over the British in New Orleans had set him well on the course which was to make him President within a few short years. He was not new in Pensacola. Twice before he had been there as the leader of victorious forces once when he was en route to New Orleans, and once in his campaign against the Indians. He had continued to play a significant part in the steps which finally led to the acquisition of Florida by the United States for the sum of \$5 million. We did not pay Spain any money—we just gave them credit for what we claimed they owed us. It was probably the best real estate deal in history.

Andrew Jackson's time in Pensacola was short, but it linked him for all time with this exciting and growing part of the Nation. It is very appropriate that the events of the weekend culminate on July 17th in the Jackson Day program. Pensacola's 150th anniversary as a territorial capital is the story of a rich and appropriately rewarding chapter in our Nation's progress.

It is interesting to recount some of the stories which have come down to us about Florida at the period when it became a part of the United States. At that time, Florida had a population of less than 8,000, including Negro slaves. Pensacola was one of the outstanding cities of the area, but by American standards was clearly of the frontier variety, in the nature of Dodge City, Laramie, Cheyenne, and other Western outposts of a later day. During the War of 1812, Pensacola was entered in force by British agents, Indians, and runaway Negro slaves working for the British. Raiding parties operating out of Pensacola warred against American outposts in southern Georgia, until Gen. Andrew Jackson led a force against the city in November, 1814, at which point the British withdrew. Operating without British assistance, Indians and Negroes continued to raid the Georgia hinterlands until 1818, when Jackson once again descended on Pensacola, seizing the place, and establishing a military government.

Severe criticism was directed at General Jackson for invading the territory of a nation with which the American Government was at peace. But Spain was told that West Florida would be returned when sufficient Spanish troops were sent to insure law and order and the end to filibuster operations. This was arranged in 1819 and the province was surrendered. In 1821, with the transfer of Florida to the United States, Andrew Jackson became provisional governor of the territory.

As Governor, Jackson has been described as a man of "active and vigorous mind, anxious to promote the prosperity of the province—his urbanity and other amiable qualities render him accessible to the meanest individual, and justice is sure to follow an appeal to his decision."

In support of the garrison and civil officials were the mercantile establishments, inns, and taverns of the town; the gardeners, hunters, and fishers who brought in produce for sale; and the planters and ranchers of the outlying areas. A visitor to St. Augustine in 1819 wrote:

The whole of this society is extremely courteous to strangers: they form one family, and those little jealousies, animosities and bickerings, so disgraceful to our small English communities, do not sully their meetings of friendly chitchat, called as in Spain *turtulias*. The women are deservedly celebrated for their charms; their lovely black eyes have a vast deal of expression, their complexions a clear brunette; much attention is paid to the arrangement of their hair; at mass they are always well dressed in black silk *basquinas* (petticoats) with the little mantilla over their heads; the men in military costumes: good order and temperance are their characteristic virtues.

Dancing was a favorite amusement. Balls were frequent, and were generally opened with minuets by the older couples, "succeeded by the younger couples displaying their handsome light figures in Spanish dances." At carnival times the residents received masqueraders in their homes, and balls were in progress over the town.

Probably a less popular amusement, at least to the parties concerned, were the "Sherivarees of idle people, who dress themselves in grotesque masquerade, whenever a widow or widower are married. They often parade about the streets, and play buffoon tricks for 2 or 3 days, haunting the residence of the new married pair, with noise and riot, until they can be bought off with money or whiskey."

As in many Latin communities with a military flavor, games of chance were popular. Considerable time was whiled away and countless wagers were settled after battles of game cocks in the cock pit. Dog fights, bull baiting, and bull fighting were other sports that attracted the soldiers and townspeople. A visitor to Cowford, in 1819, stopped at a "grog shop, where we met several graziers—farmers—and woodsmen gambling and drinking. This rencontre was rather agreeable than otherwise. The night was passed in noisy mirth, drinking, and gambling, vices too prevalent."

Hunting and fishing, besides providing additional variety for the table, were also popular as pastimes. Referring to the life of the planter, a traveler noted:

If he is fond of hunting, he has game in profusion; does he shoot, the woods abound with wild fowl of various descriptions, and the alligators . . . afford the finest amusement for his adroitness with the rifle.

Pensacola, with its heritage of both Spanish and French influences, suffered from government waste and inefficiency in a way that we can easily sympathize with today. A French traveler wrote that the 500 soldiers stationed there were:

So far from being effective, they do not in reality amount to more than 200.

As at St. Augustine, the employees included treasurers in the commissaries, storekeepers, and many subalternate officers whose principal function was to receive their pay. The traveler complained:

One pays customs officers who have nothing to visit and nothing to register; carpenters, joiners, caulkers, ironwrights, and the whole equipage of a navy even to a port lanter, and the navy of the governor consists of a single sloop without a deck. In the government stores, the employees are kept busy by moving the things out and then replacing them—the perquisites are even more than the salary; these abuses are so ordinary they do not take the trouble to hide them.

On the morning of July 17, 1821, General Jackson and his escort rode into Pensacola to the strains of a military band. Passing between Spanish and American guards drawn up in the square, the party entered the Government House, where the formal transfer took place. Then, in the words of Mrs. Jackson:

His Catholic majesty's flag was lowered, and the American hoisted high in air, not less than a hundred feet.

Mrs. Jackson noted sympathetically that many of the old Spanish residents burst into tears as their flag came down. But the good lady had been so shocked by the way in which the Sabbath was profaned with gambling, dancing, and fiddling that she added, "Really a change was necessary." To please his lady, one of the general's first official acts was the issuance of an ordinance to insure a more decorous observance of the Sabbath.

Jackson set about the real business of organizing the government with characteristic energy. He divided Florida into two counties, Escambia and St. Johns with the Suwannee River as the dividing line, provided for the naturalization of foreigners, published ordinances for the government of Pensacola and St. Augustine, and appointed their mayors and aldermen.

However, Jackson's days in Florida were numbered. Disappointment in the failure of President Monroe to approve his recommendations of friends for subordinate offices in the Government, poor health, and a series of tumultuous quarrels with former Spanish officials over land and property claims, led the general to call the Florida sojourn "a wild goose chase." On October 5, 1821, just 8 months after his triumphal entry into Pensacola, General Jackson wrote to inform the President of his resignation. He left, however, a prophecy, which has been fulfilled today beyond his wildest dreams.

He wrote:

Pensacola is crowded and it is impossible under existing circumstances that any business can be profitable, altho I have no doubt Pensacola will rise into notice as a commercial city faster than any other place in the United States, but it will take time for the necessary capital to concentrate there; and many in the first instance will go off dissatisfied. A great field is now open to the real capitalist, and real property well situated must in a few years become very valuable.

Surely his vision included the whole of our great State, whose territorial heritage with its rich combination of frontier, plantation, and elegant colonial influences comes down to us today.

It is interesting to note that many descendants of the families who lived in the Pensacola area 150 years ago still

reside there and take an active part in civic and business enterprises. Heirs of the original families will be presented medals during the ceremonies of July 17. Among the families identified as having been established in Pensacola before the American flag was raised there include Bobe, Bonifay, Brosnaham, Caro, De la Rua, Farinas, Fernandez, Gomez, Gonzalez, Hernandez, Maura, Morena, Quina, Riera, Rosique, Touart, Villeneuve, and Yniestra. Many have had prominent roles in city and State governments. Andrew Jackson was a guest in Pensacola in the Brosnaham and Gonzalez homes. A member of one of these families, Ashton Brosnaham, is well known as the postmaster at Pensacola and as a successful businessman.

SALE OF MILITARY EQUIPMENT TO ISRAEL

(Mr. WALDIE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WALDIE. Mr. Speaker, I am very concerned over the possibility that the delay in approval of an agreement for the sale of military equipment, presumably Phantom jets, to Israel is being delayed in an effort to force her to agree to a peace settlement which is not in her best interests.

Although I hope such allegations are false, I cannot help but be concerned by the possibility that there is more than a grain of truth in those statements.

I not only believe there should be no "imposed peace" in the Middle East, I, also, believe it is unwise and against all we purport to have by a way of friendship with our most staunch ally in that part of the world, to withhold the military equipment necessary for her survival in exchange for our brand of peace. I, also, believe it is presumptuous on our part to think we know better than does Israel as to what constitutes grounds for a lasting peace.

We are certainly not furthering the cause of peace by allowing Israel's enemies to grow stronger daily with arms shipments from the Soviet Union while we blackmail her into submission. I have sent the following letter to President Nixon urging his approval of an agreement to provide Israel with all she deems necessary for her defense. I urge my colleagues who feel as I do to follow suit.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 13, 1971.

THE PRESIDENT
The White House
Washington, D.C.

DEAR MR. PRESIDENT: I have been extremely concerned and disturbed by the delay in approval of an agreement for the sale of military equipment to Israel.

I have been especially concerned since recent allegations claim that this delay is deliberate in order to pressure Israel into accepting a peace settlement she might otherwise deem not in her best interests to enter.

I strongly protest any further delay in this matter and urge that you direct the approval of any supply of military equipment Israel may request as necessary for her defense and security.

My position is based on three assumptions with which I believe you will agree.

First, Israel is the best judge of what is necessary to maintain her defenses and to deter the growing military strength of her surrounding Arab enemies.

Second, the usual long lag between the time an agreement is finally reached and armaments are delivered will add to Israel's danger and enhance the chances for renewed hostilities.

Third, the security of the United States and the Free World are inextricably involved with the security and survival of Israel.

I, therefore, urge your immediate and personal attention to the prompt approval of aid to our staunchest ally in the Middle East as the course of action in the best interests of the United States.

Sincerely,

JEROME R. WALDIE,
United States Congressman.

TAX DEDUCTION FOR BLOOD DONATIONS

(Mr. WALDIE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WALDIE. Mr. Speaker, I have today sponsored legislation to allow a \$25 tax deduction for blood donations to encourage the public to donate blood to nonprofit blood collecting organizations.

At present, the Internal Revenue Service recognizes blood donations as a "service" which is not deductible, rather than "property" which is. While someone can take a tax deduction for a \$25 monetary contribution to the American Red Cross he cannot take a deduction for the pint of blood he gives them. I view this as inconsistent with the purpose of the charitable provision in our tax code which encourages contributions to nonprofit organizations serving the public interest.

Another need for this legislation is to prevent the proliferation of commercial blood banks which attract persons who do not meet the minimal health standards but which are flourishing because of a shortage of whole blood and voluntary donors.

This bill would, therefore, not only increase the quantity and improve the quality of available blood, but also give a tax deduction to public-minded citizens who donate blood and thereby contribute to the public welfare.

The text of the bill follows:

H.R. 9860

A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 170 of the Internal Revenue Code of 1954 (relating to deduction for charitable, etc., contributions and gifts) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

"(1) BLOOD DONATIONS.—

"(1) IN GENERAL.—For purposes of this section, a donation by an individual of his own blood to an organization described in subsection (c) shall be considered to be a 'charitable contribution' of such individual in an amount equal to \$25 for each pint donated.

"(2) LIMITATION.—The aggregate amount of any individual's charitable contributions described in paragraph (1) which may be taken into account in determining the deduction allowed a taxpayer under this section for any taxable year shall not exceed \$125."

SEC. 2. Section 62 of the Internal Revenue Code of 1954 (relating to the definition of adjusted gross income in the case of an individual) is amended by adding after paragraph (9) the following new paragraph:

"(10) the deduction allowed by section 170, to the extent attributable to charitable contributions of the type described in subsection (1) thereof."

SEC. 3. The amendments made by this Act shall apply only with respect to blood donated on or after the date of the enactment of this Act.

TAX STATUS OF CHARITABLE ORGANIZATIONS

(Mr. WALDIE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WALDIE. Mr. Speaker, I am today introducing legislation to amend the Internal Revenue Code to allow charitable organizations to present their views to Congress without losing their tax-exempt status.

Under a 1962 amendment, business associations may carry on lobbying activities and remain tax exempt. But charitable and public interest groups become subject to taxation for "carrying on propaganda or otherwise attempting to influence legislation." This bill would tend to equalize the taxation factor by giving public-interest groups the same lobbying privileges as business associations.

It would permit certain charitable and educational organizations which qualify as tax exempt under section 501(c)(3) to communicate directly with the Congress and with State legislatures to effect legislation of direct interest to the organization.

The bill would not, however, allow tax exemptions for lobbying the public or for participation in political campaigns. It does not affect private foundations or change their status as defined in the Tax Reform Act of 1969.

This proposal is necessary if we are to have adequate information to evaluate legislative proposals. We must have equal access to the views of all associations legitimately concerned with the matters we are called upon to decide, whether they be from the business or labor community, ecology groups, groups promoting health programs and research, education groups, and any other charitable, public service organization.

The groups are among the most valuable sources of information and opinion that a Congressman has. They are often intimately aware of the implications of the legislation in their particular field. It is unreasonable that Congress be expected not to have the benefit of their views.

Senator MUSKIE, who introduced this legislation in the other body, received a letter from the Indian Rights Association which commends him for this proposal. I include this letter in the RECORD, along with a text of the bill:

INDIAN RIGHTS ASSOCIATION,

Philadelphia, Pa., June 7, 1971.

Senator EDMUND S. MUSKIE,
The Senate Office Building,
Washington, D.C.

DEAR SENATOR MUSKIE: As President of a tax-exempt organization whose purpose is to defend the rights of a minority people, I wish to express my great appreciation to you and the other sponsors of Bill S-1408.

Under present restrictions Indian people on reservations whose whole way of life is governed by Federal legislation, are denied the aid of such organizations as The Indian Rights Association in the halls of Congress in their efforts against the powers of big business and organized groups whose objectives are generally ones of obtaining sanctions for personal gain at the expense of the rights and welfare of the Indians.

This proposal of yours involves one of the fundamental principles of democracy: all citizens and all groups of citizens should have an equal chance to be heard in the Councils of Congress.

I wish you well in forwarding this bill and hope you will let us know if we can assist you in any proper way—in attaining the passage of this bill.

Sincerely yours,

THOMAS WISTAR, JR.,
President.

H.R. 9837

A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax exempt organizations to engage in communications with legislative bodies, and committees and members thereof

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 501 of the Internal Revenue Code of 1954 is amended by redesignating subsection (f) as subsection (g) and inserting after subsection (e) the following new subsection:

"(f) APPEARANCES, ETC., WITH RESPECT TO LEGISLATION.—

"(1) IN GENERAL. In the case of an organization described in section 509(a) (1), (2), or (3), none of the following activities shall be deemed 'carrying on propaganda, or otherwise attempting, to influence legislation':

"(A) appearances before, submission of statements to, or sending communications to, the committees, or individual Members, of Congress or of any legislative body of a State, a possession of the United States, or a political subdivision of any of the foregoing with respect to legislation or proposed legislation of direct interest to the organization; or

"(B) communication of information between the organization and its members or contributors with respect to legislation or proposed legislation of direct interest to the organization.

"(2) MATTERS OF DIRECT INTEREST.—For purposes of paragraph (1), matters of direct interest to the organization are those directly affecting any purpose for which it is organized and operated.

"(3) LIMITATION.—Paragraph (1) shall not apply to any attempt to influence the general public, or segments thereof, with respect to legislative matters, elections, or referendums."

SEC. 2. Section 170(c) of such Code is amended by adding the following new sentence at the end thereof: "As used in subparagraph (D) of paragraph (2), the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation shall be subject to the exception set forth in section 501(f)."

SEC. 3. Section 2055(a) of such Code is amended by adding the following new sentence at the end thereof: "As used in paragraphs (2) and (3), the phrase 'carrying on propaganda, or otherwise attempting, to in-

fluence legislation' shall be subject to the exception set forth in section 501(f)."

Sec. 4. Section 2106(a) (2) (A) of such Code is amended by adding the following new sentence at the end thereof: "As used in clauses (ii) and (iii), the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation' shall be subject to the exception set forth in section 501(f)."

Sec. 5. Section 2522 of such Code is amended by redesignating subsections (c) and (d) as subsections (d) and (e) and inserting after subsection (b) the following new subsection:

"(c) CARRYING ON PROPAGANDA, OR OTHERWISE ATTEMPTING, TO INFLUENCE LEGISLATION.—As used in paragraph (2) of subsection (a) and in paragraph (2) and (3) of subsection (b), the phrase 'carrying on propaganda, or otherwise attempting, to influence legislation' shall be subject to the exception set forth in section 501(f)."

Sec. 6. These amendments shall be applicable to taxable years beginning after the date of enactment thereof and to estates of decedents dying after the date of enactment thereof.

CHAPTER XIII—CHILDREN AND YOUTH AND MATERNAL AND INFANT CARE PROGRAMS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, this is the 13th in a series of articles on children and youth and maternal and infant care programs. Support for H.R. 7657, as amended, is increasing. The bill which would extend for an additional 5 years the children and youth and maternal and infant care programs which are now slated for oblivion as of June 30, 1972, has at this time 87 cosponsors in the House and 17 in the Senate.

There are at present 59 regional children and youth programs with additional satellites and 56 maternal and infant care programs in existence delivering comprehensive health care to almost half a million children and youth of lower socioeconomic levels in central cities and rural areas. These projects represent one of the major reservoirs of experience in comprehensive health care today, especially to the poor children of the country.

