Mr. BYRD of West Virginia. Did I understand the able Senator to refer to the return to the consideration of S. 2308?

Mr. GRIFFIN. Yes, on Saturday.

Mr. BYRD of West Virginia. On Saturday, yes; I think I can safely say for the majority leader that it would be the plan possibly to return to the consideration of S. 2308 on Saturday following the completion of action on the public works appropriation bill if there is time enough to accomplish any progress.

Mr. GRIFFIN. Mr. President, I thank the Senator.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, with the understanding hopefully that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ADJOURNMENT UNTIL 9:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:30 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 23 minutes p.m.) the Senate adjourned until tomorrow, Friday, July 30, 1971, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 29, 1971:

DIPLOMATIC AND FOREIGN SERVICE

Nathaniel Davis, of New Jersey, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Chile.

Henry E. Catto, Jr., of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to El Salvador.

William G. Bowdler, of Florida, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Guatemala.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 29, 1971:

U.S. CIRCUIT COURTS

William H. Timbers, of Connecticut, to be a U.S. circuit judge, second circuit.

U.S. DISTRICT COURTS

Malcolm M. Lucas, of California, to be a U.S. district judge for the central district of California.

Lawrence T. Lydick, of California, to be a U.S. district judge for the central district of California.

Spencer M. Williams, of California, to be a U.S. district judge for the northern district of California.

C. Stanley Blair, of Maryland, to be a U.S. district judge for the district of Maryland.

Herbert F. Murray, of Maryland, to be a U.S. district judge for the district of Maryland.

Joseph H. Young, of Maryland, to be a U.S. district judge for the district of Maryland.

Charles L. Brieant, Jr., of New York, to be a U.S. district judge for the southern district of New York.

Paul Benson, of North Dakota, to be a U.S. district judge for the district of North Dakota

Albert V. Bryan, Jr., of Virginia, to be a U.S. district judge for the eastern district of Virginia.

U.S. PATENT OFFICE

Brereton Sturtevant, of Delaware, to be an examiner in chief, U.S. Patent Office.

DEPARTMENT OF TRANSPORTATION

Benjamin Oliver Davis, Jr., of Virginia, to be an Assistant Secretary of Transportation.

FEDERAL COMMUNICATIONS COMMISSION

Charlotte T. Reid, of Illinois, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1971.

CORPORATION FOR PUBLIC BROADCASTING

Zelma George, of Ohio, to be a member of the board of directors of the Corporation for Public Broadcasting for the remainder of the term expiring March 26, 1972.

COMMUNICATIONS SATELLITE CORPORATION

Frederic G. Donner, of New York, to be a member of the board of directors of the Communications Satellite Corp. until the date of the annual meeting of the corporation in 1974.

HOUSE OF REPRESENTATIVES—*Thursday, July 29, 1971*

The House met at 12 o'clock noon.

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

Be ye stedfast, unmovable, always abounding in the work of the Lord, forasmuch as ye know that your labor is not in vain in the Lord.—I Corinthians 15:58.

Eternal God, our Father, in all reverence and humility we pause in Thy presence to offer unto Thee our morning prayer. Lift us into the reality of Thy spirit where we may be still and know that Thou art God.

We come with hearts overflowing with gratitude and pray that this spirit may fill all our days. We have so much for which to be thankful: Homes where love dwells; churches where we can worship as we desire; friendships which bless our lives; a Nation that is free; work to do and the strength to do it.

Rekindle in us the fires of our faith and tune our hearts to Thee that we may be lifted above all malice and all ill will and with increasing confidence be made adequate for the tasks of this new day: Through Jesus Christ our Lord. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 3201. An act for the relief of Faith M. Lewis Kochendorfer; Dick A. Lewis; Nancy J. Lewis Keithley; Knute K. Lewis; Peggy A. Lewis Townsend; Kim C. Lewis; Cindy L. Lewis Kochendorfer; and, Frederick L. Baston.

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

H.R. 8866. An act to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 8866) entitled "An act to amend and extend the provisions of the Sugar Act of 1948, as amended, and for other purposes," request a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. BENNETT, and Mr. CURTIS to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7109) entitled "An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7960) entitled "An act to authorize appropriations for activities of the National Science Foundation, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9270) entitled "An act making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes."

The message also announced that the Senate agreed to the House amendments to the Senate amendments Nos. 4, 34, and 38.

MERGER OF THE TWO MAJOR BASKETBALL LEAGUES

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

Mr. BROOKS. Mr. Speaker, America has always been a sports loving nation.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

We promote little league baseball, high school football and basketball, and college athletics of all types. But in recent years it has been professional sports that have experienced unprecedented popularity.

Professional sports provide entertainment for millions. However, the future for some professional sports is not as promising as it once was.

The pro sport facing the most precarious financial future is basketball. Despite an increase in attendance of 238 percent from 1965 to 1970, only 3 of the 28 professional basketball teams showed a profit last year.

I am today, along with 37 cosponsors, introducing legislation to permit the merger of the two major basketball leagues without being in violation of the antitrust laws. This same type of legislation was necessary in 1966 to save professional football. Unless a similar remedy is made available for pro basketball, it may pass from the American sports scene.

Joining me in cosponsoring this legislation are: Mr. ANDREW JACOBS, Mr. JEROME WALDIE, Mr. GEORGE DANIELSON, Mr. ROBERT MCCLORY, Mr. HENRY P. SMITH III, Mr. TOM RAILSBACK, Mr. CHARLES WIGGINS, Mr. WILLIAM J. KEATING, Mr. JAMES D. MCKEVITT, Mr. WATKINS ABBITT, Mr. WAYNE ASPINALL, Mr. LAMAR BAKER, Mr. DONALD BROTZMAN, Mr. JOEL BROYHILL, Mr. EARLE CABELL, Mr. BOB CASE,, Mr. JAMES M. COLLINS, Mr. SILVIO CONTE, Mr. FRANK E. EVANS, Mr. RICHARD H. FULTON, Mr. JAMES R. GROVER, JR., Mr. SEYMOUR HALPERN, Mr. RICHARD T. HANNA, Mr. JAMES J. HOWARD, Mr. ED JONES, Mr. DAN KUYKENDALL, Mr. ROBERT B. MATHIAS, Mr. ROMANO MAZZOLI, Mr. K. GUNN MCKAY, Mr. WILLIAM MOORHEAD, Mr. CLAUDE PEPPER, Mr. RICHARDSON PREYER, Mr. JAMES H. QUILLEN, Mr. HAROLD RUNNELS, Mr. JAMES B. STANTON, Mr. WENDELL WYATT, Mr. SHERMAN P. LLOYD.

THE LONG-ABUSED ARMY CHEMICAL CORPS DEVELOPED THE VACCINE TO CONTROL EQUINE ENCEPHALITIS

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

Mr. SIKES. Mr. Speaker, for a long time the Army Chemical Corps received little but abuse from some elements of the press and public in our country. The primary target in these attacks was the biological warfare teams which were seeking to develop defenses by which America could withstand rare and dangerous diseases should they be used by enemy forces against our population. The work of these detractors was so well done that the Army Chemical Corps was long ago abolished and now even our capability in biological and chemical warfare fields is being destroyed.

Very recently the public has been shaken by a very serious outbreak of Venezuelan equine encephalitis. It has killed thousands of horses in Texas and elsewhere and the disease is spreading. Vigorous efforts to control the threat and prevent further spread of the disease are now in progress using a vaccine developed by the very same, often maligned biological warfare teams.