I have received from the directors of these programs descriptions of the programs in their community and what it would mean if their particular program were terminated. To give our colleagues an insight into these programs, I am placing in the RECORD descriptions of six children and youth programs.

The material follows:

CHILDREN AND YOUTH PROJECT No. 624, DENVER, COLO.

Extension of federal legislation authorizing and funding Children and Youth Projects is vital to a health care delivery system in Denver. This system—Denver's Neighborhood Health Program—is bringing comprehensive, continuous health care to more than 100,000 of the city's low income people, 45,000 of whom are children and youth.

The Neighborhood Health Program consists of a network of 10 decentralized facilities, a new general hospital, a public health department and a visiting nurse service which are making quality health care easily accessible and available for the first time to residents of the city's low income areas. The program is supported by a variety of fed-

eral grants, with the \$945,000 Children and Youth grant representing a significant share of the total resources.

Emphasis in the Denver health program has been on providing family-centered, comprehensive health care for patients of all ages. However, the importance of pediatric care in the program is indicated by the fact that 45,000 of the 104,000 patients are under the age of 18.

Although episodes of acute illness usually are the initial impetus which prompt mothers to bring their children to the health program for care, services provided for the children constitute a comprehensive program of health maintenance. Pediatric patients receive well-child check-ups, which include history taking, complete physical examination, immunizations, urinalysis, blood tests for anemia, dental screening, hearing tests, vision tests and developmental screening.

Children requiring more complex and specialized treatment than that economically available in neighborhood facilities are referred to pediatric specialty clinics at Denver General Hospital, which is an integral unit of the Denver Department of Health and Hospitals, the administering agency of the Neighborhood Health Program. Dental services are available at the two neighborhood health centers and at Denver General. Nutritionists are stationed at all facilities for consultation with families of any child who has a dietary problem. Services of a social worker and family health counselor are utilized in cases where an adverse family environment is hampering the child's health or development.

Children with serious developmental problems are referred to the Development Evaluation Center in the Denver General complex. This center, funded directly from the Department's Children and Youth grant, offers services of a multi-discipline team which seeks to pinpoint the cause or causes for a child's developmental difficulties and, if the cause cannot be resolved, to recommend a training or teaching program to fit the child's abilities.

In addition to these health care functions, Neighborhood Health Program staff members also are participating in a number of group activities designed to improve the quality of life for target area children. The groups range, according to the needs of the neighborhood, from a class in which nurses teach mothers how to enjoy their babies to a recreational group for small children with learning and perceptual problems to teen clinics where young adolescents can receive advice about drugs and other problems as well as direct medical care.

The Denver Neighborhood Health Program has served as a proving ground for a new nursing role which will have significance in health care throughout the country. Public health nurses who have completed four-month postgraduate courses at the University of Colorado Medical Center work as pediatric nurse specialists in program facilities, relieving pediatricians of time-consuming duties of history taking, physical evaluation and anticipatory guidance for mothers.

Effect of the Denver Program on health conditions in the city's low income areas is perhaps best illustrated by the marked decrease in the target area infant mortality rate. In 1964, before the health program started, the infant mortality rate in the city's lowest socio-economic census tracts was 34.2 deaths per thousand live births. By 1969, the rate had declined to 21.5—a figure no longer statistically different from the rate in more affluent parts of town.

Denver's Neighborhood Health Program, a health maintenance organization in all respects, is making a significant impact on the health conditions which traditionally plague low income urban neighborhoods. Continued federal support for projects such as the Children and Youth Programs is es-

sential to the continued success of this unique health care delivery system. Because loss of the Children and Youth grant would have a negative impact on Denver's ability to deal with the health problems of its low income citizens, we urge the extension to 1977 of federal jurisdiction over Children and Youth projects.

CHILDREN AND YOUTH PROJECT No. 645, NEW YORK, N.Y.

Since 1968, the program has been attempting to meet the health needs of the children and youth of the west mid-town area of Manhattan (42nd to 86th streets and from 5th Avenue to the Hudson River).

Our primary responsibility is to the 15,000 children residing in our area of responsibility, as well as to the 10,000 children attending school in our area, but not living here.

In order to accomplish this task, the following working hypothesis was proposed:

1. The multidisciplinary health team approach would be the most effective method of delivering comprehensive health care to our population.

2. It would be feasible and efficient to train and utilize community residents to serve as allied health workers (paraprofessionals) on these health teams—both intra and extra clinic.

3. A scheduled one visit total health assessment or reassessment would offer the most efficient and patient-acceptable means of assessing the health needs of our total population.

4. The application of modern EDP methods to the following ambulatory care functions would seem appropriate:

a. A method of patient scheduling
b. A complete patient profile—instantly retrievable

c. The capability to generate the mandated quarterly reports

d. To support program planning and research with retrievable epidemiologic and demographic data.

Our goal was to complete a total health assessment and reassessment on all 15,000 patients by 1972.

A final major objective was to establish a viable Home Care Program, specifically designed to:

A. Decrease the period of hospitalization of those patients that could convalesce in the home rather than the hospital.

B. To prevent the hospitalization of those patients identified in our ambulatory service that could have their acute illness cared for in the home with reasonable safety. This service required the use of a station wagon, a full-time driver, one full-time public health nurse, and one half-time physician.

A major group of high risk patients, that had not been identified in our original demographic survey, has required a significant allocation of our limited resources. These are groups of families, usually welfare recipients, that are being "temporarily" housed under the most unsafe, unsanitary and unwholesome conditions. This disgrace is now being exposed in the mass media as the "Welfare Hotel" crisis. There are 13 such hotels in our district. This population represents approximately 1,100 children, mostly A.F.D.C. Although these facilities are said to be transient, many families remain in them for over a year. Although the average length of residence is four months, quite commonly these people move from one hotel to another. Given our present resources, we will be hard-pressed to continue even the minimal service we are now delivering to this high risk population.

The statistics are most encouraging. In the three years, 1968, 1969, 1970, our total visits have increased from 18,336 in 1968, to 30,936 in 1969, to 37,654 in 1970. It is predicted that in 1971 visits will be in excess of 50,000 visits. Another interesting statistic is that our teeth filled figure is four times our teeth extracted figure, pointing up the fact that pre-

ventive dentistry is a fact of life for our patients. Previously, before the C&Y's, the child and youth population of this socioeconomic group had more teeth extracted than were filled.

In summary, the commitment to deliver comprehensive health care to eligible children and youths in our area entails a commitment to the health care of their total families. Thus, our outreach activities have a significant impact on the other services of the hospital. The critical issue at this time is our ability to cope with the increasing demands for our services due to the deteriorating and unstable economic situation in our community. The rising welfare rolls will cause many families who previously could afford private care, to seek an alternative, and in many instances, our program is their choice. Of course, the urgency of the situation is that this demand is rising at a time when our fiscal resources are dwindling.

**CHILDREN AND YOUTH PROJECT NO. 602-3,
ALLSTON, MASS.**

C&Y Project 602-3 comprises the entire health services provided by St. Elizabeth's Neighborhood Health Center operated at Storrow School in Allston. At the hospital itself in Brighton, C&Y pediatric services are provided under the direction of the Storrow School operation and maternity services are provided separately under the Maternity and Infant Care program.

Multidisciplinary pediatric care, including medical, social, nutritional, and psychological, is provided for at both Storrow School and the hospital. It is presently planned to add dental care in the near future. Services provided are family-oriented with consideration given to community social and economic factors. While the population served is low-income, it is not poverty-stricken. It is presently 80 to 85% white, which majority seems to be evidencing a slight but steady increase in non-English speaking immigrants, including Greek, French, and Spanish-speaking.

Current total registration in Project 602-3 is 2,228 of a potential target population of 18,000 children 0 to 21 years old (1960 census). While the registration continues to increase steadily at an average rate of about 200 to 250 new registrants per quarter, the limited funding for Project 602-3 precludes the possibility of more significant expansion. Nevertheless, loss of C&Y services would represent a serious hardship to the several hundred families presently participating in the program. Progress has been made in developing the understanding of preventive and comprehensive health care and appreciation of the value of such health concepts over the traditional concept of crisis intervention afforded by hospital out-patient departments and emergency rooms, to which our families would have to revert for their health care should they lose C&Y.

**CHILDREN AND YOUTH PROJECT NO. 609,
BALTIMORE, MD.**

This Project, at Johns Hopkins Hospital covering an estimated 19,000 population in East Baltimore from birth through 18 years of age, operates on a yearly budget of \$1,938,900 (\$1.4 million federal funds, \$496,000 local match). As can be seen from this summary, 17,000 children have been enrolled into a system of comprehensive health care during the 3½ years of project operations.

The most significant and salient features of this Project as contrasted to Title XIX Medicaid Programs are:

1. A fixed predictable cost per year set by the granting agency.
2. Particular emphasis on upgrading and maintaining health status in an entire population rather than concentrating on the treatment of acute and episodic illnesses.

3. Measurable, and accountable, objectives related to preventative services (immunizations, nutrition education, TB surveillance); and related to screening procedures for detection of specific disorders (tuberculin testing, lead poisoning screening, vision screening, hearing screening, screening for anemias, and for silent urinary tract infections).

4. Large efforts directed toward bringing the patient into the health service system; and the system to the patient (so-called outreach activities).

5. Provision of services designed to coordinate and optimize other local activities in health related areas (recreation, education opportunities, employment opportunities, improved housing).

6. The opportunity to develop and evaluate new roles for health professionals and paraprofessionals so that health services may be adequately distributed in the face of an increasing man power shortage.

It has been the experience in our Project, as in others, that as time is gained in this type of health delivery model, the individual Projects become progressively more efficient in the utilization of personnel and other resources. This has allowed, up to certain critical points, for increased patient enrollment to take place without increased grant expenditures.

It is obvious that health services of this comprehensive pattern directed to poverty areas cannot, no matter how efficient they become, be supported by the buying power base of the recipient population. Such Programs will have to be funded through governmental, most probably Federal, resources. In the forthcoming discussions relative to the amount and form of Federal support for health programs for all age groups, we earnestly urge your consideration of the Children and Youth Project Model as an instrument of health service which is economically sound and acceptable to both the recipients and the providers. Certainly the principles can be applied to the population over 18 years of age.

**CHILDREN AND YOUTH PROJECT NO. 604,
KANSAS CITY, MO.**

The Children and Youth Project No. 604 of Children's Mercy Hospital was established in 1966. Consistent with the legislation for the project, it was designed to extend services to the disadvantaged children of the Inner-City of Kansas City. We feel it has made a substantial impact in meeting the objectives and purposes of the legislation in making services to disadvantaged children more available, accessible, and continuous.

Since its inception, our Children and Youth Project has identified, treated, and given comprehensive care to over 24,000 new children in the Inner-City area, who had no firm relationship with personal health services, prior to our project.

The Children and Youth Project has provided not only extended emergency services, and out-patient clinic services at the Children's Hospital, but has provided an important linkage in coordination of health services in the Inner-City, relating to the Visiting Nurse Association, School Health Programs, and the establishment of a neighborhood health clinic. Over 83,000 screening procedures have been instituted in the Inner-City schools each year, which had not been known to them previously. These included vision, and hearing test, as well as general health assessments, and up dating of immunizations.

Significant data has been revealed by this project. During the first eighteen months of the project, one out of four children needed further diagnosis and treatment as an out-patient. One out of eight children needed hospitalization for medical or surgical illness. Over the past five years (through ap-

propriate coordination and extended services, with emphasis on preventive care) the ratio of children needing hospitalization has changed from one in eight (originally) to one in seventeen. This certainly suggests a positive impact in providing comprehensive care, with special emphasis on early diagnosis and prevention.

We feel the Children and Youth Project in Kansas City, is essential to continue to provide a most important service for disadvantaged children and youth. While personal health services include medical, surgical, and dental care, the children and youth project also includes important paraprofessional and disciplines, that were previously not available. These include Public Health Nursing, Nutrition, and Social Service. Many specific projects have been developed as an out-growth of the services, which include Toxicology services and poison prevention, as well as treatment of children with emotional disturbances, and rehabilitation programs related to speech and hearing.

Loss of our Children and Youth Project would be a severe blow to the Kansas City community and specifically to the children. We feel that this project, as well as children and youth projects throughout the country, have demonstrated a very effective means in delivering comprehensive health care. We are very hopeful, that the Congress will see fit to extend the authorization to continue these important programs.

**CHILDREN AND YOUTH PROJECT NO. 628,
BROOKLYN, N.Y.**

The name "C.A.T.C.H." is an acronym which stands for Comprehensive Approach to Child Health. It was funded in February 1967 by a grant to The Jewish Hospital and Medical Center of Brooklyn from the Children's Bureau of Health, Education and Welfare under Title V of the Amendments to the 1965 Social Security Act.

C.A.T.C.H. is located in the Bedford-Stuyvesant section of Brooklyn, New York, an area in which over 450,000 people live and where there are fewer than 100 practicing private physicians. It is a neighborhood chiefly populated by Blacks and Puerto Ricans and approximately 60% of the population receives some form of Social assistance.

The health-care facilities for the children in Bedford-Stuyvesant were limited to Health Department Well Baby Stations, hospital Emergency rooms and Clinics which provide episodic care. The establishment of a C&Y Program was intended to give a full spectrum of Comprehensive Child Care Service to families who are considered to be "high risk" because of the poverty and dire social circumstances in which they live.

Comprehensive care is defined by our project as a "continuous and multi-disciplinary care system involving Pediatrics, Dental Services, Mental Health, Public Health Nursing, Social Services, Nutrition, Speech and Hearing, Special Education, Community Organization, and Recreation. It is our aim to help children to reach and maintain their optimal level of health and to that end, we involve ourselves in all of the facets of their lives which could affect their health.

Continuity of care is accomplished by assigning a health team to each family. The team consists of a Doctor, Public Health Nurse, Social Workers, Aide, and other disciplines which are appropriate for the problems of the family. Thus each family is familiar with the members of the team and each team member is involved in the family's problems. This provides a personal relationship with Doctors, Nurses, which most of our families have not had previously.

Emphasis is placed on preventive medicine and education as well as acute and long term care. Each visit includes a parent-public health nurse conference which serves to

point out the advantages of preventive health care and to teach the mother the means of accomplishing these aims. Great stress is laid on interpersonal relationships between the staff and the community. Each patient is treated with respect, dignity and concern.

Seventy percent of our patients have never been to a dentist and extensive dental care is required by almost all of our registered children. This, as well as all types of medical care, including specialty services, is furnished without charge.

Each child receives a complete health assessment which includes vision, hearing and speech testing and screening for Sickle-Cell disease, lead poisoning and tuberculosis.

During the year 1970, there were 33,150 patients visits to C.A.T.C.H. 145 children were hospitalized for a total of 1,882 patient-hospital days. In the early months of C.A.T.C.H. Program, a Community Health Committee was formed by parents of C.A.T.C.H. Registrants and other interested community residents. From this committee we have learned of the needs and desires of the residents and we have also used it as a forum for seminars, round table discussions and lectures on health problems. Members of the committee attend the C.A.T.C.H. bi-weekly Department Head Meetings and participate in policy making decisions and discussion of all problems. The community has whole heartedly participated in such activities as the Anna Health Fair, Play Street Supervision, writing letters to Congress in Support of the C&Y Programs etc.

At present there are 4,500 children in 1,700 families registered in the C.A.T.C.H. Program. They have expressed their enthusiasm for the program in unsolicited letters and in their overwhelming approval as shown by their response to an anonymous questionnaire requesting their opinions and attitudes on the Health Care given to their children by C.A.T.C.H. If the C&Y Programs were to be discontinued, they would be deprived of the comprehensive, continuous and personalized health care on which they have come to depend, and which they so sorely need.

TAX EQUITY FOR SINGLE TAXPAYERS

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

Mr. KOCH. Mr. Speaker, today 11 of our colleagues are becoming cosponsors of H.R. 850, my bill to give tax equity to unmarried taxpayers. This brings the total House sponsorship to 133 Members. The bill also has been introduced in the Senate by Senator RIBICOFF, HUMPHREY, and NELSON.

I am pleased to be able to add that hearings are expected on H.R. 850 by the House Ways and Means Committee in the first week in August.

It is essential that we establish a uniform rate structure for all taxpayers and end the tax penalty imposed on the unmarried taxpayer. H.R. 850 establishes one tax table applicable to all.

Enactment of H.R. 850 will benefit over 30 million taxpayers who are now unjustly discriminated against because they are not married. Single taxpayers have been taxed up to 42 percent more than married persons with the same taxable income. While the Tax Reform Act of 1969 reduced this gap, it still left a differential of 20 percent.

Let us look for a moment at what the

penalty on single taxpayers comes to in dollars. In 1970 a single person with a taxable income—after deductions—of \$12,000, for instance, paid \$2,830; a married person with the same taxable income paid \$2,260. Thus, the single taxpayer was penalized \$570 and these figures do not even include the additional surtax. Furthermore, a single person with a \$12,000 taxable income reached the 36 percent tax bracket while the married taxpayer with that income reached only the 25 percent bracket. The Tax Reform Act reduces the single taxpayer's burden this year to \$2,630, but still leaves a penalty of \$370.