The Army Medical Department developed the Venezuelan equine encephalitis vaccine at the U.S. Army Medical Research Institute of Infectious Diseases, Fort Detrick, Md. This vaccine is being used by the Department of Agriculture in the current epidemic in Texas, and has also been used in eight South and Central American countries.

To meet further threats the Army Medical Department is producing additional vaccine, mosquito surveillance teams, VEE isolation support, and other assistance as required to the Department of Agriculture and the Surgeon General, U.S. Health Service.

The Army's principal capability in the field of biological warfare is housed at Pine Bluff Arsenal in Arkansas. This capability is being systematically destroyed under administration policy. It is interesting to speculate on what important services by Pine Bluff Arsenal experts may be lost to future efforts to combat similar serious outbreaks of rare, infectious diseases.

FEDERAL BOAT SAFETY ACT OF 1971

Mr. CLARK. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 19) to provide for a coordinated national boating safety program, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

That this Act may be cited as the "Federal Boat Safety Act of 1971".

DECLARATION OF POLICY AND PURPOSE

SEC. 2. It is hereby declared to be the policy of Congress and the purpose of this Act to improve boating safety and to foster greater development, use, and enjoyment of all the waters of the United States by encouraging and assisting participation by the several States, the boating industry, and the boating public in development of more comprehensive boating safety programs; by authorizing the establishment of national construction and performance standards for boats and associated equipment; and by creating more flexible regulatory authority concerning the use of boats and equipment. It is further declared to be the policy of Congress to encourage greater and continuing uniformity of boating laws and regulations as among the several States and the Federal Government, a higher degree of reciprocity and comity among the several jurisdictions, and closer cooperation and assistance between the Federal Government and the several States in developing, administering, and enforcing Federal and State laws and regulations pertaining to boating safety.

DEFINITIONS

SEC. 3. As used in this Act, and unless the context otherwise requires—

(1) "Boat" means any vessel—

(A) manufactured or used primarily for noncommercial use; or

(B) leased, rented, or chartered to another for the latter's noncommercial use; or

(C) engaged in the carrying of six or fewer passengers.

(2) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

(3) "Undocumented vessel" means a vessel which does not have and is not required to have a valid marine document as a vessel of the United States.

(4) "Use" means operate, navigate, or employ.

(5) "Passenger" means every person carried on board a vessel other than—

(A) the owner or his representative;

(B) the operator;

(C) bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or

(D) any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly, or indirectly, for his carriage.

(6) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(7) "Manufacturer" means any person engaged in—

(A) the manufacture, construction, or assembly of boats or associated equipment; or

(B) the manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly; or

(C) the importation into the United States for sale of boats, associated equipment, or components thereof.

(8) "Associated equipment" means—

(A) any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component;

(B) any accessory or equipment for, or appurtenance to, a boat; and

(C) any marine safety article, accessory, or equipment intended for use by a person on board a boat; but

(D) excluding radio equipment.

(9) "Secretary" means the Secretary of the Department in which the Coast Guard is operating.

(10) "State" means a State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

(11) "Eligible State" means one that has a State boating safety program which has been accepted by the Secretary.

APPLICABILITY

SEC. 4. (a) This Act applies to vessels and associated equipment used, to be used, or carried in vessels used, on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for vessels owned in the United States.

(b) Sections 5 through 11 and subsections 12(a) and 12(b) of this Act are applicable also to boats moving or intended to be moved in interstate commerce.

(c) This Act, except those sections where the content expressly indicates otherwise, does not apply to—

(1) foreign vessels temporarily using waters subject to United States jurisdiction;

(2) military or public vessels of the United States, except recreational-type public vessels;

(3) a vessel whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such;

(4) ships' lifeboats.

BOAT AND ASSOCIATED EQUIPMENT STANDARDS AND USE

SAFETY REGULATIONS AND STANDARDS

SEC. 5. (a) The Secretary may issue regulations—

(1) establishing minimum safety standards for boats and associated equipment, and establishing procedures and tests re-

quired to measure conformance with such standards. Each standard shall be reasonable, shall meet the need for boating safety, and shall be stated, insofar as practicable, in terms of performance;

(2) requiring the installation, carrying, or using of associated equipment on boats and classes of boats subject to this Act; and prohibiting the installation, carrying, or using of associated equipment which does not conform with safety standards established under this section. Equipment contemplated by this clause includes, but is not limited to, fuel systems, ventilation systems, electrical systems, navigational lights, sound producing devices, fire fighting equipment, lifesaving devices, signaling devices, ground tackle, life and grab rails, and navigational equipment.

(b) A regulation or standard issued under this section—

(1) shall specify an effective date which is not earlier than one hundred and eighty days from the date of issuance, except that this period shall be increased in the discretion of the Secretary to not more than eighteen months in any case involving major product design, retooling, or major changes in the manufacturing process, unless the Secretary finds that there exists a boating safety hazard so critical as to require an earlier effective date; what constitutes major product redesign, retooling, or major changes shall be determined by the Secretary;

(2) may not compel substantial alteration of a boat or item of associated equipment which is in existence, or the construction or manufacture of which is commenced, before the effective date of the regulation; but subject to that limitation may require compliance or performance to avoid a substantial risk of personal injury to the public that the Secretary considers appropriate in relation to the degree of hazard that the compliance will correct; and

(3) shall be consistent with laws and regulations governing the installation and maintenance of sanitation equipment.

PRESCRIBING REGULATIONS AND STANDARDS

SEC. 6. In establishing a need for formulating and prescribing regulations and standards under section 5 of this Act, the Secretary shall, among other things—

(1) consider the need for and the extent to which the regulations or standards will contribute to boating safety;

(2) consider relevant available boat safety standards, statistics and data, including public and private research, development, testing, and evaluation;

(3) consider whether any proposed regulation or standard is reasonable and appropriate for the particular type of boat or associated equipment for which it is prescribed;

(4) consult with the Boating Safety Advisory Council established pursuant to section 33 of this Act regarding all of the foregoing considerations.

DISPLAY OF LABELS EVIDENCING COMPLIANCE

SEC. 7. The Secretary may require or permit the display of seals, labels, plates, insignia, or other devices for the purpose of certifying or evidencing compliance with Federal safety regulations and standards for boats and associated equipment.

DELEGATION OF INSPECTION FUNCTION

SEC. 8. The Secretary may, subject to such regulations, supervision, and review as he may prescribe, delegate to any person, or private or public agency, or to any employee under the supervision of such person or agency, any work, business, or function respecting the examination, inspection, and testing necessary for compliance enforcement or for the development of data to enable the Secretary to prescribe and to issue regulations and standards, under sections 5 and 6 of this Act.

EXEMPTIONS

SEC. 9. The Secretary may, if he considers that boating safety will not be adversely affected, issue exemptions from any provision of this Act or regulations and standards established thereunder, on terms and conditions as he considers appropriate.

FEDERAL PREEMPTION

SEC. 10. Unless permitted by the Secretary under section 9 of this Act, no State or political subdivision thereof may establish, continue in effect, or enforce any provision of law or regulation which establishes any boat or associated equipment performance or other safety standard, or which imposes any requirement for associated equipment, except, unless disapproved by the Secretary, the carrying or using of marine safety articles to meet uniquely hazardous conditions or circumstances within the State, which is not identical to a Federal regulation issued under section 5 of this Act.

ADMISSION OF NONCONFORMING FOREIGN-MADE BOATS

SEC. 11. The Secretary of the Treasury and the Secretary may, by joint regulations, authorize the importation of a nonconforming boat or associated equipment upon terms and conditions, including the furnishing of bond, which will assure that the boat or associated equipment will be brought into conformity with the applicable Federal safety regulations and standards before it is used on waters subject to the jurisdiction of the United States.

PROHIBITED ACTS

SEC. 12. (a) No person shall—

(1) manufacture, construct, assemble, introduce, or deliver for introduction in interstate commerce, or import into the United States, or if engaged in the business of selling or distributing boats or associated equipment, sell or offer for sale, any boat, associated equipment, or component thereof to be sold for subsequent assembly, unless—

(A) it conforms with regulations and standards prescribed under this Act, or

(B) it is intended solely for export, and so labeled, tagged, or marked on the boat or equipment and on the outside of the container, if any, which is exported.

(2) affix, attach, or display a seal, label, plate, insignia, or other device indicating or suggesting compliance with Federal safety standards, on, in, or with a boat or item of associated equipment, which is false or misleading;

(3) fail to furnish a notification as required by section 15(a) or exercise reasonable diligence in fulfilling the undertaking given pursuant to section 15(c) of this Act.

(b) No person shall be subject to any penalty contained in this section if he establishes that he did not have reason to know in the exercise of due care that a boat or associated equipment does not conform with applicable Federal boat safety standards, or who holds a certificate issued by the manufacturer of the boat or associated equipment to the effect that such boat or associated equipment conforms to all applicable Federal boat safety standards, unless such person knows or reasonably should have known that such boat or associated equipment does not so conform.

(c) No person may use a vessel in violation of this Act or regulations issued thereunder.

(d) No person may use a vessel, including one otherwise exempted by section 4(c) of this Act, in a negligent manner so as to endanger the life, limb, or property of any person. Violations of this subsection involving use which is grossly negligent, subject the violator, in addition to any other penalties prescribed in this Act, to the criminal penalties prescribed in section 34.

(e) No vessel equipped with propulsion machinery of any type and not subject to the manning requirements of the vessel inspection laws administered by the Coast Guard, may while carrying passengers for hire, be used except in the charge of a person licensed for such service under regulations, prescribed by the Secretary, which pertain to qualifications, issuance, revocation, or suspension, and related matters.

(f) Section 12(e) of this Act shall not apply to any vessel being used for bona fide dealer demonstrations furnished without fee to business invitees. However, if on the basis of substantial evidence the Secretary determines, pursuant to section 6 hereof, that requiring vessels so used to be under the control of licensed persons is necessary to meet the need for boating safety, then the Secretary may promulgate regulations requiring the licensing of persons controlling such vessels in the same manner as provided in section 12(e) of this Act for persons in control of vessels carrying passengers for hire.

TERMINATION OF UNSAFE USE

SEC. 13. If a Coast Guard boarding officer observes a boat being used without sufficient lifesaving or firefighting devices or in an overloaded or other unsafe condition as defined in regulations of the Secretary, and in his judgment such use creates an especially hazardous condition, he may direct the operator to take whatever immediate and reasonable steps would be necessary for the safety of those aboard the vessel, including directing the operator to return to mooring and to remain there until the situation creating the hazard is corrected or ended.

INSPECTION, INVESTIGATION, REPORTING

SEC. 14. (a) Every manufacturer subject to the provisions of this Act shall establish and maintain records, make reports, and provide information as the Secretary may reasonably require to enable him to determine whether the manufacturer has acted or is acting in compliance with this Act and the regulations issued thereunder. A manufacturer shall, upon request of an officer, employee, or agent authorized by the Secretary, permit the officer, employee, or agent to inspect at reasonable times factories or other facilities, books, papers, records, and documents relevant to determining whether the manufacturer has acted or is acting in compliance with this Act and the regulations issued thereunder.

(b) All information reported to or otherwise obtained by the Secretary or his representative pursuant to subsection (a) of this section containing or relating to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, or authorized to be exempted from public disclosure by subsection 552(b) of title 5, United States Code, shall be considered confidential for the purpose of that section of title 18, except that, upon approval by the Secretary, such information may be disclosed to other officers, employees, or agents concerned with carrying out this Act or when relevant in any proceeding under this Act.

NOTIFICATION OF DEFECTS; REPAIR OR REPLACEMENT

SEC. 15. (a) Every manufacturer who discovers or acquires information which he determines, in the exercise of reasonable and prudent judgment, indicates that a boat or associated equipment subject to an applicable standard or regulation prescribed pursuant to section 5 of this Act either fails to comply with such standard or regulation, or contains a defect which creates a substantial risk of personal injury to the public, shall, if such boat or associated equipment has left the place of manufacture, furnish notification of such defect or failure of compliance as provided in subsections (b) and (c) of this section, within a reasonable time after the manufacturer has discovered the defect.

(b) The notification required by subsection (a) of this section shall be given to the following persons in the following manner—

(1) by certified mail to the first purchaser for purposes other than resale: *Provided,* That the requirement for notification of such first purchaser shall be satisfied if the manufacturer exercises reasonable diligence in creating and maintaining a list of such purchasers and their current addresses and sends the required notice to each person on said list at the address appearing thereon;

(2) by certified mail to subsequent purchasers, if known to the manufacturer;

(3) by certified mail or other more expeditious means to the dealers or distributors of such manufacturer to whom such boat or associated equipment was delivered;

(c) The notification required by subsection (a) of this section shall contain a clear description of such defect or failure to comply, an evaluation of the hazard reasonably related thereto, a statement of the measures to be taken to correct such defect or failure to comply, and an undertaking by the manufacturer to take such measures at his sole cost and expense.

(d) Every manufacturer shall furnish to the Secretary a true or representative copy of all notices, bulletins, and other communications to dealers or distributors of such manufacturer or to purchasers, or subsequent purchasers, of boats or associated equipment of such manufacturer, regarding any defect relating to safety in such boats or associated equipment or any failure to comply with a standard, regulation, or order applicable to such boat or associated equipment. The Secretary may publish or otherwise disclose to the public so much of the information contained in such notices or other information in his possession as he deems will assist in carrying out the purposes of this Act, but shall not disclose any information which contains or relate to a trade secret unless he determines that it is necessary to carry out the purposes of this Act.

(e) If through testing, inspection, investigation, research, or examination of reports carried out pursuant to this Act the Secretary determines that any boat or associated equipment subject to this Act—

(1) fails to comply with an applicable standard or regulation prescribed pursuant to section 5; or

(2) contains a defect which relates to safety, and if the Secretary determines that notification provided under this section is appropriate, he shall notify the manufacturer of the boat or associated equipment of such defect or failure to comply. The notice shall contain the findings of the Secretary and shall include a synopsis of the information upon which the findings are based. Upon receipt of such notice, the manufacturer shall furnish the notification described in subsection (c) to the persons designated in subsection (b), unless the manufacturer disputes the Secretary's determination, in which case the Secretary shall afford such manufacturer an opportunity to present his views to establish that there is no failure of compliance or defect relating to safety. Where the Secretary determines it is in the public interest, he may publish notice of such proceeding in the Federal Register and afford interested persons, including the Boating Safety Advisory Council, an opportunity to comment thereon. If after such presentation by the manufacturer the Secretary determines that such boat or associated equipment does not comply with an applicable standard or regulation, or that it contains a defect related to safety, the Secretary may direct the manufacturer to furnish the notification specified in subsection (c) of this section to the persons specified in subsection (b) of this section.