It is inequitable and simply arbitrary that one group of taxpayers should be subjected to taxes that are higher than another group after deductions are taken. Married taxpayers with children should be assisted with an increase in the exemptions for dependents. Under present law that exemption will be \$750 by 1973; I have introduced a bill to increase it to \$1,200 immediately.

Today's higher rates for unmarried taxpayers lead to the ridiculous situation whereby a divorced or widowed taxpayer, with say three children, using the head of household schedule, pays taxes at a higher rate than a married couple with no children. It is through an adequate exemption for dependents that family responsibilities can be most effectively reflected—not through different tax rates.

Taxation must be fair if it is to be borne, if not willingly, at least without resentment. The existing discrimination against the single taxpayer is not fair and must be ended.

EQUAL RIGHTS FOR WOMEN

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

Mr. KOCH. Mr. Speaker, yesterday the Judiciary Committee reported to the House the equal rights amendment, House Joint Resolution 208, as amended.

Women have been working for nearly 50 years to secure the adoption of an amendment to the Constitution guaranteeing equal rights for women in this country. Last year the amendment was passed by the House by an overwhelming vote of 350 to 15.

This constitutional amendment is long overdue. Thus, it is particularly distressing that the House Judiciary Committee should have reported out a measure that has been crippled by two amendments—one to exempt women from the draft and the other to allow so called "protective health and safety laws" in the States. These provisions simply destroy the very purpose of the amendment which is to have written into our Constitution a guarantee that women shall share equally with men all responsibilities and rights. Who is to be drafted into the Army is not to be decided on the basis of sex but on ability to serve. Furthermore, to exempt from the amendment's coverage so-called protective State laws is to perpetuate one of the instruments by

which employers and male chauvinists discriminate against women.

The need for the amendment without crippling provisions is demonstrated each day in this country. Just a few weeks ago, I attended a meeting with representatives of New York City universities on the matter of a promotion for Dr. Anna Babey-Brooke, a member of the Brooklyn College faculty. The Department of Health, Education, and Welfare had found that Brooklyn College had discriminated against her on the basis of sex and recommended that she immediately be promoted to the rank of full professor with a commensurate salary increase retroactive to October 13, 1968. At this meeting, in which the university officials were critical of the Government's intervention in this matter of sex discrimination, I supported Dr. Babey-Brooke's position.

On July 1, the House accepted an amendment offered by our colleague from Oregon (Mrs. GREEN) to the Comprehensive Health Manpower Training Act of 1971. This amendment bars discrimination on the basis of sex in admission to courses conducted by colleges receiving Federal assistance under this law. As necessary as this amendment is, however, it provides only a piecemeal remedy to the problem. What is needed is the passage of the equal rights amendment to the Constitution, unencumbered by weakening provisions, that in one stroke can remove sex discrimination from State and Federal laws.

Mr. Speaker, I hope this amendment will be brought to the floor before the recess. It is essential that House Joint Resolution 208 be restored to its original unadulterated form and passed. It is long overdue.

VIETNAM AND THE POW'S

(Mr. HELSTOSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HELSTOSKI. Mr. Speaker, 7 years and 111 days ago, on March 26, 1964, Capt. Floyd Thompson was captured in South Vietnam and became the first American prisoner of war in Southeast Asia.

There are now more than 1,500 American servicemen who are legally considered "missing" in Southeast Asia and who may be in the hands of North Vietnam or its Vietcong allies. But since the other side does not wish to provide us with a list acknowledging all the men who are captured, the total number of men who may be prisoners of war is at this date still not known. From time to time we have learned from various sources that men previously known to be missing have, in fact, been captured. And unfortunately, some of the men who we believe have been captured and are prisoners of war have not survived the inhumane treatment of their captors. It is my hope that the number of families who will receive this crushing news will be very small.

Americans care very deeply about the well-being of all our men captured in

Vietnam. Each day in captivity, these men face particular hardships, endure separation from family and friends, and live in physically and psychologically weakening conditions. They face the prospects of no early return to their own country. Americans of all levels of society, of all faiths, of all economic levels support these brave men. I wish to join in this support.

It is tragic that these brave men must suffer the consequences of a war that is not a declared war, a war both illegal and immoral. We must take every initiative to end this conflict and bring back these unfortunate men who have endured so much.

I look forward to the day when these men who have been imprisoned may be returned home. It can come sooner predicated on our withdrawal.

Mr. Speaker, it appears that there has been some break in the Paris peace talks that would tend to indicate the resolution of the war in Vietnam. It is time for Congress, the President, and the American people to join together in ending American participation in the hostilities.

While there still may be some disagreement on the particulars, there is no question about the country's common concern and support of the men who are captive and our joint determination to bring them just treatment and releasing them to return them to their families for the long awaited reunion.

HISTORY OF THE TEANECK PUBLIC LIBRARY

(Mr. HELSTOSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HELSTOSKI. Mr. Speaker, all of us are aware of the outstanding services provided by our local libraries, but I do not expect it is generally known that it took great dedication and work to bring them into being and to develop them as cultural and information centers of a community.

Thus, on this occasion I would like to place in the RECORD the "History of the Teaneck Public Library," which graphically sets forth the many steps taken to establish and develop one of New Jersey's outstanding public libraries.

The services given by the Teaneck Public Library to the residents of its area are many and I commend those who are responsible for its present-day operations and those who preceded them for their excellent work and outstanding dedication. Significantly, the Teaneck Library Association observed its 50th year of incorporation yesterday.

The history follows:

HISTORY OF THE TEANECK PUBLIC LIBRARY

The Teaneck Public Library began when an enthusiastic group of women volunteers opened a library in a sun parlor with a small personal collection of books. The story is one of private initiative and of public-spirited trustees and municipal officials who supported and encouraged library services in the community.

Prior to World War I, these civic-minded volunteers first conducted a library in a private home and then in a store on West Engle-

wood Avenue. Books were purchased with funds raised from food and cake sales. This collection was augmented by gifts and by books borrowed from the Library Commission in Trenton.

The "library ladies" soon realized that larger quarters were needed. They incorporated on July 14, 1921, and formed the Teaneck Library Association. Their first act was to purchase for \$2,000 the cabin located at 1279 Teaneck Road. This cabin, popularly known as the "old slave house," was supposed to have housed slaves who served in the mansion across the road. How the money was raised for the mortgage and for the renovation and operation of the library makes a colorful tale.

Four years later, these devoted women sold this property at a profit of \$15,000 and offered the sum to the Township Committee for a municipal library.

A public referendum authorized the erection of a \$20,000 white-pillared brick building. This building was dedicated on November 20, 1927, as a tax-supported library with a \$5,000 budget for the year 1928.

Public response was so eager that need for expansion was soon felt. Conferences and public discussions concerning plans were held throughout the depression years. In December, 1936, two wings, financed with P.W.A. funds at a cost of \$66,000, were opened to the public. These additions included a separate children's room, an auditorium, and larger reading and stack areas.

During and after World War II, as the use of the library increased even more rapidly than the fast-growing population, the need for a larger building was given constant publicity.

On May 6, 1952, the Council appropriated \$237,000 for two more wings, which were opened in December, 1953. Among the special features of this expansion were a larger children's room and separate rooms for reference, young adults and music.

Today the library has 125,000 volumes, a remarkable development from its humble beginning in a sun parlor with 200 books. Five years ago, Teaneck became the second library in New Jersey to be open seven days a week.

The Circulation Department, where the public first meets the library, is the natural center of activity. Hundreds of books, periodicals, records and pamphlets flow in and out every day, and the desk acts as a clearing house for the registration of borrowers, telephone inquiries, and general information.

"Who was Cheops? What is collage? What effect has the United States had upon the socio-economic development of Japan since World War II? Who is the public relations director of U. S. Steel? How did World War I influence the American novel? Who lifts the bride's veil after the wedding ceremony?" These are examples of the questions asked in the Reference Room whose staff answers an average of 150 questions daily. Students of the public and private schools and of near-by colleges also use the reference resources of the library. The book collection is supplemented by periodicals and a pamphlet file.

Leading business services (e. g. Moody's Financial Reports, New Jersey Industrial Directory, Standard Advertising Register, etc.) are available in the business area of the Reference Room in addition to books, financial periodicals, and corporation reports. In the Fall of 1971 a separate room for business services will be opened.

The Children's Room, which has shown an enormous increase in use each year, is a complete library for children through the seventh grade. The department is widely used for school assignments. The librarians also promote and encourage an interest in recreational reading. Among the activities scheduled for the younger residents of the community are pre-school story hours, story

times for elementary school children, class and group visits, film programs, exhibits, and the Library-in-the-Park.

Other services offered by the library are: displays, art exhibitions, circulating collections of original graphics and framed reproductions, book delivery for shut-ins, circulating records and cassettes, microfilm readers, photo duplicating facilities, in addition to which the library conducts programs for high school students and adults featuring films, music, and talks by writers.

Today, as it has been through the past fifty years, the library is a leader in the cultural, educational, and recreational life of Teaneck.

A BILL TO EXTEND AND IMPROVE THE VOCATIONAL REHABILITATION ACT

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I am introducing today a bill to amend the Vocational Rehabilitation Act in order to extend and improve rehabilitation services for handicapped individuals.

As my colleagues know, I have long been interested in programs to provide our handicapped citizens with the necessary training and opportunities to earn their own living and make their way in life as do their nonhandicapped fellow citizens. On May 13, 1971, therefore, I was pleased to join as a cosponsor of H.R. 8395, a bill which makes comprehensive changes in the Vocational Rehabilitation Act. The bill I introduce today is designed to strengthen the basic Federal-State program under this act to assure more effective services for severely handicapped individuals of optimum employable age.

EXTENSION OF ACT

The Vocational Rehabilitation Act is scheduled to expire on June 30, 1972, following the 1-year extension enacted at the very end of the 91st Congress. The current Congress should, therefore, extend the act once again; and I am particularly anxious that the Committee on Education and Labor have before it all available recommendations for improving this vital program.

EFFECTS OF H. R. 1

Our action this year in seeking to strengthen the effectiveness of rehabilitation services to the Nation's handicapped is more essential than ever in the light of the provisions of H.R. 1, the Social Security Amendments of 1971, passed by this body on June 22.

As we know, Mr. Speaker, the new federalized welfare programs under H.R. 1 provide for mandatory referral of all handicapped welfare recipients under 65 years of age to State vocational rehabilitation agencies for rehabilitation services. Although the cost of these services will be fully paid by the Federal Government from welfare funds, it is urgent that Congress act promptly to strengthen the programs under the Vocational Rehabilitation Act if State vocational rehabilitation agencies are to meet the unprecedented demand for services over the next 5 years.

The concept of restoring the handicapped to useful, normal lives and to

gainful employment is now accepted, well established, and of proven practicality. But this was not always so. The program under the Vocational Rehabilitation Act of 1920 was small and practically dormant until the improvements made by amendments in 1943, 1954, 1965, 1967, and 1968.

NEED TO ASSURE SERVICES TO HANDICAPPED

Mr. Speaker, it is time for us to take another look at ways substantially to improve the Vocational Rehabilitation Act, not only in the light of the great demand for service which will be made by welfare recipients who are severely disabled in other ways, but also in the light of assuring effective services to handicapped individuals who will become welfare recipients otherwise.

We still have a long way to go to make sure that every handicapped person, particularly those who have severe handicaps, is assured of adequate service. Too many severely handicapped individuals are not being served at all. Too many with a real potential for competitive employment are still being placed in sheltered workshops when more intensive efforts by rehabilitation workers could open better job opportunities for them.

We need to expand greatly the total rehabilitation program; and in that expanded program, we need to refocus priorities to make sure that the blind, deaf, deaf-blind, mentally retarded, cerebral palsied, multiple amputees, paraplegics, and others with severe handicaps are given the services they need.

We must make sure that the rehabilitation specialists who work with these individuals are given the time needed to provide proper services.

OBJECTIVES

Mr. Speaker, the bill I introduce today is designed to accomplish these objectives. It would amend the Vocational Rehabilitation Act as follows:

First. Increase the authorization of appropriations for the basic programs of grants to the States for vocational rehabilitation to \$825,000,000 for fiscal 1973; \$1,250,000,000 for fiscal 1974; and \$1,500,000,000 for fiscal 1975.

Second. Continue the existing authorization of appropriations for grants to the States for innovation programs under section 3 of the act at \$10,000,000 for fiscal 1973 and each of the 2 succeeding fiscal years.

Third. Increase the authorization of appropriations for research and training under section 4 of the act to \$150,000,000 for fiscal 1973; \$175,000,000 for fiscal 1974; and \$195,000,000 for fiscal 1975.

Fourth. Add "and other severely handicapped" to the text of section 4 of the act to emphasize that special project grants for research, demonstration, and training should be focused on the needs of these disability groups as well as the mentally retarded.

Fifth. Strengthen State plan requirements under section 5 of the act to assure a priority in provision of vocational rehabilitation services to severely handicapped individuals; eliminate financial need as a criterion of eligibility for services to such individuals; provide for periodic review of the status of such in-

dividuals in extended or terminal employment in workshops for determining the feasibility of their employment in the competitive labor market; and provide for a fair hearing mechanism, including arbitration, for aggrieved handicapped individuals requesting or receiving services.

Sixth. Require the Secretary of Health, Education, and Welfare to disapprove a State plan which denies severely handicapped individuals a preference in goods and services.

Seventh. Authorize judicial review for handicapped individuals dissatisfied with the action taken as a result of the fair hearing procedure or arbitration.

Eighth. Authorize applicants for or recipients of services under the act to utilize individuals or organizations as claims representatives.

Ninth. Establish in the Department of Health, Education, and Welfare or any successor agency administering the Vocational Rehabilitation Act, a Division for the Severely Handicapped to administer at the Federal level all aspects of the program relating to severely handicapped individuals.

Tenth. Establish a National Advisory Council on the Severely Handicapped in the Department of Health, Education, and Welfare to advise the Secretary on project grants and on the planning, delivery, and evaluation of services for the severely handicapped under the act.

Eleventh. Provide for improved statistical reporting on the vocational rehabilitation program to the Congress.

Twelfth. Add "outreach, referral, and advocacy" to the definition of rehabilitation services in section 11 of the act.

Thirteenth. Exempt the severely handicapped from financial restrictions related to provision of physical restoration and certain other goods and services.

Fourteenth. Authorize preventive, restorative, and other services which would eliminate or diminish the need of any severely handicapped individuals of any age for rehabilitation services under the act.

Fifteenth. Foster the utilization of public and private vocational and technical schools for training handicapped individuals in contrast to the use of sheltered workshops for this purpose.

Sixteenth. Authorize 100 percent Federal financing of vocational rehabilitation services for severely handicapped individuals while leaving the Federal share at the current 80 percent for services to other handicapped individuals.

Seventeenth. Extend the authorization of appropriations for construction of rehabilitation facilities under section 12 of the act and for rehabilitation facility improvement under section 13 through the fiscal year ending June 30, 1975, at the current annual level of \$30,000,000 for each and include compliance with occupational health standards specified by the Secretary of Labor as a condition for grants under both sections.

Eighteenth. Extend the authorization of appropriations for vocational evaluation and work adjustment programs for the disadvantaged under section 15 of the act through the fiscal year ending June 30, 1975, at the current annual level of \$100,000,000; authorize the State

agency for the blind to administer the State plan for blind persons as they are now doing for the basic program under section 2; and require that preference in evaluation and work adjustment programs be given to severely handicapped individuals.

Nineteenth. Require workshops and rehabilitation facilities receiving grants or contracts under the act to assure all their employees, including handicapped individuals, of compliance with accepted conditions and benefits of employment.

Mr. Speaker, in addition, section 11 of the bill would require the Secretary of Health, Education, and Welfare to obtain congressional approval for reorganizations within the Department. The Secretary may now make major reorganizations affecting the administration of vital services—and has done so in the recent past—without concerned individuals and organizations outside of the Government being the opportunity to express their views. Frequently, the first notice interested organizations have of a reorganization directly affecting their clients is publication of revised structure and function in the Federal Register as an accomplished fact. Unfortunately, we in the Congress usually are not aware of these reorganizations and their implications until we begin to receive letters of protest from constituents. Proper administration of programs directly affecting millions of people is the key to effectiveness of those programs. Requiring prior congressional approval of reorganizations would be a valuable adjunct to the congressional oversight function and provide the interested public with an opportunity to express their views through the hearing mechanism.

SUMMARY

In summary, Mr. Speaker, this bill would expand our Federal-State program of vocational rehabilitation of the handicapped to enable it to reach and serve many more disabled individuals. In addition, it would substantially improve the effectiveness of the program for the severely handicapped. It provides the means for converting disability to ability and dependence to independence.

DEVELOPMENT OF PROPOSAL

Mr. Speaker, in developing the provisions of this bill, I have consulted with the representatives of major national organizations for the handicapped. They support its provisions and are particularly pleased that the bill will give new impetus to reaching and serving the severely handicapped.

Mr. Speaker, I include both the text and a section-by-section analysis of the Vocational Rehabilitation Act amendments at this point in these remarks:

H.R. 9847

A bill to amend the Vocational Rehabilitation Act in order to extend and improve rehabilitation services for handicapped individuals, and for other purposes

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

AUTHORIZATION OF APPROPRIATIONS

SECTION 1. (a) Section 1(b)(1) of the Vocational Rehabilitation Act (29 U.S.C. 31 et seq.), as amended, is amended by striking

out "and" and by inserting before the period at the end thereof the following: "for the fiscal year ending June 30, 1973, the sum of \$825,000,000, for the fiscal year ending June 30, 1974, the sum of \$1,250,000,000, and for the fiscal year ending June 30, 1975, the sum of \$1,500,000,000".

(b) Section 1(b)(2) of such Act is amended by striking out "and" and by inserting before the period at the end thereof the following: "and for the fiscal year ending June 30, 1973 and each of the two succeeding fiscal years, the sum of \$10,000,000".

(c) Section 1(b)(3) of such Act is amended by striking out "and" where it appears after "\$115,000,000" and by inserting before the period at the end thereof the following: "for the fiscal year ending June 30, 1973, the sum of \$150,000,000, for the fiscal year ending June 30, 1974, the sum of \$175,000,000, and for the fiscal year ending June 30, 1975, the sum of \$195,000,000".

(d) Section 1(b)(4) of such Act is amended by striking out "1973" and inserting in lieu thereof "1976".

SPECIAL PROJECT GRANTS FOR THE SEVERELY HANDICAPPED

SEC. 2. (a) Section 4(a) of the Vocational Rehabilitation Act is amended by inserting in the first sentence thereof after "the mentally retarded" the following: "and other severely handicapped".

(b) Section 4(a) is further amended by inserting before the period at the end of the second sentence thereof: "and other severely handicapped".

STRENGTHENING STATE PLAN REQUIREMENTS

SEC. 3. (a) Section 5(a)(4) of the Vocational Rehabilitation Act is amended to read as follows:

"(4) show the plan, policies, and methods to be followed in carrying out the work under the State plan and in its administration and supervision; specify that all severely handicapped individuals shall be provided vocational rehabilitation services prior to provision of similar services to other individuals who are not otherwise severely handicapped; and, in case vocational rehabilitation services cannot be provided all other individuals who apply for such services, show the order to be followed in selecting those to whom vocational rehabilitation services will be provided;"

(b) Section 5(a) of such Act is further amended by renumbering paragraphs (5) through (14) as paragraphs (8) through (17) and inserting after paragraph (4) the following new paragraphs:

"(5) provide that the financial condition of a severely handicapped individual or his family shall not be a factor in determining his eligibility to receive any vocational rehabilitation service;

"(6) provide for granting an opportunity for a fair hearing before the State agency to any individual whose application for goods and services is denied or is not acted upon with reasonable promptness, including arbitration by three persons consisting of one person designated by the head of the State agency, one person designated by the individual, and a third person selected by the two, who shall serve as chairman;

"(7) provide for periodic review and reevaluation of the status of other severely handicapped individuals placed in extended or terminal employment in a rehabilitation facility to determine the feasibility of their employment in the competitive labor market;"

(c) Section 5(b) is amended by adding at the end thereof: "However, the Secretary shall not approve any plan which fails to provide for preference in goods and services to severely handicapped individuals or which denies such individuals their right to such services."

(d) Section 5 is further amended by adding

the following new subsections at the end thereof:

"(e) If any individual is dissatisfied with the action taken pursuant to the provisions of paragraph (6) of subsection (a) of this section, such individual shall be entitled to and shall have standing for judicial review thereof.

"(f) Any applicant for or recipient of any rehabilitation service shall be entitled to obtain and utilize the services of any person or organization of his choice at any time in the preparation, presentation, or prosecution of his claim or application for services, including informal negotiations, hearings, arbitration and judicial proceedings."

ESTABLISHMENT OF THE DIVISION FOR SEVERELY HANDICAPPED

SEC. 4. (a) Section 7(e) of the Vocational Rehabilitation Act is amended by adding at the end thereof the following: "Such evaluation shall be made with a view to determining the effectiveness of programs in serving the severely handicapped."

(b) Section 7 of such Act is further amended by changing subsections (d) and (e) to subsections (f) and (g), respectively, and inserting the following new subsections:

"(d) The Secretary shall establish at the earliest practicable date not later than July 1, 1972, and maintain within the Department of Health, Education, and Welfare or any agency, establishment, or other entity created within the Government of the United States to administer the Vocational Rehabilitation Act, a Division for the Severely Handicapped which shall be the principal agency in the Department of Health, Education, and Welfare, or any agency, establishment, or other entity created within the Government of the United States to administer the Vocational Rehabilitation Act, for administering and carrying out programs and projects relating to vocational rehabilitation and related services for the severely handicapped, including programs and projects for the training of specialized personnel needed in rehabilitation programs for the severely handicapped and for research in such rehabilitation and related services. In carrying out the functions of this Division, the Secretary shall develop appropriate methods to facilitate client participation in the formulation of program objectives within the Division and at the State agency or other grantee level.

"(e) (1) There is hereby established in the Department of Health, Education, and Welfare a National Advisory Council on the Severely Handicapped consisting of the Secretary, or his designee, who shall be chairman, and eight members appointed without regard to civil service laws by the Secretary. Two of the eight appointed members shall represent national organizations of the blind and deaf-blind; two shall represent national organizations for the severely handicapped; two shall represent State agencies for the handicapped; one shall represent organized labor; and one shall represent commerce or industry. Each appointed member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term and except that, of the members first appointed, two shall hold office for a term of three years, two shall hold office for a term of two years, and two shall hold office for a term of one year, as designated by the Secretary at the time of appointment. None of such eight members shall be eligible for reappointment until a year has elapsed after the end of his preceding term.

"(2) The Council is authorized to review applications for special projects submitted to the Secretary under this Act of any proj-

ects initiated by it which it believes show promise of making valuable contributions to the vocational rehabilitation of severely handicapped individuals. The Council is further authorized to advise and consult with the Secretary on the planning, delivery, and evaluation of services under this Act for the severely handicapped. The Secretary is authorized to utilize the services of any member or members of the Council in connection with matters relating to the administration of this Act, for such periods, in addition to conference periods, as he may determine.

"(3) Appointed members of the Council, while attending meetings or conferences thereof or otherwise serving on business of the Council or at the request of the Secretary, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding \$100 per day, including travel time, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently."

REPORTS

SEC. 5. Section 9 of the Vocational Rehabilitation Act is amended to read as follows:

"SEC. 9. Annual reports shall be made to the Congress by the Secretary as to the administration of this Act. Such annual reports shall include statistical data reflecting vocational rehabilitation services provided each handicapped individual during the preceding fiscal year and shall specifically distinguish between rehabilitation closures attributable to physical restoration, placement in competitive employment, extended or terminal employment in a sheltered workshop or rehabilitation facility, employment as a homemaker or unpaid family worker, and provision of supplementary services."

CLARIFICATION OF DEFINITIONS

SEC. 6. (a) Section 11(a)(1)(B) of the Vocational Rehabilitation Act is amended to read as follows:

"(B) counseling, guidance, and placement services for handicapped individuals, including on the job training and followup services to assist such individuals to maintain their employment;"

(b) Section 11(a)(1) of such Act is amended by changing the period at the end of subparagraph (E) to a semicolon and adding the following new subparagraph:

"(F) outreach, referral, and advocacy."

(c) Section 11(a)(2) of such Act is amended by inserting after "and insurance," and before "the following": "except for severely handicapped individuals designated by the Secretary."

(d) Section 11(a)(2) of such Act is further amended by striking "and" at the end of subparagraph (G), changing the period after subparagraph (H) to a semicolon, and adding the following new subparagraph:

"(I) preventive, restorative and other services which would preclude or diminish the present or prospective need of any severely handicapped individual (irrespective of his age) for any or all the foregoing rehabilitation services listed in this subparagraph or subparagraph (1) of this subsection."

(e) Section 11(a) is further amended by adding the following new paragraph:

"(3) Vocational rehabilitation services also include services provided in a sheltered workshop or rehabilitation facility but only to the extent that such services are not readily available on an adequate basis from public or other vocational or technical training facilities or other appropriate resources in the community."

(f) Section 11(h) of such Act is amended by inserting the numeral "(1)" after "except that", changing the period at the end

thereof to a comma, and adding the following:

"and (2) with respect to vocational rehabilitation services to the severely handicapped as designated for this purpose by the Secretary, the Federal share shall be 100 per centum for the fiscal year ending June 30, 1972, and succeeding fiscal years."

GRANTS FOR CONSTRUCTION AND STAFFING OF REHABILITATION FACILITIES

SEC. 7. (a) Section 12(b)(2) of the Vocational Rehabilitation Act is amended by inserting after "relating to" and before "safety standards" the words "occupational health and".

(b) Section 12(i) of such Act is amended by striking out the "and" where it appears before "\$30,000,000" and inserting before the semicolon after "1972" the following: ", \$30,000,000 for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975".

(c) Section 12(i) is further amended by striking "1974" and inserting in lieu thereof "1977".

REHABILITATION FACILITY IMPROVEMENT

SEC. 8. (a) Section 13(e) of the Vocational Rehabilitation Act is amended by inserting after "comply with" and before "safety standards" the words "occupational health and".

(b) Section 13(f) of such Act is amended by striking out "and" where it appears before "\$30,000,000" and inserting after "June 30, 1972," the following: "and \$30,000,000 for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975".

IMPROVEMENT OF VOCATIONAL EVALUATION AND WORK ADJUSTMENT PROGRAMS FOR THE SEVERELY HANDICAPPED

SEC. 9. (a) Section 15(a)(2) of the Vocational Rehabilitation Act is amended by inserting after the comma following "1972" the following: "\$100,000,000 for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975".

(b) Section 15(c)(1) of such Act is amended by striking "(other than the State blind commission or other agency providing assistance or services to the adult blind)."

(c) Section 15(c)(3) of such Act is amended to read as follows:

"(3) Shows the plan policies, and methods to be followed in providing services under the State evaluation and work adjustment plan and in its administration and supervision; specifies that all severely handicapped individuals shall be provided evaluation and work adjustment services prior to provision of similar services to disadvantaged individuals who are not severely handicapped; and, in case evaluation and work adjustment services cannot be provided all other individuals who apply for such services, shows the order to be followed in selecting those to whom evaluation and work adjustment services will be provided."

PROTECTION OF EMPLOYEES

SEC. 10. The Vocational Rehabilitation Act is amended by renumbering Sections 14 through 18 as Sections 15 through 19 and inserting the following new section:

"ASSURANCE OF CONDITIONS AND BENEFITS OF EMPLOYMENT

"SEC. 14. It is hereby declared to be the policy and intent of Congress that workshops and rehabilitation facilities receiving grants or contracts under this Act for construction; renovation; staffing; use as a diagnostic, evaluation, or training facility; or for any other purpose authorized by this Act shall assure their employees, including handicapped individuals, the following:

"(1) Compliance with occupational health and safety standards prescribed by the Secretary of Labor;

"(2) Wages at rates not less than those prevailing for similar occupations in the locality as determined by the Secretary of Labor under Section 6 of the Fair Labor Standards Act;

"(3) Coverage for old age, survivors, disability, and health insurance benefits under Title II and XVIII of the Social Security Act;

"(4) Coverage for unemployment compensation benefits under applicable state law, the Social Security Act, and the Federal-State Extended Unemployment Compensation Act of 1970;

"(5) Coverage for workmen's compensation benefits;

"(6) Participation in any retirement or pension plan;

"(7) Applicability of the provisions of 29 U.S.C. 401 (73 Stat. 519)."

REORGANIZATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SEC. 11. Notwithstanding any other provision of law, the Secretary of Health, Education, and Welfare, shall not, on or after July 1, 1971, without prior approval of Congress, abolish or consolidate any board, bureau, division, service, office, officer, authority, administration or other establishment within his Department.

SECTION-BY-SECTION ANALYSIS OF VOCATIONAL REHABILITATION ACT AMENDMENTS

A bill to amend the Vocational Rehabilitation Act, in order to extend and improve rehabilitation services for severely handicapped individuals

Section 1. Authorization of appropriations

Section 1(a) of the bill amends Section 1(b)(1) of the Vocational Rehabilitation Act to extend and increase the authorization of appropriations for grants to the states for vocational rehabilitation under Section 2 of the Act. It would authorize appropriations of \$825,000,000 for the fiscal year ending June 30, 1973; \$1,250,000,000 for the fiscal year ending June 30, 1974; and \$1,500,000,000 for the fiscal year ending June 30, 1975. The authorization for the current fiscal year is \$700,000,000. The Congress extended the Act through June 30, 1972, with existing authorizations late in December 1970.

Section 1(b) extends the authorization of appropriations under Section 1(b)(2) of the Act for innovation grants to the states under Section 3 at \$10,000,000 for the fiscal year ending June 30, 1973, and each of the two succeeding fiscal years.

Section 1(c) of the bill increases the authorization of appropriations in Section 1(b)(3) of the Act for special project grants for research, demonstration, and training of personnel under Section 4 to \$150,000,000 for the fiscal year ending June 30, 1973; \$175,000,000 for the fiscal year ending June 30, 1974; and \$195,000,000 for the fiscal year ending June 30, 1975.

Section 1(d) amends Section 1(b)(4) of the Act to require Congressional authorization of appropriations for the three grant programs under Sections 2, 3, and 4 of the Act for the fiscal year ending June 30, 1976, and each succeeding fiscal year.

Section 2. Special project grants for the severely handicapped

Section 2 of the bill amends Section 4(a) of the Act to insert "and other severely handicapped" to emphasize that priority be given to financing special projects for research, demonstration, and personnel training to improve rehabilitation techniques and services for such individuals.

Section 3. Strengthening State plan requirements

Section 3(a) of the bill amends Section 5(a)(4) of the Act to provide that a priority be specified in state plan requirements for

rehabilitation services for the severely handicapped.

Section 3(b) of the bill renumbers paragraphs (5) through (14) of Section 5(a) of the Act as paragraphs (8) through (17) and inserts three new paragraphs in the state plan requirements. The new paragraph (5) prohibits consideration of the financial condition of a severely handicapped person or his family as a criterion of eligibility for services. The new paragraph (6) would require state vocational rehabilitation whose application for goods and services under the Act is denied or not acted upon with reasonable promptness. It would also provide an arbitration procedure as an extension of the fair hearing mechanism. The new paragraph (7) specifies that state plan requirements provide for periodic review and reevaluation of the status of severely handicapped individuals placed in extended or terminal employment in a rehabilitation facility which is a sheltered workshop to determine the feasibility of their employment in the competitive labor market.

Section 3(c) of the bill amends Section 5(b) of the Act to specify that the Secretary of Health, Education, and Welfare shall not approve a state plan which fails to provide preference in goods and services under the Act to severely handicapped individuals, or which denies such individuals their right to such services.

Section 3(d) adds two new subsections to Section 5 of the Act. The new Section 5(e) authorizes judicial review of decisions made as a result of the fair hearing and arbitration procedure. The new Section 5(f) authorizes an applicant for or recipient of any rehabilitation service under the Act to designate an individual or organization to represent him on any aspect of a claim for service.

Section 4. Establishment of the Division for the Severely Handicapped

Section 4(a) of the bill amends Section 7(e) of the Act to provide that evaluation of the effectiveness of rehabilitation services by the Secretary shall specifically focus on their effectiveness in serving the severely handicapped.

Section 4(b) of the bill changes the present subsections (d) and (e) of Section 7 of the Act to subsections (f) and (g) and adds two new subsections (d) and (e). The new Section 7(d) requires the Secretary to establish by July 1, 1972, and maintain in the Department of Health, Education, and Welfare, or any successor agency assigned administration of the Vocational Rehabilitation Act, a Division for the Severely Handicapped. Section 7(d) also provides that the Division shall be the principal agency in the Department or its successor for administering and carrying out programs and projects relating to vocational rehabilitation and related services for the severely handicapped including personnel training and research. The new subsection (d) also directs the Secretary to facilitate client participation in the formulation of program objectives in the Division and at state agency or other grantee level.

The new Section 7(e) establishes in the Department of Health, Education, and Welfare a National Advisory Council on the Severely Handicapped, consisting of the Secretary (or his designee) who shall serve as chairman and eight members appointed by him for four year terms. The membership of the Council is to be as follows: two persons representing national organizations of the blind and half-blind, two representing national organizations for the severely handicapped, two representing state agencies for the handicapped, one representing organized labor, and one representing commerce or industry. The terms of six of the Council members first appointed by the Secretary will be

for less than four years in order to provide for desirable continuity of old and newly appointed members. The Council is authorized to review applications for special projects relating to the vocational rehabilitation of the severely handicapped and to advise and consult with the Secretary on the planning, delivery, and evaluation of services for the severely handicapped. Members of the Council are authorized to be paid a per diem allowance of up to \$100 and travel expenses while serving during conference periods or special assignment.

Section 5. Reports

Section 5 of the bill amends Section 9 of the Act regarding annual reports to the Congress by the Secretary on the vocational rehabilitation program. The revised Section 9 specifies that these reports shall include statistical data reflecting vocational rehabilitation services provided each individual during the preceding fiscal year, including specific distinction between the various types of rehabilitation closures.

Section 6. Clarification of definitions

Section 6(a) of the bill amends Section 11(a)(1)(b) of the Act to specifically include "on the job training" in the list of rehabilitation services to emphasize the desirability of utilizing this type of training.