(f) For purposes of section 15, the term "associated equipment" includes only such items or classes of associated equipment as the Secretary shall by regulation or order prescribe after determining that the application of the requirements of this section to such items or classes of associated equipment is reasonable, appropriate, and in furtherance of the purposes of this Act.

(g) The Secretary is authorized to promulgate regulations defining and establishing procedures and otherwise furthering the purposes of this section.

RENDERING OF ASSISTANCE IN CASUALTIES

SEC. 16. (a) The operator of a vessel, including one otherwise exempted by subsection 4(c) of this Act, involved in a collision, accident, or other casualty, to the extent he can do so without serious danger to his own vessel, or persons aboard, shall render all practical and necessary assistance to persons affected by the collision, accident, or casualty to save them from danger caused by the collision, accident, or casualty. He shall also give his name, address, and the identification of his vessel to any person injured and to the owner of any property damaged. The duties imposed by this subsection are in addition to any duties otherwise imposed by law.

(b) Any person who complies with subsection (a) of this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty without objection of any person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance where the assisting person acts as an ordinary, reasonably prudent man would have acted under the same or similar circumstances.

NUMBERING OF CERTAIN VESSELS

VESSELS REQUIRING NUMBERING

SEC. 17. An undocumented vessel equipped with propulsion machinery of any type shall have a number issued by the proper issuing authority in the State in which the vessel is principally used.

STANDARD NUMBERING

SEC. 18. (a) The Secretary shall establish by regulation a standard numbering system for vessels. Upon application by a State the Secretary shall approve a State numbering system which is in accord with the standard numbering system and the provisions of this Act relating to numbering and casualty reporting. A State with an approved system is the issuing authority under the Act. The Secretary is the issuing authority in States where a State numbering system has not been approved.

(b) If a State has a numbering system approved by the Secretary under the Act of September 2, 1958 (72 Stat. 1754), as amended, prior to enactment hereof, the system need not be immediately revised to conform with this Act and may continue in effect without change for a period not to exceed three years from the date of enactment of this Act.

(c) When a vessel is actually numbered in the State of principal use, it shall be considered as in compliance with the numbering system requirements of any State in which it is temporarily used.

(d) When a vessel is removed to a new State of principal use, the issuing authority of that State shall recognize the validity of a number awarded by any other issuing authority for a period of at least sixty days before requiring numbering in the new State.

(e) If a State has a numbering system approved after the effective date of this Act, that State must accept and recognize any certificate of number issued by the Secretary as the previous issuing authority in that State, for one year from the date that State's system is approved, or until its expiration date, at the option of the State.

(f) Whenever the Secretary determines that a State is not administering its approved numbering system in accordance with the standard numbering system, or has altered its system without his approval, he may withdraw his approval after giving notice to the State, in writing, setting forth specifically wherein the State has failed to meet the standards required, and the State has not corrected such failures within a reasonable time after being notified by the Secretary.

EXEMPTIONS

SEC. 19. (a) The Secretary, when he is the issuing authority, may exempt a vessel or class of vessels from the numbering provisions of this Act under such conditions as he may prescribe.

(b) When a State is the issuing authority, it may exempt from the numbering provisions of this Act any vessel or class of vessel that has been exempted under subsection (a) of this section or otherwise as permitted by the Secretary.

DESCRIPTION OF CERTIFICATE OF NUMBER

SEC. 20. (a) A certificate of number granted under this Act shall be pocket size, shall be at all times available for inspection on the vessel for which issued when the vessel is in use, and may not be valid for more than three years. The certificate of number for vessels less than twenty-six feet in length and leased or rented to another for the latter's noncommercial use of less than twenty-four hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative. A vessel which does not have the certificate of number on board shall be identified while in use, and comply with such other requirements, as the issuing authority prescribes.

(b) The owner of a vessel numbered under this Act shall furnish to the issuing authority notice of the transfer of all or part of his interest in the vessel, or of the destruction or abandonment of the vessel, within a reasonable time thereof, and shall furnish notice of any change of address within a reasonable time of the change, in accordance with prescribed regulations.

DISPLAY OF NUMBER

SEC. 21. A number required by this Act shall be painted on, or attached to, each side of the forward half of the vessel for which it was issued, and shall be of the size, color, and type as may be prescribed by the Secretary. No other number may be carried on the forward half of the vessel.

SAFETY CERTIFICATES

SEC. 22. When a State is the issuing authority it may require that the operator of a numbered vessel hold a valid safety certificate issued under terms and conditions set by the issuing authority.

REGULATIONS

SEC. 23. This issuing authority may prescribe regulations and establish fees to carry out the intent of sections 17 through 24 and section 37 of this Act. A State issuing authority may impose only terms and conditions for vessel numbering (1) which are prescribed by this Act or the regulations of the Secretary concerning the standard numbering system, or (2) which relate to proof of payment of State or local taxes.

FURNISHING OF INFORMATION

SEC. 24. Any person may request from an issuing authority vessel numbering and registration information which is retrievable from vessel numbering system records of the issuing authority. When the issuing authority is satisfied that the request is reasonable and

related to a boating safety purpose, the information shall be furnished upon payment by such person of the cost of retrieval and furnishing of the information requested.

STATE BOATING SAFETY PROGRAMS

ESTABLISHMENT AND ACCEPTANCE

SEC. 25. In order to encourage greater State participation and consistency in boating safety efforts, and particularly greater safety patrol and enforcement activities, the Secretary may accept State boating safety programs directed at implementing and supplementing this Act. Acceptance is necessary for a State to receive full rather than partial Federal financial assistance under this Act. The Secretary may also make Federal funds available to an extent permitted by subsection 27(d) of this Act to national nonprofit public service organizations for national boating safety programs and activities which he considers to be in the public interest.

BOATING SAFETY PROGRAM CONTENT

SEC. 26. (a) The Secretary shall accept a State boating safety program which—

(1) incorporates a State vessel numbering system previously approved under this Act or includes such a numbering system as part of the proposed boating safety program;

(2) includes generally the other substantive content of the Model State Boat Act as approved by the National Association of State Boating Law Administrators in conjunction with the Council of State Governments, or is in substantial conformity therewith, or conform sufficiently to insure uniformity and promote comity among the several jurisdictions;

(3) provides for patrol and other activity to assure enforcement of the State boating safety laws and regulations;

(4) provides for boating safety education programs;

(5) designates the State authority or agency which will administer the boating safety program and the allocated Federal funds; and

(6) provides that the designated State authority or agency will submit reports in the form prescribed by the Secretary.

(b) The requirements of subparagraph (a)(2) of this section shall be liberally construed to permit acceptance where the general intent and purpose of such requirements are met and nothing contained therein is in any way intended to discourage a State program which is more extensive or comprehensive than suggested herein, particularly with the regard to safety patrol and enforcement activity commensurate with the amount and type of boating activity within the State, and with regard to public boat safety education, and experimental programs which could enhance boating safety.

ALLOCATION OF FEDERAL FUNDS

SEC. 27. (a) The Secretary shall allocate the amounts appropriated to the several States as soon as practicable after July 1 of each fiscal year for which the funds are appropriated.

(b) In order to encourage and assist the States in the development of boating safety programs during the first three fiscal years for which funds are available under this Act, the funds shall be allocated among applying States having a boating safety program, or which indicate to the Secretary their intention to establish boating safety programs in accordance with section 25 of this Act. One-half of the funds shall be allocated equally among the applying States. The other half shall be allocated to each applying State in the same ratio as the number of vessels propelled by machinery numbered in that State bears to the number of such vessels numbered in all applying States.