Section 6(b) of the bill adds a new subparagraph (f) to the list of rehabilitation services specified in Section 11(a)(1) of the Act to specifically provide that "outreach, referral, and advocacy" shall be services provided handicapped persons by state vocational rehabilitation agencies.

Section 6(c) of the bill amends Section 11(a)(2) of the Act to except the severely handicapped from the provision that pension, compensation, and insurance benefits be taken into account in determining eligibility for services specified in Section 11(a)(2) of the Act.

Section 6(d) of the bill adds a new subparagraph (I) to Section 11(a)(2) of the Act providing for preventive and other services designed to eliminate or lessen the present or prospective need of a severely handicapped individual irrespective of his age for other rehabilitation services under the Act. The effect of this amendment would be to improve preventive and restorative services in order to minimize the handicapping effects of many conditions and lessen the need for a wide variety of vocational rehabilitation services. It would be particularly helpful for children, who are not now covered by the Act.

Section 6(e) of the bill adds a new paragraph (3) to Section 11(a) of the Act to provide for maximum utilization of adequate public or private vocational or technical training resources in the community for vocational rehabilitation services for the handicapped before using a sheltered workshop or rehabilitation facility for providing such services.

Section 6(f) of the bill amends Section 11(h) of the Act to provide that the Federal share of the cost of rehabilitation services for the severely handicapped designated by the Secretary under the basic grants to the states program provided for in Section 2 shall be 100% for the fiscal year ending June 30, 1972, and succeeding fiscal years.

Section 7. Grants for construction and staffing of rehabilitation facilities

Section 7(a) of the bill amends Section 12(b)(2) of the Act to require compliance with occupational health standards specified by the Secretary of Labor by workshops and rehabilitation facilities receiving grants for construction or staffing.

Section 7(b) of the bill amends Section 12(i) of the Act to extend the authorization of appropriations for construction and

staffing of workshops and rehabilitation facilities through the fiscal year ending June 30, 1975, at the current annual authorization of \$30,000,000.

Section 7(c) of the bill amends Section 12(i) of the Act to require that sums appropriated for construction and staffing shall remain available until July 1, 1977.

Section 8. Rehabilitation facility improvement

Section 8(a) of the bill amends Section 13(e) of the Act to require compliance by rehabilitation facilities receiving grants under this section with occupational health standards specified by the Secretary of Labor.

Section 8(b) amends Section 13(f) of the Act to extend the authorization of appropriations for rehabilitation facility improvement through June 30, 1975, at the current annual authorization of \$30,000,000.

Section 9. Improvement of vocational evaluation and work adjustment programs for the severely handicapped

Section 9(a) of the bill amends Section 15(a)(2) of the Act by extending the authorization of appropriations through June 30, 1975, at the current annual authorization of \$100,000,000.

Section 9(b) of the bill amends Section 15(c)(1) of the Act by eliminating the wording which prevents state agencies for the blind from receiving grants to administer the vocational evaluation and work adjustment program for blind persons. This will make the position of state agencies for the blind in receiving Federal funds the same as it is under the basic program for vocational rehabilitation services to blind persons.

Section 9(c) of the bill amends Section 15(c)(3) of the Act to provide that state plans must specify that all severely handicapped individuals must receive evaluation and work adjustment services prior to provision of such services to disadvantaged individuals who are not otherwise severely handicapped.

Section 10. Protection of employees

Section 10 of the bill renumbers Sections 14 through 18 of the Act as Sections 15 through 19 and adds a new Section 14 to the Act entitled "Assurance of Conditions and Benefits of Employment".

The new Section 14 declares it to be the policy and intent of the Congress that workshops and rehabilitation facilities receiving grants under the Vocational Rehabilitation Act for construction; renovation; staffing; use as a diagnostic, evaluation, or training facility; or for any other purpose authorized by the Act shall assure their employees, including handicapped individuals, of the ordinary protection and benefits of employment required of most employers. These are: compliance with occupational health and safety standards prescribed by the Secretary of Labor; wages at rates not less than those prevailing for similar occupations in the locality as determined by the Secretary of Labor under Section 6 of the Fair Labor Standards Act; coverage for old age, survivors, disability, and health insurance under the Social Security Act; coverage for unemployment compensation; coverage for workmen's compensation; participation in any retirement or pension plan; applicability of 29 U.S.C. 401 to assure collective bargaining rights under the National Labor Relations Act.

Section 11. Reorganizations of the Department of Health, Education, and Welfare

Section 11 of the bill provides that on or after July 1, 1971, the Secretary of Health, Education, and Welfare shall obtain the prior approval of the Congress before abolishing or consolidating any board, bureau, division, service, office, officer, authority, administration, or other establishment within his Department.

FRED G. LITSINGER—CIVIC LEADER AND HUMANITARIAN

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, as the Congressman who represents the Seventh Illinois Congressional District, where my good friend of many, many years, Fred G. Litsinger, has maintained at 1200 West Washington Boulevard his Ford and Lincoln-Mercury dealerships for 50 years, it gives me great pleasure to extend to him my warmest congratulations as he celebrates his golden anniversary.

At a luncheon yesterday at the Downtown Holiday Inn in Chicago, attended by distinguished city officials, as well as representatives from the Ford Motor Co., including John Naughton, general manager, and H. C. Ramsey, assistant director of dealer affairs, and other dignitaries, Fred Litsinger was honored by the Ford Motor Co. for his 50 years in business and for being the oldest Ford dealership in metropolitan Chicago.

Fred Litsinger has been not only one of Chicago's outstanding businessmen, but one of its eminent civic leaders, as well. He has participated in countless humanitarian activities, giving generously of his time, his money, and his efforts. The West Central Association, the Business Opportunities for the Blind, the Chicago Foundlings Home, the Henry Horner Boys Club, and the Goodwill Industries of Chicago all have benefited from his outstanding leadership.

Mr. Speaker, I would like to take this opportunity to express my sincere appreciation, and indeed, the gratitude of all Chicago residents for the tremendous contribution Fred Litsinger has made over the years toward the betterment and well-being of our community. Again, I congratulate him on his golden anniversary in business and I extend to him my best wishes for abundant good health and continuing success in his worthy endeavors.

An article which appeared in the July 14 edition of the Chicago Tribune about the luncheon celebration in honor of Fred Litsinger follows:

HONOR FRED LITSINGER

(By James Mateja)

Fred Litsinger has weathered the Depression, World War II, and the Edsel, and after 50 years in business you would think he'd be ready to slow down, but there's little doubt he will.

Many car dealers complain of all their hard times while on the way to their weekend home in the Bahamas. Litsinger, who has been selling Fords and Lincolns and Mercurys before many of his fellow dealers were born, is usually too busy to complain.

His list of accomplishments and civic activities over the last five decades would fill scrap books from floor to ceiling. His activities include past president and director of the West Central Association; president of Business Opportunities for the Blind, Inc.; trustee, Chicago Foundlings Home; director, Henry Horner Boy's Club; and Director Goodwill Industries of Chicago.

PRESIDENT OF SEVERAL FIRMS

Litsinger is president of several firms that bear his name at 1200 W. Washington Blvd.,

the primary ones being his Ford and Lincoln-Mercury dealerships.

He has lost one dealership, though. In 1958 he was awarded an Edsel franchise. "The timing and the price weren't right," Litsinger explains. "Some of the Edsel models were in the \$4,000 to \$5,000 price range and at the time the public was very economy minded." The Edsel franchise lasted one year, the Edsel a little longer.

While there are episodes he likes to forget, Litsinger still recalls the first sale he made, "a Model T Roadster for \$300 to Rocko Greco, a west side resident." Since then there have been about 200,000 other cars sold through his dealerships.

Litsinger will get a chance to pause from his busy schedule this week to take time out to be honored by Ford Motor Co. for his 50 years in business, and the oldest Ford dealership in metropolitan Chicago.

DIGNITARIES ATTEND

Heading the Ford dignitaries from Detroit who will honor Litsinger at a luncheon today are John Naughton, Ford's general manager, and H. C. Ramsey, assistant director of dealer affairs.

City officials, including Mayor Daley, will be at the luncheon, which also will mark 50 years in business by several other Chicago firms.

After the luncheon Litsinger will have to get back to work. He just purchased 20,000 square feet of land on Racine Avenue opposite the present service entrance in order to expand operations.

It would seem unlikely that Litsinger could mark another 50 years, but no one is taking bets on it.

CAPTIVE NATIONS WEEK

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, the period of July 18-24 marks the 13th observance of Captive Nations Week. It is at this time each year since 1959 that we have reaffirmed our dedication to the cause of freedom in all nations. It is at this time that we again remember there are millions of enslaved people throughout the world who are deprived of rights and freedoms which we in the United States consider essential.

This observance is a reminder to the people of the captive nations, the American people, and the people of the world. It recalls the historical development of conditions of tyranny and foreign domination within formerly free countries. It recalls the loss of freedom and individual rights among the people of these nations. It is a reminder that these conditions still exist and that there are nations where individual liberties are still denied.

The list of captive nations is long and today includes the following countries: Armenia, Azerbaijan, Byelorussia, Cossackia, Georgia, Idel-Ural, North Caucasus, Ukraine, Far Eastern Republic, Turkestan, Mongolian People's Republic, Estonia, Latvia, Lithuania, Albania, Bulgaria, Siberia, Croatia, Slovenia, and so forth in Yugoslavia, Poland, Rumania, Czechoslovakia, North Korea, Hungary, East Germany, Mainland China, Tibet, North Vietnam, and Cuba.

Some of these countries have found themselves under foreign domination for the past centuries and others regained their liberty for a few years only to have it brutally taken away again. The list is,

indeed, tragic, but it would be an even greater tragedy if we, as Americans, were to forget the plight of these once-free people.

The prospects confronting these Communist-dominated countries are depressing; yet there is hope, for the Communist dictatorships have never been able to enslave the minds and hearts of the people in the captive nations. Just 7 months ago, resistance to Communist domination appeared in Poland. In December of 1970 Polish workers took to the streets in open protest against the economic policies of the Gomulka regime which put an intolerable burden on the living standards of the Polish people. This demonstration by the Polish people is another manifestation of the continuing resistance by captive nations against their Communist dominators. This continuing resistance by the captive nations shows beyond a doubt that those who desire freedom will not forever be denied that freedom.

Each year our outstanding mayor of Chicago, Hon. Richard J. Daley, proclaims Captive Nations Week for the city of Chicago. At this point in the RECORD I would like to include the mayor's 1971 Captive Nations Week proclamation, as well as the State of Illinois House Resolution No. 235 which supports the cause of freedom for the captive nations:

CITY OF CHICAGO PROCLAMATION

Whereas, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croatia, Slovenia, Tibet, Cossackia, Turkestan, Slovakia, North Viet Nam, Cuba and others; and

Whereas, the Congress of the United States by unanimous vote passed Public Law 86-90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe this week with appropriate prayers, ceremonies and activities expressing their sympathy with and support for the just aspirations of captive peoples for freedom and independence; and

Whereas, the City of Chicago, is closely linked to these captive nations through the bonds of family, since numbered among the people of Chicago are hundreds of thousands of our citizens who, through nativity or ancestry, treasure the heritage which is theirs; and

Whereas, these nations have been made captive by the imperialistic, aggressive and heartless policies of communism; and

Whereas, the peoples of these communist-dominated nations have been deprived of their national independence and their individual liberties; and

Whereas, it is appropriate and proper to demonstrate to the peoples of the captive nations the support of the people of the City of Chicago for their just aspirations for freedom and national independence; and

Whereas, the people of Chicago, as do all the people of the United States, want for the people of the world the same freedom and justice which is theirs;

Now, therefore, I, Richard J. Daley, Mayor of the City of Chicago, do hereby proclaim July 12 through July 17 as Captive Nations Week in Chicago.

I urge the people of Chicago to join the programs arranged for the observance of this occasion and especially encourage everyone to concretely demonstrate their interest in

the imprisoned people of the captive nations by their attendance at or participation in the parade to be held on State Street on Saturday afternoon, July 17 at 12 noon.

STATE OF ILLINOIS HOUSE RESOLUTION No. 235

Whereas, Since 1918 the forces of communism have, through direct and indirect aggression, subjugated the national independence of Hungary, Poland, Ukraine, Slovakia, Czechoslovakia, Lithuania, Latvia, Estonia, Rumania, White Ruthenia, Bulgaria, East Germany, mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Tibet, Cossackia, Turkestan, North Viet-Nam, Serbia, Slovenia, Croatia and others; and

Whereas, These captive nations have been forcibly deprived of the right of self determination which is a basic right of all free men; and

Whereas, In 1959, the United States Congress and President Dwight David Eisenhower, recognizing the importance of keeping world attention focused on the plight of these peoples, designated the third week in July as Captive Nations Week; and

Whereas, 1971 marks the 12th Anniversary of Captive Nations Week; therefore, be it

Resolved, By the House of Representatives of the Seventy-seventh General Assembly of the State of Illinois, that we support those people of the captive nations in their unending quest for liberation; that we commend those in the free world who are striving so that others may also enjoy the blessings of freedom and democracy; and that this resolution be spread upon the Journal of this House as a reminder that no man is free until all men are free; and, be it

Further resolved, That a suitable copy of this preamble and resolution be forwarded to Mr. Viktors Viksins, Chairman of the Captive Nations Committee.

During this Captive Nations Week we solemnly reaffirm our sympathy for those people now living under Communist domination, and once again, we assure them they are not forgotten by those of us fortunate enough to be living in the free world.

It is appropriate that on this occasion we recall the injustice being done to the captive nations and the oppression of our fellow men and women living in these subjugated countries. Today let us reaffirm the hope that soon these Communist-dominated countries will once again become members of a free world community.

FDA-FTC LIAISON: TEAMWORK THAT PAYS OFF

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, the House Small Business Subcommittee on Activities of Regulatory Agencies Relating to Small Business, of which I am chairman, recently completed hearings on advertising. The hearings considered various aspects of advertising and its relationship to small business, and one topic of particular interest was the liaison arrangements established between the various Federal regulatory agencies.

It appears that while in some instances Federal regulatory agencies have excellent liaison agreements, other agencies apparently have none at all, or if they exist, are not effective.

Two agencies that appear to have developed a close working liaison arrangement are the Food and Drug Administration and the Federal Trade Commission. Mr. R. Joel Slomoff, Special Assistant to the Associate Commissioner for Compliance of the Food and Drug Administration, and Mr. Robert E. Freer, Jr., Assistant to the General Counsel and Liaison Officer of the Federal Trade Commission, have recently written an excellent article appearing in the April 1971 edition of FDA Papers, describing the close working relationship between those two agencies.

For the information of the Members, it is requested that this article appear in the RECORD at this point.

FDA-FTC LIAISON: TEAMWORK THAT PAYS OFF

(By R. Joel Slomoff and Robert E. Freer, Jr.)

The Federal Food, Drug, and Cosmetic Act makes illegal any food, drug, device, or cosmetic product that is adulterated or misbranded when introduced into or while in interstate commerce or when held for sale after shipment in interstate commerce. When the surveillance and investigative work of the Food and Drug Administration discloses a serious violation, the facts are reported to the Department of Justice with a recommendation for seizure, criminal prosecution, or injunction actions in the Federal courts. Under the statute each of the four commodities covered is deemed to be misbranded "if its labeling is false or misleading in any particular."

In addition to this general misbranding provision, the FDC Act defines a number of other circumstances under which a food, drug, device, or cosmetic shall be deemed to be misbranded—some of these definitions of misbranding applying specifically to foods, drugs, devices, or cosmetics as the case may be. Among the definitions of misbranding specific to drugs or devices is failure of the labeling to bear (1) adequate directions for use, (2) adequate warnings against use in certain pathological conditions or by children where use may be dangerous to health, and (3) adequate warnings against unsafe dosage or methods of duration of administration or application to the extent necessary for the protection of users.

The Federal Trade Commission enforces the Federal Trade Commission Act, which prohibits unfair competition and unfair or deceptive acts and practices in commerce. The Wheeler-Lea Amendment to the FTC Act specifically declares false advertising of foods, drugs, devices, or cosmetics to be an unfair or deceptive act or practice. This amendment defines the term "false advertisement" as applied to foods, drugs, devices, and cosmetics to mean an advertisement, other than labeling, which is misleading in a material respect. In determining whether any advertisement is misleading, consideration is given not only to representations made or suggested by statement, word, design, device, sound, or any combination of these, but also to the extent the advertisement fails to reveal material facts, or consequences that may result from the use of the commodity.

Preventing deception of the public in the marketplace by misrepresentations of foods, drugs, devices, or cosmetics is the common objective of both agencies. The Food and Drug Administration strives to prevent misrepresentations that may occur as a result of false or misleading statements made in labeling or by the omission of certain information required in labeling. Other than prescription drugs, which are entirely the province of the Food and Drug Administration, the Federal Trade Commission seeks to

prevent misrepresentation resulting from false or misleading statements in advertisements or the omission of certain necessary statements from advertising.

Although the definition of false advertising of a food, drug, device, or cosmetic, as contained in Section 15 of the FTC Act, specifically excludes labeling, it is well established that written, printed, or graphic matter descriptive of a food, drug, device, or cosmetic may at one time be used as advertising, and at another time may accompany the article and thereby become labeling. Concurrent jurisdiction by both agencies is not uncommon.

The FDC Act's requirement that drugs or devices bear adequate directions for use has been judicially interpreted as including directions for the use of the drug or device for those purposes for which it is prescribed, recommended, or suggested in advertising.

Although the responsibilities of the two agencies thus are closely related in many respects, significant differences in procedure and in the nature and effect of sanctions are inherent in the statutes and regulations governing the two agencies. The close relationship of the objectives of the two agencies as outlined in the foregoing, however, is now recognized as requiring a more effective liaison to eliminate any duplication of effort.

To provide for the exchange of complete information so that both agencies can most effectively serve the public interest, each agency has designated a liaison officer responsible directly to the chief operating official of his own agency to serve as a primary source of contact with the other agency. Since 1954 the existence of these liaison officers has been a point of formal agreement between the two agencies. But it was not until recently that full value has been realized from the liaison agreement.

Although in prior years the liaison meetings had been taking place on a frequent basis, they had not been at the high level anticipated by the original agreement. In the 1970's through direct contact between former FTC Chairman Caspar W. Weinberger and his successor Chairman Miles W. Kirkpatrick with Commissioner of Food and Drugs Charles C. Edwards, M.D., the full intent of the liaison agreement has been achieved. Representing the Food and Drug Administration is Sam D. Fine, associate commissioner for compliance, and his special assistant. To represent the Federal Trade Commission, Chairman Kirkpatrick has designated the Commission's liaison officer, who is also assistant to the general counsel. The three meet formally at least once a month, in turn at the Food and Drug Administration or the Federal Trade Commission. To fully inform each other on matters of current interest, they invite the appropriate senior officials of the two agencies, insuring that discussions will take place at a policy-determining level.

During the year that the liaison arrangement between the Federal Trade Commission and the Food and Drug Administration has been conducted in this fashion, marked progress in the coordination of joint activity has been noted within government and by key officials in the private sector. Among the subjects of greatest current interest to both agencies have been enzyme detergents with their appurtenant safety and efficacy issues, the current controversy over mouthwash efficacy, polyunsaturated fat labeling, toy safety, nutritional labeling, cents-off regulations, and the advertising of drugs which were reviewed for efficacy by the National Academy of Sciences/National Research Council.

Possibly the most outstanding example of interagency cooperation during the past year has been the joint effort in the enzyme safety area. A series of meetings between the agencies and on occasion with industry and representatives of the Soap and Detergent Association

has not only utilized the medical knowledge of the Food and Drug Administration and the advertising regulatory and market expertise of the Federal Trade Commission, but also has fostered a better understanding of the issues by industry. In the employment of new methods to serve the public interest, this stands out as an example of agency innovation through the liaison procedure.

The cooperation that has existed between the agencies on the question of enzyme safety has been exhibited as well in the other, previously mentioned areas. Interagency briefing sessions at the highest levels have assured consistency in regulating affairs and in formulating constructive responses by informed Federal officials.

Commissioner Edwards, making known his support of the FDA-FTC Liaison arrangement, said recently:

"Meeting the consumer protection issues which face this agency is truly a management challenge. I strongly believe that sound communication through our liaison agreement with other government agencies contributes not only to our effectiveness but enhances the scientific and regulatory capabilities of our system. The FDA-FTC Liaison is providing this communication."

FTC Chairman Kirkpatrick, in commenting on the new liaison procedures, has commended the good working arrangement that now prevails, and has said that he personally has found the briefing conferences and his meetings with Dr. Edwards to be most fruitful. Both Dr. Edwards and Chairman Kirkpatrick concluded their comments by expressing hope that the current profitable relations between these two agencies may serve as a model for liaison of a similar nature between other Federal agencies.

TRAGIC SHOOTING OF SILVER SPRING MAN

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, a disagreeable odor is arising in the aftermath of the tragic shooting of a 28-year-old Silver Spring, Md., man by a pack of overzealous Federal agents and police in hippie clothes who smashed their way into his home to execute a search warrant.

On Monday, the agents of the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service, who conducted this Gestapo-style "raid" June 7 on the apartment of Mr. Kenyon F. Ballew, revealed their true character.

After more than a month of insisting they "did nothing extraordinary, nothing reckless, nothing culpable, nothing wrong," the ATFD agents refused to testify before a grand jury without first being granted immunity from criminal prosecution.

According to newspaper accounts, court sources indicated the ATFD agents feared possible indictment for a variety of offenses ranging from "maliciously obtaining a search warrant without probable cause," to manslaughter or murder if Mr. Ballew should die.

Mr. Speaker, this incident is of nationwide importance. If these deplorable tactics by Federal agents are not brought to an immediate halt, no citizen—no matter who he is, what his reputation is, or where he lives—will be safe in his home.

The evidence suggests that this escape was ill conceived, recklessly executed, and stupidly justified. Last June 14, I wrote to the Secretary of the Treasury, Mr. Connally—who I would like to believe has some control over the ATFD, since the Internal Revenue Service is a subordinate branch of the Treasury Department—urging him to make a full, thorough and searching investigation of this travesty to bring those directly responsible to account, and to prevent any recurrence.

I regret to inform the House that I still have not received a substantive reply.

In the meantime, however, those connected with the raid have been rushing wildly about—often with conflicting accounts—trying to exonerate themselves and assuring the public that all was proper, regular and normal. Meanwhile, they seek to prevent a full public inquiry.

Thus we saw the U.S. attorney hastily calling the raid "letter perfect" and now—as more evidence comes to light—evidently declining to justify the raid any further.

Then we saw the superintendent of police of Montgomery County insist that his officers—wearing beards and looking like thugs—went along on the raid only at the request of, and under the direction of, the Federal agents—a very shabby explanation for a most unwise appearance and behavior.

Now we see the chief executive of Montgomery County, Mr. James P. Gleason, trying to whitewash the outrageous affair with the assertion: "There isn't anything that could have been done differently." One may only ask in sadness and horror if raiders costumed as hippies and the overeager agents smashing down doors, dishonoring women, terrorizing and shooting innocent citizens are to be regarded as normal and proper law enforcement.

Ultimately, the responsibility for this tragedy lies with the Secretary of the Treasury. Mr. Connally has it in his power to see that justice is done and the citizenry protected from law enforcement run amok. He has not yet spoken on the issue. I sincerely hope he will not fall into line with the others so callously attempting to whitewash this incident.

I commend to my colleagues several newspaper articles relating to this sorry affair:

[From the Washington Daily News, July 13, 1971]

FEDERAL AGENTS MUM AT GRAND JURY

(By Diane Bauer)

Federal agents have refused to testify before a Montgomery County grand jury investigating a June 7 raid on a Silver Spring home that left the apartment's occupant partially paralyzed with a bullet in his brain, court sources told The Washington Daily News.

The treasury agents, who joined with county police in raiding the home of Kenyon F. Ballew, 1014 Quebec Terrace, in search of illegal firearms, refused to testify when the grand jury refused to grant them immunity from possible prosecution, the sources said.

The refusal came despite statements by State's Atty. Andrew L. Sonner that he did not expect any charges to be placed against any member of the approximately 20-man raiding party.

"I don't expect anything to come out of that grand jury," Mr. Sonner said.

County police did agree to testify, the sources said.

BEARDS AND HIPPIE CLOTHES

The raiders, some bearded and in hippie clothing, forced their way into the Ballew apartment with an 85-pound battering ram, shot Mr. Ballew who leaped from the bathtub and grabbed a gun when he heard the noise.

Although they had a search warrant for illegal hand grenades, the raiders found only empty souvenir grenade castings, a part of Mr. Ballew's legal gun collection.

Montgomery County Executive James P. Gleason is scheduled to hold a press conference on the matter today. He had previously accepted a report from Montgomery Police Chief Kenneth Watkins who said the raid was satisfactory police procedure.

A Treasury Department report obtained by The Washington Daily News 10 days ago, however, failed to support police accounts of the raid.

NAMES WITHHELD

Both Mr. Gleason and Col. Watkins have so far refused to reveal even the names of the officers involved in the raid, who was in charge of Montgomery police and who authorized participation of both Montgomery and Prince Georges police on a federal warrant.

George Beall, U.S. attorney for Maryland, who immediately after the raid announced that an investigation had revealed the warrant was properly executed, has made no further public statements.

Mr. Ballew, who is completely paralyzed on his right side, unable to speak and can breathe only by means of a tube inserted in his throat, is at Washington Sanitarium.

Surgeons say that his condition is inoperable because the bullet could not be removed without further brain damage.

POSSIBLE CHARGES

Court sources said federal officials are concerned that charges could be made against the federal government against "maliciously obtaining a warrant without probable cause," because it was obtained on only hearsay evidence relayed by an unidentified informer to a Prince Georges County policeman who told federal agents.

Other possible charges include using "unnecessary severity" in executing the warrant and a possible manslaughter or murder charge if Mr. Ballew should die.

The Montgomery Coalition Against Racism is scheduled to appear today before the Maryland State Human Relations Commission to demand an official investigation of police brutality in the incident.

The coalition includes members of the American Civil Liberties Union, National Welfare Rights Organization, Citizens Against Repression, Compeers, the Peoples Organization of Montgomery County, Concerned Citizens Emory Grove and SANE.

The grand jury continues its investigation today.

[From the Washington Post, July 14, 1971]

"OPEN UP! FEDERAL AGENTS!"

(By Nicholas von Hoffman)

In the reports filed by the law officers, local and federal, the couple are referred to as "white female" and "white male." Since about 9 o'clock on the evening of June 7, the white male has been in the hospital with a hole, slightly smaller than a quarter, in his forehead and the remains of a police dum-dum bullet in the back of the left side of his brain.

The white male's lawyer, John T. Bonner of Silver Spring, Md., reports that his client can't talk, mostly paralyzed but can indicate yes and no by small motions. Bonner also says the doctors don't see how the white male has lived this long or how he is going to go on living, the tissue damage being so great that the wound is inoperable.

The white male was reduced to these pitiable circumstances as a result of a raid pulled on his apartment in the town of Silver Spring by four county police officers and seven members of the Alcohol, Tobacco and Firearms Division of the United States Treasury Department. They came to the white male's door with a search warrant sworn out on the basis of a report by an unnamed source that a man named Ken had a lot of firearms in his apartment and had been seen playing with hand grenades around the building.

That's all they knew about him, that his name was Ken and that he drove a white Jeep. They didn't do any shoe leather detective work to find out more. On the search warrant, all they could put was Apartment 2 because they didn't know Kenyon Ballew's last name. They did nothing to dispel the gossip going around that their source was a police informant who makes his living selling stolen merchandise. If the gossip is correct, the informant had turned in the white male because Ballew, a 27-year-old printer, had refused to buy stolen merchandise from him.

That's the rumor, but it conforms to the known facts as well as the police story, which is outlandishly incomprehensible and possibly at variance with the physical evidence.

For some reason, not explained, the law officers chose to enter the Ballew apartment through a heavy, metal door using a battering ram. They could have announced themselves at the other entrance to the apartment, which has a window in it, so that the white male who was in the bath tub or his wife, who was naked except for a pair of panties, could have peeked around the corner and seen that they were cops. Or, better yet, if they'd done their homework, they could have posted a man at both doors and phoned the white male, explaining they had a warrant to search the premises. Since the victim had no prior criminal record, this would not have been an unreasonable step.

Instead, according to police officer Louis P. Ciamillo, Treasury Agent William H. Seals, "who had possession of the warrant knocked on the door and shouted, 'Open up! Federal agents!' I was able to hear a response from inside the apartment, but was unable to determine what was said." Federal Agent Donald R. Sloan agrees: "We waited for what seemed about a minute. I thought I heard some scuffling inside the apartment and a female yelling something I could not understand."

You would think it would have occurred to these hawkshaws that if they couldn't understand somebody yelling inside the apartment, that the same somebody in the apartment wouldn't be able to hear them identify themselves as police officers.

They come smashing in, literally with a battering ram, and doing this after waiting no more than a minute according to their own written statements. Once inside they are met by a naked, wet, white male who has leapt out of the tub because the white female is screaming that the place is being attacked by "hippies" or "racketeers" (Mrs. Ballew claims the first officers through the door wore beards and sweatshirts. The authorities say that Sloan came in first followed by the weirdo cops, but Sloan was wearing not a uniform but a business suit. In fact, only two of 11 lawmen were wearing uniforms and could be easily identified.

The white male is a gun collector. With the white female screaming at him to defend their home, he snatches an 1847 cap and ball antique revolver to do it with.

He falls. According to Bonner he is hit before he can get off a shot. The lawyer claims the white male's museum piece discharged as he was falling, inflicting a powder burn in his own leg. The ball itself traveled through a paperback book called "Chinese Mask" and embedded itself in the wall.

The book, along with a Belson accordion,

a clock-radio, a sewing machine and a Coleman gas lantern were carted off by the authorities. At least seven other shots were fired, and if Bonner's reconstruction of the physical evidence is correct, they were fired at the white male after he was already unconscious on the floor.

Next, Officer Clamillo states, "A white female exited from the bedroom and told us the occupant was shot and lying on the floor. We then moved to the doorway of the occupant's bedroom and found him lying on the floor with a gun in his right hand. The white female became hysterical at this point and stated that she knew he had a gun and that she had one, too."

Federal Agent Marcus J. Davis concurs: "A white female emerged from the bedroom area shouting and screaming . . . the female was in such a condition that she failed to understand her rights, and so stated. She was shortly removed from the apartment by the Montgomery County Police."

And the hand grenades? They turned out to be duds, if a Treasury Department memo sent to the U.S. District Attorney in Baltimore is to be believed. None of them had powder in them. One was a practice grenade that couldn't have hurt anyone if it had been functional. Three were smoke or gas grenades, and the last was just empty.

This kind of thing is enough to make you join the firearms lobby to protect your home. The other night a couple of reporters knocked late on the door of the home of Warren Burger, the Chief Justice of the United States. Like many another householder at that hour, the judge met them at the door with a gun in his hand. Is he going to get the same treatment as the white male if the Treasury Department gets a tip from some stumble bum that the Chief Justice has a BB gun in the basement?

This white male and white female were not a couple of dangerous Black Panthers. There was no reason to act with such stupidity, fright and arrogance. Local cops can perhaps be forgiven, but those Treasury men ought to throw in their badges and go pump gas for a living. To say that is not cop baiting, but demanding that policemen, especially federal policemen, live up to some reasonably civilized standard of conduct.

Because the white male wasn't a member of any political group, wasn't part of any organized anything, there will be nobody and no money to keep his case alive. Even if the white male doesn't die, his case will. Nobody will have time for him, not the reformers, and not Secretary Connally, the agents' boss. His time is taken up sovietizing Lockheed Aircraft and running for Vice President.

Maybe they'll give the white female her accordion back.

[From the Evening Star (D.C.), July 14, 1971]

GLEASON CALLS RAID ON BALLEW PROPER

(By William Taaffe)

Montgomery County and federal officers who conducted a Silver Spring weapons raid last month in which gun collector Kenyon F. Ballew was shot in the head acted properly, County Executive James P. Gleason says.

"I have asked myself if there is anything that could've been done differently and I just have to answer that there was not," Gleason declared yesterday.

His statement followed a refusal Monday by the 12 federal Internal Revenue Service agents involved to testify in a grand jury investigation of the raid.

According to Assistant U.S. Atty. Charles Bernstein, they otherwise would have been forced to sign waivers of immunity from prosecution, making them liable for possible indictment. Ballew, 28, of 1914 Quebec Ter., was shot June 7 when five of the raiders, armed with a warrant for illegal handgrenades, broke into his apartment while he was taking a bath.

Meanwhile, a spokesman for the IRS said the federal agents were prepared, and willing, to testify before the grand jury. But, he said, they were "confused" about the waiver of immunity which they were asked to sign.

The waiver, the spokesman said, was "different from the one which they were accustomed to," so the agents did not sign it.

William H. Seals, the only federal agent who entered the apartment, indicated in a confidential report within hours of the shooting that he fired first when Ballew confronted him with a gun.

Saraluse Ballew, the gun collector's wife who was present at the time, said her husband thought the raiders, only one of whom was in uniform, were robbers invading the apartment.

Gleason yesterday released a 20-page report prepared by his chief administrative aide, Elisha C. Freedman, and based on interviews with the raiders and Mrs. Ballew's attorney, John T. Bonner.

Noting that Seals subsequently maintained that he fired only after hearing an unidentified initial shot, Freedman said it remains unclear who fired first. Ballew still is hospitalized with a bullet in his brain.

"Events happened in split seconds and it is probable that any law enforcement officer, however clad, would have fired at a man with a raised gun before either one considered another course of action," the report concluded.

In his only dissent from the report, Gleason said he felt "the probabilities are that (Ballew's) gun went off after he was hit." He said it was "entirely possible" that Ballew and his wife mistook the officers for thieves and delayed in opening the apartment since both were undressed.

The report noted that a U.S. magistrate issued the warrant partly on the basis of police intelligence reports that a resident of the apartments, who police have declined to identify, planned to ambush officers when they responded to a call.