(c) In fiscal years after the third fiscal year for which funds are available under this Act the moneys appropriated shall be allocated among applying States. Of the total available funds one-third shall be allocated each year equally among applying States. One-third shall be allocated so that the amount each year to each applying eligible State will be in the same ratio as the number of vessels numbered in that State, under a numbering system approved under this Act, bears to the number of such vessels numbered in all applying eligible States. The remaining one-third shall be allocated so that the amount each year to each applying eligible State shall be in the same ratio as the State funds expended or obligated for the State boating safety program during the previous fiscal year by a State bears to the total State funds expended or obligated for that fiscal year by all the applying eligible States.

(d) The Secretary may allocate not more than 5 per centum of funds appropriated in any fiscal year for national boating safety activities of one or more national nonprofit-public service organizations.

ALLOCATION LIMITATIONS; UNOBLIGATED OR UNALLOCATED FUNDS

SEC. 28. (a) Notwithstanding the allocation ratios prescribed in section 27 of this Act, the Federal share of the total annual cost of a State's boating safety program may not exceed 75 per centum in fiscal year 1972, 66⅔ per centum in fiscal year 1973, 50 per centum in fiscal year 1974, 40 per centum in year 1975, and 33⅓ per centum in fiscal year 1976. No State may receive more than 5 per centum of the Federal funds appropriated or available for allocation in any fiscal year.

(b) Amounts allocated to a State shall be available for obligation by that State for a period of three years following the date of allocation. Funds unobligated by the State at the expiration of the three-year period shall be withdrawn by the Secretary and shall be available with other funds to be allocated by the Secretary during that fiscal year.

(c) Funds available to the Secretary which have not been allocated at the end of a fiscal year shall be carried forward as part of the total allocation funds for the next fiscal year for which appropriations are authorized by this Act.

DETERMINATION OF STATE FUNDS EXPENDED

SEC. 29. In accordance with regulations prescribed by the Secretary computation by a State of funds expended or obligated for the boating safety program shall include the acquisition, maintenance, and operating costs of facilities, equipment, and supplies; personnel salaries and reimbursable expenses; the costs of training personnel; public boat safety education; the costs of administering the program; and other expenses which the Secretary considers appropriate. The Secretary shall determine any issues which arise in connection with such computation.

AUTHORIZATION FOR APPROPRIATIONS FOR STATE BOATING SAFETY PROGRAMS

SEC. 30. For the purpose of providing financial assistance for State boating safety programs there is authorized to be appropriated $7,500,000 for the fiscal year ending June 30, 1972, and $7,500,000 for each of the four succeeding fiscal years, such appropriations to remain available until expended.

PAYMENTS

SEC. 31. (a) Amounts allocated under section 27 of this Act shall be computed and paid to the States as follows:

(1) During the first three fiscal years that funds are available the Secretary shall schedule the initial payment to each State at the earliest possible time after application and compliance with subsection 27(b) of this Act.

(2) For fiscal years after the third fiscal year for which funds are available, the Secretary shall determine during the last quarter of a fiscal year, on the basis of computations made pursuant to section 29 of this Act and submitted by the States, the percentage of the funds available for the next fiscal year to which each eligible State shall be entitled. Notice of the percentage and of the dollar amount, if it can then be determined, for each State shall be furnished to the States at the earliest practicable time. If the Secretary finds that an amount made available to a State for a prior year is greater or less than the amount which should have been made available to that State for the prior year, because of later or more accurate State expenditure information, the amount for the current fiscal year may be increased or decreased by the appropriate amount.

(b) Notwithstanding any other provision of law, the Secretary shall schedule the payment of funds consistent with the program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the transfer of funds from the United States Treasury and the subsequent disbursement thereof by a State.

(c) Whenever the Secretary, after reasonable notice to the designated State authority or agency, finds that—

(1) the boating safety program submitted by the State and accepted by the Secretary has been so changed that it no longer complies with this Act or standards established by regulations thereunder; or

(2) in the administration of the boating safety program, there has been a failure to comply substantially with the standards established by the regulations;

the Secretary shall notify the State authority or agency that no further payments will be made to the State until the program conforms to the established standards or the failure is corrected.

(d) The Secretary shall, by regulation, provide for such accounting, budgeting, and other fiscal procedures as are necessary and reasonable for the proper and efficient administration of this section. The Secretary and the Comptroller General of the United States shall have access for the purpose of audit and examination, to any books, documents, papers, and records that are pertinent to Federal funds allocated under this Act.

CONSULTATION AND COOPERATION

SEC. 32. (a) In carrying out his responsibilities under this Act the Secretary may consult with State and local governments, public and private agencies, organizations and committees, private industry, and other persons having an interest in boating and boating safety.

(b) The Secretary may advise, assist, and cooperate with the States and other interested public and private agencies, in the planning, development, and execution of boating safety programs. Acting under the authority of section 141 of title 14, United States Code, and consonant with the policy defined in section 2 of this Act, the Secretary shall insure the fullest cooperation between the State and Federal authorities in promoting boating safety by entering into agreements and other arrangements with the State whenever possible. Subject to the provisions of chapter 23, title 14, he may make available, upon request from a State, the services of members of the Coast Guard Auxiliary to asist the State in the promotion of boating safety on State waters.

BOATING SAFETY ADVISORY COUNCIL

SEC. 33. (a) The Secretary shall establish a National Boating Safety Advisory Council (hereinafter referred to as "the Council"), which shall not exceed twenty-one members, whom the Secretary considers to have a particular expertise, knowledge, and experience in boating safety. Insofar as practical, to assure balanced representation, members shall be drawn equally from (1) State officials responsible for State boating safety programs, (2) boat and associated equipment manufacturers, and (3) boating organizations and members of the general public. Additional persons from those sources may be appointed to panels to the Council which

will assist the Council in the performance of its functions.

(b) In addition to the consultation required by section 6 of this Act the Secretary shall consult with the Council on any other major boat safety matters related to this Act.

(c) Members of the Council or panels may be compensated at a rate not to exceed the rate provided for Federal classified employees of grade GS–18 when engaged in the duties of the Council. Members, while away from their homes or regular places of business, may be allowed travel expenses, including a 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. Payments under this section shall not render members of the Council employees or officials of the United States for any purposes.

CRIMINAL PENALTIES

SEC. 34. Any person who willfully violates section 12(c) of this Act or the regulations issued thereunder shall be fined not more than $1,000 for each violation or imprisoned not more than one year, or both.

CIVIL PENALTIES

SEC. 35. (a) In addition to any other penalty prescribed by law any person who violates subsection 12(a) of this Act shall be liable to a civil penalty of not more than $2,000 for each violation, except that the maximum civil penalty shall not exceed $100,000 for any related series of violations. Whenever any corporation violates section 12 (a) of this Act, any director, officer, or executive employee of such corporation who knowingly and willfully ordered or knowingly and willfully authorized such violation shall be individually liable to the civil penalties contained herein, in addition to the corporation: *Provided, however,* That no such director, officer, or executive employee shall be individually liable under this subsection if he can demonstrate, by a preponderance of the evidence, (1) that said order or authorization was issued on the basis of a determination, in the exercise of reasonable and prudent judgment, that the nonconformity with standards and regulations constituting such violation would not cause or constitute a subsantial risk of personal injury to the public, and (2) that at the time of said order or authorization be advised the Secretary in writing of his action under this proviso.

(b) In addition to any other penalty prescribed by law any person who violates any other provision of this Act or the regulations issued thereunder shall be liable to a civil penalty of not more than $500 for each violation. If the violation involves the use of a vessel, the vessel, except as exempted by subsection 4(c) of this Act, shall be liable and may be proceeded against in the district court of any district in which the vessel may be found.

(c) The Secretary may assess and collect any civil penalty incurred under this Act and, in his discretion, remit, mitigate, or compromise any penalty prior to referral to the Attorney General. Subject to approval by the Attorney General, the Secretary may engage in any proceeding in court for that purpose, including a proceeding under subsection (d) of this section. In determining the amount of any penalty to be assessed hereunder, or the amount agreed upon in any compromise, consideration shall be given to the appropriateness of such penalty in light of the size of the business of the person charged, the gravity of the violation and the extent to which the person charged has complied with the provisions of section 15 of this Act or has otherwise attempted to remedy the consequences of the said violation.

(d) When a civil penalty of not more than $200 has been assessed under this Act, the Secretary may refer the matter for collection of the penalty directly to the Federal magistrate of the jurisdiction wherein the person liable may be found for collection procedures under supervision of the district court and pursuant to order issued by the court delegating such authority under section 636(b) of title 28, United States Code.

INJUNCTIVE PROCEEDINGS

SEC. 36. The United States district courts shall have jurisdiction to restrain violations of this Act, or to restrain the sale, offer for sale, or the introduction or delivery for introduction, in interstate commerce, or the importation into the United States, of any boat or associated equipment which is determined not to conform to Federal boat safety standards, upon petition by the Attorney General on behalf of the United States. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and except in the case of knowing and willful violation, shall afford him a reasonable opportunity to achieve compliance. The failure to give notice and afford such opportunity does not preclude the granting of appropriate relief.

CASUALTY REPORTING SYSTEMS

SEC. 37. (a) The Secretary shall prescribe a uniform vessel casualty reporting system for vessels subject to this Act, including those otherwise exempted by paragraphs (1), (3), and (4) of section 4(c).

(b) A State vessel numbering system and boating safety program approved under this Act shall provide for the reporting of casualties and accidents involving vessels. A state shall compile and transmit to the Secretary reports, information, and statistics on casualties and accidents reported to it.

(c) A vessel casualty reporting system shall provide for the reporting of all marine casualties involving vessels indicated in subsection (a) of this section and resulting in the death of any person. Marine casualties which do not result in loss of life shall be classified according to the gravity thereof, giving consideration to the extent of the injuries to persons, the extent of property damage, the dangers which casualties create, and the size, occupation or use, and the means of propulsion of the boat involved. Regulations shall prescribe the casualties to be reported and the manner of reporting.

(d) The owner or operator of a boat or vessel indicated in subsection (a) of this section and involved in a casualty or accident shall report the casualty or accident to the Secretary in accordance with regulations prescribed under this section unless he is required to report to a State under a State system approved under this Act.

(e) The Secretary shall collect, analyze, and publish reports, information, or statistics together with such findings and recommendations as he considers appropriate. If a State accident reporting system provides that information derived from accident reports, other than statistical, shall be unavailable for public disclosure, or otherwise prohibits use by the State or any person in any action or proceeding against an individual, the Secretary may utilize the information or material furnished by a State only in like manner.

APPROPRIATIONS AUTHORIZATION

SEC. 38. There is authorized to be appropriated amounts as may be necessary to administer the provisions of this Act.

GENERAL REGULATIONS

SEC. 39. The Secretary may issue regulations necessary or appropriate to carry out the purposes of this Act.

SAVINGS PROVISION

SEC. 40. Compliance with this Act or standards, regulations, or orders promulgated hereunder shall not relieve any person from liability at common law or under State law.

MISCELLANEOUS PROVISIONS

SEC. 41. (a) The following are repealed:

(1) Section 7, as amended, and sections 13 and 14 of the Motorboat Act of 1940, Public Law 76–484, April 25, 1940 (54 Stat. 165);

(2) The Federal Boating Act of 1958, Public Law 85–911, September 2, 1958 (72 Stat. 1754), except subsections 6(b) and 6(c) thereof;

(3) The Act of March 28, 1960, Public Law 86–396 (74 Stat. 10); and

(4) The Act of August 30, 1961, Public Law 87–171 (75 Stat. 408).

(b) Subsection (c) of section 6 of the Federal Boating Act of 1958, September 2, 1958 (72 Stat. 1754), is amended to read as follows:

"(c) Such Act of April 25, 1940 (46 U.S.C. 526–526t), is further amended by adding at the end thereof the following new section:

"'SEC. 22. (a) This Act applies to every motorboat or vessel on the navigable waters of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia, and every motorboat or vessel owned in a State and using the high seas, except that the provisions of this Act other than sections 12, 18, and 19 do not apply to boats as defined in and subject to the Federal Boat Safety Act of 1971.

"'(b) As used in this Act—

"'The term "State" means a State of the United States, Guam, the Virgin Islands, the Commonwealth of Puerto Rico, and the District of Columbia.'"

(c) Any vessel, to the extent that it is subject to the Small Passenger Carrying Vessel Act, May 10, 1956 (70 Stat. 151), or to any other vessel inspection statute of the United States, is exempt from the provisions of this Act.

(d) Nothing contained in this Act shall be deemed to exempt from the antitrust laws of the United States any conduct that would be unlawful under such laws, or to prohibit under the antitrust laws of the United States any conduct that would be lawful under such laws.

(e) Regulations previously issued under statutory provisions repealed, modified, or amended by this Act continue in effect as though promulgated under the authority of this Act until expressly abrogated, modified, or amended by the Secretary under the regulatory authority of this Act.

(f) Any criminal or civil penalty proceeding under the Motorboat Act of 1940, as amended, or the Federal Boating Act of 1958, as amended, for a violation which occurred before the effective date of this Act may be initiated and continue to conclusion as though the former Acts had not been amended or repealed hereby.

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

Mr. HALL. Mr. Speaker, reserving the right to object, no Member in the House could hear the request. We have heard the Clerk read the title and amendments of the other body, but we do not know whether the gentleman from Pennsylvania made a personal request in the regular morning hour or if this is legislative business.

The SPEAKER. It was a request to take a bill from the Speaker's table and to concur in a Senate amendment.

Mr. HALL. Continuing to reserve the right to object, I would ask the gentleman to explain this. I am glad to yield to the gentleman for that purpose.

Mr. CLARK. I am asking unanimous consent to take from the Speaker's desk the bill (H.R. 19) to provide for a coordinated national boating safety program, with a Senate amendment thereto, and to concur in the Senate amendment.

May I say both sides of the aisle are in agreement.

Mr. HALL. Well, that is not sufficient,

Mr. Speaker. May I ask the distinguished gentleman from Pennsylvania what are the Senate amendments, whether they are germane, and what is the increase in cost, if any, over the House-passed bill?

Mr. CLARK. There is no increase in cost at all.

Mr. HALL. I will continue to yield for an answer to the other question.

Mr. CLARK. Most of the amendments of the Senate were technical and conforming amendments.

Mr. HALL. What about the others than "the most"? Are they germane to the bill as passed by the House?

Mr. CLARK. Yes; they are.

Mr. GROVER. Will the gentleman yield?

Mr. HALL. I will be glad to yield for a further explanation.

Mr. GROVER. I agree with the subcommittee chairman, the gentleman from Pennsylvania (Mr. CLARK), that these are basically technical amendments put in on the Senate side in which we of the minority of the Committee on Merchant Marine and Fisheries have concurred.