Gleason has directed police to apologize and compensate occupants of a second Quebec Terrace apartment, where a door was rammed open by mistake in a simultaneous raid. No one was injured in that incident.

Bonner yesterday termed the investigation a "whitewash" and charged that the federal agents refuse to testify because "There's no way in God's world they could've gotten their statements to add up to the same thing."

[From the Washington Daily News, July 14, 1971]

SILVER SPRING GUN COLLECTOR SHOT—HUMAN RELATIONS UNIT TO PROBE RAID

(By Diane Bauer)

The Maryland State Human Relations Commission by unanimous vote yesterday ordered a full staff investigation of the complaints of Montgomery County citizens groups about "police discrimination and brutality."

After hearing testimony in Baltimore about a June 7 police raid at Quebec Terrace, Silver Spring, and of massive police patrols in another predominantly black area, Berlin Apartments in Rockville, the commission agreed that tension between police and residents of black areas have become "grave" in Montgomery County.

Kenyon F. Ballew, a white Quebec Terrace resident who was critically injured in the June police and Treasury Agent raid of his apartment, may have been the victim of a police attitude that "they can do anything they please" in poor and black areas in the county, the commission was told by Nancy Young of the National Welfare Rights Organization and John Dillingham of the American Civil Liberties Union, spokesman for the Montgomery Coalition Against Racism.

Montgomery County Executive James P. Gleason, asked yesterday if he would think police had taken proper precautions if the

raid had taken place in his neighborhood, said "you are comparing two different situations—in the neighborhood that I would live in—and a different kind of neighborhood."

Earlier yesterday in Rockville, Mr. Gleason released a report approving police procedures in the Quebec Terrace raid.

He called police procedures "adequate and correct," and noted, "In my judgment there isn't anything that could have been done differently by the officers . . ."

At the same time he admitted that facts about police behavior during the incident were obtained only from the police and Treasury Agent raiders and not from neighbors and other residents in Quebec Terrace who witnessed the battering ram entry into two apartments there that night.

The raiders, some bearded and in hippie clothing, forced their way into the Ballew apartment with an 85 pound battering ram. Mr. Ballew, who had leaped from the bathtub and grabbed a gun when he heard the banging at his door, was shot in the head.

Although they had a search warrant for illegal hand grenades the raiders found only empty souvenir grenade casings, a part of Mr. Ballew's legal gun collection.

Mr. Gleason said that a bull horn was not used in an attempt to gain a peaceable entry to the Ballew apartment because we "did not want to get the neighborhood involved in the situation; people go to the bullfights to see the Matador killed."

Mr. Gleason said that he was "not convinced that the Ballews were in the wrong."

Mr. Ballew is at Washington Sanitarium with a bullet in his brain, partially paralyzed and unable to speak.

Mr. Gleason said that "in my judgment there isn't anything that could have been done differently by officers who took part in the raid."

[From the Washington Post, July 14, 1971]

APARTMENT RAID "JUSTIFIABLE," COUNTY STUDY OF SHOOTING CLAIMS

(By LaBarbara Bowman)

Montgomery County Executive James P. Gleason said yesterday that the actions of police during a June 7 raid on the Silver Spring apartment of a collector of antique guns were "justifiable."

In a press conference at which Gleason released a report giving the county's version of the incident, he said that "when you take all the circumstances of the case, it was justifiable." He said that "there isn't anything that could have been done differently; it was a dangerous situation."

Kenyon F. Ballew, 28, the gun collector, was shot in the head by plainclothes Internal Revenue Service agents and Montgomery County policemen who broke into Ballew's apartment at 1014 Quebec Ter. to execute a warrant for unregistered hand grenades.

The bullet is still in Ballew's head but he was reported in good condition yesterday at Washington Sanitarium and Hospital.

Gleason's report on the incident apparently closes the county government's investigation, though it leaves many inconsistencies unresolved.

The county grand jury continued yesterday to look into the matter.

A spokesman for IRS said yesterday that 12 agents from that department who took part in the raid refused to testify before the grand jury because they were asked to waive their immunity from prosecution and did not want to do so.

Saraluse Ballew, 35, wife of the wounded man, has said she refused to open the door to the raiding party because she did not know the men were policemen.

When they started to enter the apartment and she saw they were dressed in casual clothes and bearded, she and her husband armed themselves, she said.

Gleason said there are "different recollections about who shot first," Ballew or the

police. But he also said he believed Ballew's gun went off "accidentally" after he had been wounded and that he was not firing at police.

Gleason's statement contradicted earlier statements by Kenneth Watkins, county acting police superintendent, that Ballew and police fired "simultaneously" and that Ballew was aiming at the policemen.

The 10-page report to Gleason, prepared by Elisha C. Freedman, county chief administrative officer stated that the federal and county officers incorrectly raided a second apartment, the same night as the raid on the Ballew apartment.

Federal officers, acting on information from Prince George's and Montgomery County police, given by an informant, had obtained search warrants—one for the Ballew apartment and one for the apartment directly above, number 102, in the same building. Both warrants were for illegal firearms.

The agents searched apartment 102 but the man they were looking for actually lived next door in apartment 103, the report states. "Apologies should be in order and payment should be made for the broken door," the report states. Josephine Murphy lives in the apartment with her two daughters.

In the past three years county police have made approximately 30 raids where "at least" one uniformed officer was present. Federal agents are "always concerned about the plainclothes problem and mistaken identity," the report states, and situations "keep cropping up" where one officer will mistake another for a felon, the report said.

In the Ballew raid six of the 13 Montgomery policemen present were in uniform but the first ones to enter the apartment were dressed in "scruffy" clothes and wearing beards, because they are undercover men. Mrs. Ballew said she thought they were "hippies" or "racketeers."

The 27 police officers, in the raiding party including at least one from Prince George's county, were "extremely wary and concerned for their safety" at Quebec Terrace, Freedman reports. An informant had told them that police would receive a false call from the apartments one day and would be shot when they responded.

Gleason added that police receive more calls from Quebec Terrace, a low- and moderate-income apartment complex near Prince George's county line, than from any other single neighborhood in the county.

He also spoke of recent shootings of police officers and "the breakdown of law and order" as justification for police action the night of the raid.

The report also points up discrepancies between police accounts given the night of the raid from accounts of police officers when interviewed later.

For example IRS agent William H. Seals, in a statement made the night of the raid said he saw a man later identified as Ballew "aiming a revolver at me. At this time, I fired one round from my pistol at him and yelled, 'He's got a gun.'"

In a later interview Seals said he "heard a shot first and then fired at someone holding a gun."

The IRS spokesman said the agents "were willing to testify" before the grand jury and stayed outside the hearing room in the county courthouse all day. They did not sign the waiver because they were "different" from the waivers they usually sign, the spokesman said.

The spokesman did not know what the difference was, if the grand jury would allow testimony without the waivers and why the question was not resolved Monday. The grand jury will reconvene on the case July 20.

STATE SET TO PROBE MONTGOMERY POLICE ON BIAS COMPLAINT

(By Joy Aschenbach)

BALTIMORE.—The Maryland State Human Relations Commission has ordered a preliminary investigation of the Montgomery County Police Department's treatment of blacks and other minorities.

The commission acted yesterday after a group of Montgomery County citizens, led by John C. Dillingham of the American Civil Liberties Union complained that county police "harassed, terrorized and abused" persons living in predominantly black neighborhoods.

The citizens criticized police tactics which they said were used in recent raids in the Quebec Terrace area of Silver Spring and patrolling procedures allegedly carried on around the Berlin apartments in Rockville.

PEOPLE "TERRORIZED"

Dillingham told the commission that police raids in the Quebec Terrace area "terrorized the people and terrorized the neighborhoods." He and the others contended that the methods used by county police and U.S. Treasury agents June 7 in breaking into the apartment of Kenyon F. Ballew, a white gun collector, would not have been employed if he did not live in the heavily black Quebec Terrace section.

Ballew, 28, of 1014 Quebec Ter., was shot in the head when the raiders, armed with a warrant to search for illegal hand grenades, broke into his apartment. Mrs. Ballew has said her husband thought robbers were invading the apartment. Ballew is partially paralyzed as a result of the shooting.

"Ballew, even though he is white, was the victim of the police's racist attitude," Nancy Young, co-chairman of the Montgomery County Welfare Rights Organization, told the commission. "People on Quebec Terrace are treated as suspects. To live there is to be suspect."

AUTHORITIES EXONERATED

In separate reports yesterday, the Treasury Department and County Executive James P. Gleason exonerated federal agents and county police for their handling of the raid on the Ballew apartment. Meanwhile, a Montgomery County grand jury is continuing its investigation of the incident.

Dillingham said that the failure of county officials to act in this and other similar cases brought him to the state commission. He requested a formal investigative hearing on police practices no later than September.

The commission initially agreed to have its staff conduct a preliminary investigation of the police department and make recommendations on what further investigation, if any, is necessary.

A spokesman for the Montgomery County Human Relations Commission said that the Ballew incident was not investigated at the local level because it did not involve a black citizen. The official county investigation was conducted through the county executive's office.

PROHIBITIVE MEDICAL COSTS

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, one of the primary topics of concern among our constituents, and one being given an increasing amount of attention in Congress, is the skyrocketing costs of medical care throughout the country. Though we cannot pin down the cause

to any one factor, I am confident that the deteriorating situation in malpractice insurance for physicians contributes to the problem.

As a result of the fantastically high awards given to claimants in malpractice cases, the cost of malpractice insurance has risen precipitously to unacceptable levels—within the past year the cost of some physicians' insurance has gone up nearly 200 percent. Doctors in California, New York, and Hawaii pay as much as \$6,000 per year.

I receive mail every day, as I am sure you all do too, about the increasing cost of medical care. The prohibitive cost of malpractice insurance for physicians has left them few alternatives, other than to pass on their increased costs to their patients. The problem has become a vicious one, and the effect on health care cost is disturbing to providers and recipients of health care alike.

What is even more disturbing, however, is that increased malpractice premium costs are only part of the overall problem. As President Nixon remarked in his health message:

The climate of fear which is created by the growing menace of malpractice suits also affects the quality of medical treatment. Often it forces doctors to practice inefficient, defensive medicine . . . ordering unnecessary tests and treatments solely for the sake of appearance. It discourages the use of physicians' assistants, inhibits that free discussion of cases which can contribute so much to better care, and makes it harder to establish a relationship of trust between doctors and patients.

I want to commend the administration's initiative in dealing with this problem. The President has directed the Secretary of Health, Education, and Welfare to promptly set up a Commission on Medical Malpractice to begin "an intensive program of research and analysis" in this area. The Commission is scheduled to report back with specific recommendations by March 1, 1972.

In addition, I have been meeting with a group of doctors, representing the medical profession in my district, and they have voiced great concern about this issue. As a result I have been studying this problem myself, and I am working on legislation for the District, which I am hopeful will be a first step for other areas to follow.

PERSONAL ANNOUNCEMENT

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DULSKI. Mr. Speaker, I missed rollcall No. 185. Had I been present and voting, I would have voted "yea."

AMBASSADOR AVERELL HARRIMAN COMMENTS UPON THE PEACE PROPOSALS—AND A REASONABLE CHANCE

(Mr. RYAN asked and was given permission to extend his remarks at this

point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, for a decade this Nation has sent her young men to die in a senseless and tragic war in Southeast Asia. The price for this tragic venture has been incalculably high—in terms of lives lost and blood shed, in terms of treasure squandered and opportunities lost, in terms of the erosion of our position in the world community and the disaffection of our people at home.

Yet the war drags on. Despite the peace promises of the Nixon administration, the killing continues. The administration's policy is a vehicle to substitute Asian blood for American. The death is not going to stop. The destruction is not going to halt. The misery of the Vietnamese, and Laotians and Cambodians will persist. The vaunted policy of Vietnamization means the outfitting of client armies sustained by American air and logistical support.

The presentation of the seven-point proposal at the Paris negotiations offers the possibility of negotiating an end to this seemingly unending conflict.

W. Averell Harriman has long been one of this Nation's most astute and concerned analysts of American involvement in Vietnam. And as the chief negotiator on Vietnam under the Johnson administration he has a unique understanding of the possibilities of ending this war through diplomatic means. Governor Harriman has written a thoughtful article, which appeared in the July 15 New York Times, analyzing the situation in regard to the present opportunities for negotiations at Paris.

As Governor Harriman says, the President should explain what he meant in his April 7 address on Vietnam when he said that his plan would provide the South Vietnamese "a reasonable chance to survive as a free people." Is the President insisting upon the survival of the Thieu-Ky regime or is he finally prepared to instruct our negotiators in Paris to seek a political settlement?

I commend the following article to my colleagues:

"A REASONABLE CHANCE": Mrs. BINH'S PEACE PROPOSAL PROVIDES AN OPPORTUNITY FOR THE ADMINISTRATION TO EXPLOIT PRESENT MOODS IN SOUTHEAST ASIA

(By W. Averell Harriman)

WASHINGTON.—Publication of the Pentagon Papers has increased a widespread feeling that the public has not been adequately informed of United States intentions in Vietnam. The credibility of the Government was already at low point. To restore confidence it is essential that the Administration now clarify its aims in Vietnam.

The Administration has previously justified its refusal to negotiate a definite date for withdrawal of all American forces on three grounds—the safety of our forces, the release of our prisoners of war and giving the South Vietnamese "a reasonable chance."

Mrs. Binh's seven-point proposal satisfies the first two reasons. The Administration should now explain what it means by giving South Vietnam "a reasonable chance," and what American vital interests are involved. There are certain factors that already appear clear.

One that should be understood is that we have been fighting North Vietnam, a strongly nationalist Communist state which does not

want to be dominated by China. It is supported, of course, by both China and the Soviet Union. During my months of talks in Paris, Hanoi's historic desire for Independence was apparent. They were gratified that they were able to establish normal relations with the French and wished to have similar relations with us. Like Tito, they understand to avoid domination by the Communist giants they must have relations with the West and particularly the United States. We must recognize this and no longer blindly follow the concept that we are fighting Communist China.

Another factor is that the majority of the South Vietnamese clearly desire peace and prefer a non-Vietcong-controlled government. During recent years we have helped strengthen the Saigon Government militarily to Vietnamize the war, but not politically to expand its base to permit negotiations for a compromise settlement and to succeed in the political competition which would ensue. A political settlement worked out by the South Vietnamese themselves could give a "chance" for the South Vietnamese while experience indicates continued attempts to achieve a military solution can only mean endless fighting [with no settlement in sight].

In South Vietnam there are no effective political parties but there are groups representing the non-Communist elements in the country—Buddhists, Catholics, Cao Dai, Hao Hao, and the labor unions. It is not too late for President Thieu to rally these forces and bring their representatives into a peace cabinet or a negotiating committee. Conditions must be agreed to with the National Liberation Front under which a national election can be held from which would evolve a new constitution and a new government. As the front has proposed, provision should be made for guarantees against reprisals, and release of political prisoners.

There is increasing evidence that the other side would agree to an independent neutral South Vietnam for a period of years. The front, made up of people who are themselves southerners, evidently wants the South to be independent of the North until such time as a merger can be negotiated between equals.

Evidence indicates a willingness to agree to a non-Communist South. In fact Le Duc Tho has stated this in a New York Times interview. Furthermore, the Chinese for the first time are not publicly supporting a peaceful settlement, and speak of the four countries of Indochina, including both North and South Vietnam. They may wish to keep Indochina Balkanized and not unified under Hanoi.

After the settlement Hanoi must be induced to leave its neighbors alone and that can best be done by long-term cooperative arrangements for the reconstruction and development of North and South Vietnam, Laos, Cambodia and Thailand. The United States should be generous in its financial contribution but must leave the management to an international agency.

I can see only further confusion by awaiting the October elections in South Vietnam. Senator Tran Van Don has succinctly pointed out in a recent speech that President Thieu controls (1) the administrative, military, police and intelligence apparatus, (2) the mass media, and (3) large financial resources. Senator Don concluded that control of any one of the three factors would be sufficient to elect President Thieu, and he also has a fourth "decisive" factor—U.S. support.

Under these circumstances there is no reason to delay negotiations until the election which can hardly be a meaningful democratic expression. Moreover, the frustration pervading our country requires negotiations for our prompt withdrawal from the war.

LEAVES OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SHOUP (at the request of Mr. GERALD R. FORD), for today, and the balance of the week, on account of official committee business.

To Mr. KYROS, for July 19 through July 26, on account of official business.

To Mr. ADAMS, for July 19 through July 26, on account of business.

To Mr. PETTIS (at the request of Mr. GERALD R. FORD), on account of official business pertaining to airport matters in district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DU PONT) and to revise and extend their remarks and include extraneous matter:)

Mr. HARVEY, for 30 minutes, today.
Mr. CHAMBERLAIN, for 15 minutes, today.

Mr. KEMP, for 5 minutes, today.
Mrs. HECKLER of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mr. MATHIS of Georgia), to revise and extend their remarks and to include extraneous matter:)

Mr. ASPIN, today, for 20 minutes.
Mr. HAMILTON, today, for 60 minutes.
Mr. BURKE of Massachusetts, today, for 10 minutes.
Mr. GONZALEZ, today, for 10 minutes.
Mr. ROONEY of Pennsylvania, today, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. McKEVITT to follow the remarks of Mr. HARVEY during his special order today.

Mrs. MINK to include extraneous matter with her remarks made today in the Committee of the Whole on H.R. 9388.

(The following Members (at the request of Mr. DU PONT) and to include extraneous matter:)

Mr. BUCHANAN.
Mr. HARVEY.
Mr. HOSMER in two instances.
Mr. McCLORY in three instances.
Mr. THOMPSON of Georgia.
Mr. SCHWENDEL in two instances.
Mr. CHAMBERLAIN.
Mr. CARTER in two instances.
Mr. THOMSON of Wisconsin.
Mr. DERWINSKI in two instances.
Mr. MILLER of Ohio.
Mr. McKEVITT.
Mr. BOB WILSON.
Mr. CLEVELAND in two instances.

(The following Members (at the request of Mr. MATHIS of Georgia), and to include extraneous matter:)

Mrs. HICKS of Massachusetts in two instances.
Mr. JACOBS.
Mr. WOLFF in three instances.

Mr. **RODINO** in three instances.
 Mr. **MATSUNAGA**.
 Mr. **BADILLO** in five instances.
 Mr. **WALDIE** in three instances.
 Mr. **GONZALEZ** in two instances.
 Mr. **EVINS** of Tennessee in two instances.
 Mr. **DRINAN** in three instances.
 Mr. **RYAN** in three instances.
 Mr. **CABELL** in two instances.
 Mr. **ASPIN** in two instances.
 Mr. **MAZZOLI** in three instances.
 Mr. **RARICK** in three instances.
 Mr. **HUNGATE** in six instances.
 Mr. **ROSENTHAL** in five instances.
 Mr. **ABOUREZK**.
 Mr. **METCALFE** in two instances.
 Mr. **O'NEILL** in two instances.
 Mr. **GAYDOS** in eight instances.
 Mr. **DINGELL** in two instances.
 Mr. **WHITE** in two instances.
 Mr. **BRINKLEY** in two instances.
 Mr. **FULTON** of Tennessee in two instances.
 Mr. **EILBERG**.
 Mr. **SCHUEVER** in three instances.
 Mr. **VANIK** in two instances.
 Mr. **BENNETT**.
 Mr. **GRIFFIN**.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The **SPEAKER** announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 101. Joint resolution to authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day."

ADJOURNMENT

Mr. **MATHIS** of Georgia. Mr. Speaker, I move that the House do now adjourn. The motion was agreed to; accordingly (at 4 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until Monday, July 19, 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:

966. A letter from the Deputy Secretary of Defense, transmitting a report on the impact of the railroad work stoppage of May 17 and 18, 1971, on the movement of goods vital to the national defense, the extent to which rail traffic was diverted to other means of transportation, and the status of plans to provide for the movement of defense articles in the event of a railroad work stoppage or lockout, pursuant to Public Law 92-17; to the Committee on Interstate and Foreign Commerce.

967. A letter from the Chairman, Administrative Conference of the United States, transmitting the report of the activities of the Conference for the period from January 1970, through June 1971; to the Committee on the Judiciary.

968. A letter from the Comptroller General of the United States, transmitting a report on the need of improved administration of the Davis-Bacon Act, Department of Labor; to the Committee on Government Operations.

969. A letter from the Comptroller General of the United States, transmitting a report on the potential for improved effectiveness of

scientific and technical information dissemination activities, Atomic Energy Commission; to the Committee on Government Operations.

REPORT 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. **GARMATZ**: Committee on Merchant Marine and Fisheries.

H.R. 9727. A bill to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes; with an amendment (Rept. No. 92-361). Referred to the Committee of the Whole House on the State of the Union.

Mr. **MADDEN**: Committee on Rules. House Resolution 542, a resolution providing for the consideration of H.R. 1746. A bill to further promote equal employment opportunities for American workers (Rep. No. 92-360). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. **ASPIN**:

H.R. 9813. A bill to amend title 23, United States Code, to authorize the collection of tolls on the Interstate System; to the Committee on Public Works.

By Mr. **CARNEY**:

H.R. 9814. A bill to provide annual quotas on imports of footwear articles; to the Committee on Ways and Means.

By Mr. **CEDERBERG**:

H.R. 9815. A bill to provide that the fiscal year of the United States shall coincide with the calendar year; to the Committee on Government Operations.

By Mr. **CHAMBERLAIN** (for himself,

Mr. **BROOMFIELD**, Mr. **BROWN** of Michigan, Mr. **CEDERBERG**, Mr. **CONYERS**, Mr. **DIGGS**, Mr. **DINGELL**, Mr. **ESCH**, Mr. **GERALD R. FORD**, Mr. **WILLIAM D. FORD**, Mrs. **GRIFFITHS**, Mr. **HARVEY**, Mr. **HUTCHINSON**, Mr. **MCDONALD** of Michigan, Mr. **NEDZI**, Mr. **O'HARA**, Mr. **RIEGLE**, Mr. **RUPPE**, and Mr. **VANDER JAGT**):

H.R. 9816. A bill to repeal the Federal excise tax on passenger automobiles; to the Committee on Ways and Means.

By Mr. **DEVINE**:

H.R. 9817. A bill to prohibit the broadcasting of deceptive news and public affairs programs; to the Committee on Interstate and Foreign Commerce.

By Mr. **FASCELL**:

H.R. 9818. A bill to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. **FULTON** of Pennsylvania:

H.R. 9819. A bill to increase the contribution by the Federal Government to the costs of employees' health benefits insurance; to the Committee on Post Office and Civil Service.

By Mr. **HARVEY** (for himself, Mr.

Mr. **BURKE** of Florida, Mr. **COLLIER**, and Mr. **McKEVITT**):

H.R. 9820. A bill to amend the Railway Labor Act to provide more effective means for protecting the public interest in national emergency disputes involving the railroad and airline transportation industries, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. **HELSTOSKI**:

H.R. 9821. A bill to amend the Federal Food, Drug, and Comestic Act to require the

labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

H.R. 9822. A bill to prevent a decrease in the dependency and indemnity compensation of any dependent parent of a deceased veteran or in the pension of any veteran or widow of a veteran as the result of the increase in social security benefits provided by Public Law 92-5 or by any increase in railroad retirement benefits during the calendar year 1971; to the Committee on Veterans' Affairs.

H.R. 9823. A bill to provide equitable treatment of veterans enrolled in vocational education courses; to the Committee on Veterans' Affairs.

H.R. 9824. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to veterans who have served in the Indochina theater of operations during the Vietnam era; to the Committee on Veterans' Affairs.

By Mr. **KOCH** (for himself, Mr. **ANDERSON** of Tennessee, Mr. **BERGLAND**, Mr. **BIAGGI**, Mr. **BURKE** of Florida, Mr. **CRANE**, Mr. **WILLIAM D. FORD**, Mr. **HANLEY**, Mr. **KEATING**, Mr. **LONG** of Maryland, Mr. **LONG** of Louisiana, and Mr. **STOKES**):

H.R. 9825. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. **MINISH**:

H.R. 9826. A bill to amend the act of September 5, 1962, to authorize the acquisition of land for the Edison National Historic Site in the State of New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. **PEYSER** (for himself, Mr.

Mr. **BURKE** of Florida, Mr. **BEGICH**, Mr. **CELLER**, Mr. **DONOHUE**, Mr. **FISH**, Mr. **FORSYTHE**, Mr. **FRASER**, Mr. **FULTON** of Tennessee, Mr. **CÓRDOVA**, Mr. **FULTON** of Pennsylvania, Mr. **FRENZEL**, Mr. **HARRINGTON**, Mr. **HASTINGS**, Mr. **KOCH**, Mr. **LENT**, Mr. **McKINNEY**, Mr. **MAZZOLI**, Mr. **MORSE**, Mr. **RANGEL**, Mr. **RODINO**, Mr. **ROE**, Mr. **STOKES**, and Mr. **VEYSEY**):

H.R. 9827. A bill to provide additional Federal assistance for State programs of treatment and rehabilitation of drug addicts; to the Committee on Interstate and Foreign Commerce.

By Mr. **PEYSER** (for himself, Mr.

Mr. **WYDLER**, Mrs. **ABZUG**, and Mr. **BIAGGI**):

H.R. 9828. A bill to provide additional Federal assistance for State programs of treatment and rehabilitation of drug addicts; to the Committee on Interstate and Foreign Commerce.

By Mr. **PIRNIE**:

H.R. 9829. A bill to amend title 10, United States Code, to provide for the investigation of accidents involving aircraft of an armed force, and to clarify the use of reports of those investigations; to the Committee on Armed Services.

H.R. 9830. A bill to authorize the involuntary recall of the Coast Guard Reserve to duty in time of natural disaster; to the Committee on Merchant Marine and Fisheries.

By Mr. **QUILLEN**:

H.R. 9831. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. **RUPPE**:

H.R. 9832. A bill to provide for payments to compensate county governments for the tax immunity of Federal lands within their boundaries; to the Committee on Interior and Insular Affairs.

By Mr. STEED:

H.R. 9833. A bill to amend the Agricultural Adjustment Act of 1938 with respect to the computation of payments for the production of cotton in any drought year, and for other purposes; to the Committee on Agriculture.

H.R. 9834. A bill to authorize the Seminole Nation of Oklahoma to elect its principal officer as provided by its constitution; to the Committee on Interior and Insular Affairs.

By Mrs. SULLIVAN (for herself, Mr. GROVER, Mr. DOWNING, Mr. BRAY, Mr. STUBBLEFIELD, Mr. McDONALD of Michigan, Mr. JONES of North Carolina, Mr. SNYDER, Mr. LEGGETT, Mr. STEELE, Mr. JAMES V. STANTON, and Mr. FREY):

H.R. 9835. A bill to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. THONE:

H.R. 9836. A bill to amend title 38 of the United States Code to provide specially adapted housing benefits to veterans suffering the loss, or loss of use, of both arms; to the Committee on Veterans' Affairs.

By Mr. WALDIE:

H.R. 9837. A bill to amend the Internal Revenue Code of 1954 so as to permit certain tax-exempt organizations to engage in communications with legislative bodies, and committees and members thereof; to the Committee on Ways and Means.

By Mr. WHALLEY:

H.R. 9838. A bill to limit the sale or distribution of mailing lists by Federal agencies; to the Committee on Government Operations.

H.R. 9839. A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law, and for other purposes; to the Committee on the Judiciary.

H.R. 9840. 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.

By Mr. WHITE:

H.R. 9841. A bill to include certain officers and employees of the Department of Agriculture performing functions under the laws administered by that Department within the provisions of section 1114 of title 18 of the United States Code, relating to homicides of Federal officers in the discharge of their duties; to the Committee on the Judiciary.

By Mr. WINN (for himself, Mr. DUNCAN, Mr. THONE, Mr. MORSE, Mr. PERKINS, Mr. HALPERN, Mr. THOMPSON of Georgia, Mr. JOHNSON of Pennsylvania, Mr. SHRIVER, Mr. HECHLER of West Virginia, Mr. DERWINSKI, Mr. ANDERSON of Illinois, Mr. FORSYTHE, Mr. PEPPER, Mr. COLLIER, Mr. VANDER JAGT, Mr. MATSUNAGA, Mr. SEBELIUS, Mr. CAMP, Mr. BURKE of Massachusetts, Mr. LANDGREBE, Mr. FULTON of Pennsylvania, Mr. MIKVA, Mr. SCHERLE, and Mr. BAKER):

H.R. 9842. A bill to establish a national environmental bank, to authorize the issuance of U.S. environmental savings bonds, and to establish an environmental trust fund; to the Committee on Banking and Currency.

By Mr. WYATT:

H.R. 9843. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act to authorize reduced-fare transportation on a space-available basis for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. HEBERT (for himself and Mr. ARENDS) (by request):

H.R. 9844. A bill to authorize certain construction at military installations, and for

other purposes; to the Committee on Armed Services.

By Mr. ABBITT:

H.R. 9845. A bill to amend the Federal Meat Inspection Act with respect to Federal and State cooperation, and for other purposes; to the Committee on Agriculture.

By Mr. ABOUREZK (for himself, Mr. ANDERSON of Tennessee, Mr. BEGICH, Mr. BLANTON, Mr. BRINKLEY, Mr. CULVER, Mr. EVINS of Tennessee, Mr. LEGGETT, Mr. LINK, Mr. MAZZOLI, Mr. OBEY, Mr. O'KONSKI, Mr. ROY, Mr. SARBANES, Mr. STEPHENS, Mr. WALDIE, and Mr. SEIBERLING):

H.R. 9846. A bill: Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. BRADEMAS:

H.R. 9847. A bill to amend the Vocational Rehabilitation Act in order to extend and improve rehabilitation services for handicapped individuals, and for other purposes; to the Committee on Education and Labor.

By Mr. CHAPPELL (for himself and Mr. HALEY) (by request):

H.R. 9848. A bill to amend the Agricultural Marketing Agreement Act of 1937, as amended, to include citrus for freezing and canning and the products thereof among the commodities which may be regulated; to the Committee on Agriculture.

By Mr. DORN:

H.R. 9849. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. EDMONDSON (for himself, Mr. BELCHER, Mr. CAMP, Mr. JARMAN, and Mr. STEED):

H.R. 9850. A bill to provide for compensation to the Cherokee Nation for certain lands; to the Committee on Interior and Insular Affairs.

By Mr. HANSEN of Idaho:

H.R. 9851. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to permit sharing the cost of agriculture-related pollution prevention and abatement measures; to the Committee on Agriculture.

H.R. 9852. A bill to preserve the domestic gold mining industry and to increase the domestic production of gold; to the Committee on Interior and Insular Affairs.

By Mr. HEBERT (for himself and Mr. ARENDS):

H.R. 9853. A bill to amend the National Security Act of 1947 to provide for a continuing review and study of measures that should be taken with respect to the designation and protection of information within the Department of Defense and certain other agencies which affects the national security; to the Committee on Armed Services.

By Mr. HUNT (for himself, Mr. SAYLOR, Mr. WAGGONNER, Mr. KING, Mr. RHODES, Mr. PELLY, Mr. SANDMAN, Mr. HORTON, and Mr. YOUNG of Florida):

H.R. 9854. A bill to authorize the involuntary recall of the Coast Guard Reserve to duty in time of natural disaster; to the Committee on Merchant Marine and Fisheries.

By Mr. KEITH (for himself, Mr. ZWACH, Mr. DUNCAN, Mr. KUYKENDALL, Mr. STEIGER of Arizona, Mr. YOUNG of Florida, Mr. COLLINS of Texas, Mr. TAYLOR, and Mr. MORSE):

H.R. 9855. A bill to encourage truth in newscasting and public affairs broadcasting; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. ASPIN, Mr. BEGICH, Mr. BRADEMAS, Mr. CONYERS, Mr. DINGELL, Mr. DRINAN, Mr. EDWARDS of California, Mr. FULTON of Tennessee, Mr. HELSTOSKI, Mr. HORTON, Mr. LINK, Mrs. MINK, Mr. OBEY, Mr. PRICE of Illinois, Mr. REES,

Mr. ROE, Mr. RUNNELS, and Mr. YA-TRON):

H.R. 9856. A bill to amend title V of the Social Security Act to extend for 5 years (until June 30, 1977) the period within which certain special project grants may be made thereunder; to the Committee on Ways and Means.

By Mr. PATTEN:

H.R. 9857. A bill to control the generation and transmission of noise detrimental to the human environment, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STRATTON:

H.R. 9858. 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. STUCKEY:

H.R. 9859. A bill to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WALDIE:

H.R. 9860. A bill to amend the Internal Revenue Code of 1954 to provide that blood donations shall be considered as charitable contributions deductible from gross income; to the Committee on Ways and Means.

By Mr. BOW (for himself, Mrs. HANSEN of Washington, Mr. BRADEMAS, and Mr. NEDZI):

H.J. Res. 782. Joint resolution to authorize the President of the United States to issue a proclamation to announce the occasion of the celebration of the 125th anniversary of the establishment of the Smithsonian Institution and to designate and to set aside September 26, 1971, as a special day to honor the scientific and cultural achievements of the Institution; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.J. Res. 783. Joint resolution proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. DORN:

H.J. Res. 784. Joint resolution proposing an amendment to the Constitution relating to the continuance in office of judges of the Supreme Court and of inferior courts; to the Committee on the Judiciary.

By Mr. FISH:

H.J. Res. 785. Joint resolution authorizing the President to proclaim Sunday, October 17, 1971, as "Vietnam Veterans Day"; to the Committee on the Judiciary.

By Mr. CELLER:

H. Con. Res. 365. Concurrent resolution to print as a House document the Constitution of the United States; to the Committee on House Administration.

By Mr. HUNGATE (for himself and Mr. DRINAN):

H. Con. Res. 366. Concurrent resolution urging review of the United Nations Charter; to the Committee on Foreign Affairs.

By Mrs. ABZUG:

H. Res. 543. Resolution expressing the sense of the House that administration pursuit of current proposals at peace talks in Paris is a matter of utmost urgency; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania:

H. Res. 544. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

By Mr. MORSE:

H. Res. 545. Resolution providing for the appointment of a select committee to observe the 1971 presidential elections in South Vietnam; to the Committee on Rules.