Mr. HALL. Mr. Speaker, I want it clearly understood that I have no objection, but we must at least be able to hear requests involving unanimous consent, especially if legislative business of the House is involved.

I withdraw my reservation of objection.

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CONFERENCE RELATING TO PENTAGON PAPERS

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

Mr. DOW. Mr. Speaker, yesterday's CONGRESSIONAL RECORD carried remarks by our colleague, the gentleman from California (Mr. GUBSER) which point out that a conference on Tuesday, Wednesday, and Thursday of this week, conducted by 17 Members of Congress related to the Pentagon papers, although none of the 17 are reported as having examined the original documents in the possession of the Armed Services Committee.

At the conference we have confined discussion of the Pentagon papers to published information about them. That is the only data known to our hearers.

The 47 volumes of the Pentagon study remain classified according to the House Armed Services Committee. Rules for viewing the documents are very confining and do not permit public disclosure.

Our interest is in those documents which have been published, not in that material hedged around by confining rules because it is still classified.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Without objection, a call of the House is ordered.

There was no objection.

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

[Roll No. 214]

Abbitt	Gallagher	Rangel
Abourezk	Gubser	Rarick
Arends	Hagan	Rees
Baring	Halpern	Reid, N.Y.
Belcher	Hosmer	Ryan
Blackburn	Howard	Saylor
Boggs	Hungate	Scheuer
Carter	Jones, Tenn.	Stephens
Celler	Landrum	Stokes
Clay	Lent	Stuckey
Davis, S.C.	Long, La.	Thompson, N.J.
Dellums	McCulloch	Ullman
Diggs	McDonald, Mich.	Van Deerlin
Donohue	Mathis, Ga.	Wilson, Bob
Edwards, La.	Pike	Yatron
Esch	Poage	
Flynt		

The SPEAKER. On this rollcall 385 Members have answered to their names, a quorum.

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

CONFERENCE REPORT ON H.R. 9382, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND OTHER AGENCIES APPROPRIATIONS, 1972

Mr. BOLAND. Mr. Speaker, I call up the conference report on the bill (H.R. 9382) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1972, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 26, 1971.)

The SPEAKER. Under the rule, the gentleman from Massachusetts (Mr. BOLAND) will be recognized for 30 minutes and the gentleman from North Carolina (Mr. JONAS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

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

(Mr. BOLAND asked and was given permission to revise and extend his remarks.)

Mr. BOLAND. Mr. Speaker, the total amount in this conference report on the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices appropriation bill is $18,339,738,000.

When this bill left the House the total amount recommended was $18,115,203,000. When this bill left the Senate, the bill totaled $18,698,518,000. So, the Senate added $583,315,000 to the House bill.

This conference report, Mr. Speaker, is a compromise of $358,780,000 below the total approved by the Senate and it is $224,535,000 above the amount originally passed by the House.

Mr. Speaker, taking into consideration the fact that the budget estimates included funds for only one-half year funding for several ongoing housing and urban development programs, principally the urban renewal and model cities programs which were proposed to be replaced with special revenue sharing, the conference total is only $32,721,000 above the budget estimates.

Mr. Speaker, this report represents an unusual situation in that there are no items in disagreement, technical or otherwise in this bill, as we bring it back from the conference.

The other body did add certain items of legislation to transfer funds to special revenue sharing in the Department of Housing and Urban Development. The House felt that these were not appropriate in this bill at this time.

On a comparable full-year basis, only one agency in this bill exceeds the budget estimates and that agency is the Veterans' Administration.

The bill as it now stands includes $10,935,756,000 for the Veterans' Administration. This is $191,393,000 over the amended budget request. And, if it were not for this large increase, the total bill would be $158,672,000 below the comparable budget estimates for the fiscal year 1972.

The conference report—and I think this is most important—reaffirms the position of the House that both of the objectives contained in the medical care appropriation language must be met; at least 97,500 operating beds must be maintained, and facilities to accommodate an average daily patient load of 85,500 must be provided. In addition, 32 drug rehabilitation units, each unit with 15 beds and a capacity to handle 200 outpatients will be operational in 1972. A total of $2,307,700,000 is provided for these purposes. This is $183,053,000 over the budget request for medical care.

The total of new obligational authority included in this conference report for the Department of Housing and Urban Development is $3,274,824,000, and the additional annual contract authorization is $434.3 million.

The Managers agreed that of the $200 million provided for the section 236 rental housing assistance program, $35 million should be used for housing for the elderly.

The funds proposed for the Department of Housing and Urban Development include $10 million for new community assistance grants. This is $5 million more than contained in the original House bill, and will permit the Department to start moving on the new activities contained in the 1970 Housing Act.

A total of $3,298,035,000 is included for the National Aeronautics and Space Administration; and $622 million is included for the National Science Foundation. The amounts included for both of these agencies are below the budget requests.

To conclude, I want to remind the Members of the House, Mr. Speaker, and to remind you, that on a comparable full-year basis we are only $32,721,000 over the budget estimates.

The statement of the Managers explains the changes between the two bills in some detail.

At this point in the RECORD I will insert a table showing the action taken on this bill, and the comparisons with 1971, the budget request for 1972, and actions of the House and the Senate.

Mr. Speaker, I recommend the adoption of the conference report.

COMPARATIVE STATEMENT OF THE NEW BUDGET (OBLIGATIONAL) AUTHORITY, HUD—SPACE—SCIENCE—VETERANS APPROPRIATION BILL, 1972 (H.R. 9382)

[Note—All amounts are in the form of appropriations unless otherwise indicated]

Agency and item	New budget (obligational) authority, fiscal year 1971 (*)	Budget estimates of new budget (obligational) authority, fiscal year 1972	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Conference action compared with—			
						New budget (obligational) authority, fiscal year 1971	Budget estimates of new budget (obligational) authority, fiscal year 1972	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
Housing Production and Mortgage Credit Federal Housing Administration									
Rent supplement program:									
Increased limitation for annual contract authorization	($55,000,000)	($60,000,000)	($55,000,000)	($60,000,000)	($55,000,000)	----------	(−$5,000,000)	----------	(−$5,000,000)
(Cumulative annual contract authorization)	(177,000,000)	(237,000,000)	(232,000,000)	(237,000,000)	(232,000,000)	(+$55,000,000)	(−5,000,000)	----------	(−5,000,000)
Appropriation for payments	46,600,000	----------	----------	----------	----------	−46,600,000	----------	----------	----------
Homeownership and rental housing assistance:									
Homeownership assistance, increased limitation for annual contract authorization	(130,000,000)	(175,000,000)	(165,000,000)	(200,000,000)	(170,000,000)	(+40,000,000)	(−5,000,000)	(+$5,000,000)	(−30,000,000)
(Cumulative annual contract authorization)	(325,000,000)	(500,000,000)	(490,000,000)	(525,000,000)	(495,000,000)	(+170,000,000)	(−5,000,000)	(+5,000,000)	(−30,000,000)
Rental housing assistance, increased limitation for annual contract authorization	(135,000,000)	(175,000,000)	(165,000,000)	(225,000,000)	(200,000,000)	(+65,000,000)	(+25,000,000)	(+35,000,000)	(−25,000,000)
(Cumulative annual contract authorization)	(325,000,000)	(500,000,000)	(490,000,000)	(550,000,000)	(525,000,000)	(+200,000,000)	(+25,000,000)	(+35,000,000)	(−25,000,000)
Appropriation for payments	148,000,000	----------	----------	----------	----------	−148,000,000	----------	----------	----------
Low and moderate income sponsor fund	3,000,000	3,000,000	3,000,000	5,000,000	4,000,000	+1,000,000	+1,000,000	+1,000,000	−1,000,000
Counseling services	----------	----------	3,000,000	4,000,000	3,250,000	+3,250,000	+3,250,000	+250,000	−750,000
College housing:									
Increased limitation for annual contract authorization	(9,300,000)	(9,300,000)	(9,300,000)	(9,300,000)	(9,300,000)	----------	----------	----------	----------
(Cumulative limitation for annual contract authorization)	(26,300,000)	(35,600,000)	(35,600,000)	(35,600,000)	(35,600,000)	(+9,300,000)	----------	----------	----------
Housing for the elderly or handicapped fund	10,000,000	----------	----------	----------	----------	−10,000,000	----------	----------	----------
Salaries and expenses, Housing production and mortgage credit programs	----------	[1] 18,020,000	17,000,000	17,000,000	17,000,000	+17,000,000	−1,020,000	----------	----------
Salaries and expenses, Federal Housing Administration	3,500,000	----------	----------	----------	----------	−3,500,000	----------	----------	----------
Salaries and expenses, Renewal and housing assistance	43,500,000	----------	----------	----------	----------	−43,500,000	----------	----------	----------
Government National Mortgage Association									
Payment of participation sales insufficiencies	58,781,000	19,543,000	19,543,000	19,543,000	19,543,000	−39,238,000	----------	----------	----------
Total, Housing Production and Mortgage Credit	313,381,000	40,563,000	42,543,000	45,543,000	43,793,000	−269,588,000	+3,230,000	+1,250,000	−1,750,000
Housing Management									
Low-rent public housing annual contributions	654,500,000	----------	----------	----------	----------	−654,500,000	----------	----------	----------
Housing payments	----------	1,373,800,000	1,373,800,000	1,373,800,000	1,373,800,000	+1,373,800,000	----------	----------	----------
Salaries and expenses, Housing management programs	----------	[2] 16,537,000	16,000,000	16,500,000	16,500,000	+16,500,000	−37,000	+500,000	----------
Total, Housing Management	654,500,000	1,390,337,000	1,389,800,000	1,390,300,000	1,390,300,000	+735,800,000	−37,000	+500,000	----------
Community Planning and Management									
Comprehensive planning grants	50,000,000	100,000,000	59,355,000	59,355,000	59,355,000	+9,355,000	−40,645,000	----------	----------
Community development training and urban fellowships programs	3,500,000	3,000,000	3,500,000	3,500,000	3,500,000	----------	+500,000	----------	----------
New community assistance grants	5,000,000	5,000,000	5,000,000	10,000,000	10,000,000	+5,000,000	+5,000,000	+5,000,000	----------
Salaries and expenses, Community planning and management programs	----------	[3] 7,468,000	7,468,000	7,468,000	7,468,000	+7,468,000	----------	----------	----------
Total, Community Planning and Management	58,500,000	115,468,000	75,323,000	80,323,000	80,323,000	+21,823,000	−35,145,000	+5,000,000	----------

COMPARATIVE STATEMENT OF THE NEW BUDGET (OBLIGATIONAL) AUTHORITY, HUD—SPACE—SCIENCE—VETERANS APPROPRIATION BILL, 1972 (H.R. 9382)—Continued

[Note—All amounts are in the form of appropriations unless otherwise indicated]

Agency and item	New budget (obligational) authority, fiscal year 1971 (*)	Budget estimates of new budget (obligational) authority, fiscal year 1972	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Conference action compared with— New budget (obligational) authority, fiscal year 1971	Conference action compared with— Budget estimates of new budget (obligational) authority, fiscal year 1972	Conference action compared with— House bill	Conference action compared with— Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Community Development									
Model cities programs	$575,000,000	$575,000,000	$725,000,000	$725,000,000	$725,000,000	+$150,000,000	+$150,000,000	----------	----------
Deduct amounts currently available	----------	−575,000,000	−575,000,000	−575,000,000	−575,000,000	−575,000,000	----------	----------	----------
Model cities programs (appropriation)	575,000,000	----------	150,000,000	150,000,000	150,000,000	−425,000,000	+150,000,000	----------	----------
[Grants for basic water and sewer facilities]	(350,000,000)	----------	----------	----------	----------	(−350,000,000)	----------	----------	----------
Urban renewal programs	1,200,000,000	800,000,000	1,400,000,000	1,700,000,000	1,450,000,000	+250,000,000	+650,000,000	+$50,000,000	−$250,000,000
Deduct amount currently available	----------	−200,000,000	−200,000,000	−200,000,000	−200,000,000	−200,000,000	----------	----------	----------
Urban renewal program (appropriation)	1,200,000,000	600,000,000	1,200,000,000	1,500,000,000	1,250,000,000	+50,000,000	+650,000,000	+50,000,000	−250,000,000
Rehabilitation loan fund	35,000,000	40,000,000	90,000,000	90,000,000	90,000,000	+55,000,000	+50,000,000	----------	----------
Grants for neighborhood facilities	40,000,000	40,000,000	40,000,000	40,000,000	40,000,000	----------	----------	----------	----------
Open space land programs	75,000,000	200,000,000	100,000,000	100,000,000	100,000,000	+25,000,000	−100,000,000	----------	----------
Salaries and expenses, Community development programs	----------	[4] 20,447,000	21,500,000	22,750,000	22,750,000	+22,750,000	+2,303,000	+1,250,000	----------
Salaries and expenses, Model cities and governmental relations:									
Appropriation	600,000	----------	----------	----------	----------	−600,000	----------	----------	----------
By transfer	(8,300,000)	----------	----------	----------	----------	(−8,300,000)	----------	----------	----------
Salaries and expenses, Metropolitan development	8,000,000	----------	----------	----------	----------	−8,000,000	----------	----------	----------
Total, Community development	1,933,600,000	900,447,000	1,601,500,000	1,902,750,000	1,652,750,000	−280,850,000	+752,303,000	+51,250,000	−250,000,000
Federal Insurance Administration									
Flood insurance	5,000,000	[5] 6,054,000	6,000,000	6,000,000	6,000,000	+1,000,000	−54,000	----------	----------
Research and Technology									
Research and technology	45,000,000	[6] 45,000,000	35,000,000	50,000,000	45,000,000	----------	----------	+10,000,000	−5,000,000
Research and technology (special foreign currency program)	----------	[7] 300,000	----------	----------	----------	----------	−300,000	----------	----------
Total, research and technology	45,000,000	45,300,000	35,000,000	50,000,000	45,000,000	----------	−300,000	+10,000,000	−5,000,000
Fair Housing and Equal Opportunity									
Fair housing and equal opportunity	8,000,000	[8] 9,254,000	8,000,000	8,500,000	8,250,000	+250,000	−1,004,000	+250,000	−250,000
Departmental Management									
General departmental management	9,000,000	[9] 6,312,000	6,312,000	6,312,000	6,312,000	−2,688,000	----------	----------	----------
Salaries and expenses, Office of General Counsel	----------	[10] 3,045,000	3,000,000	3,000,000	3,000,000	+3,000,000	−45,000	----------	----------
Administration and staff services	----------	[11] 16,846,000	15,846,000	16,346,000	16,096,000	+16,096,000	−750,000	+250,000	−250,000
Regional management and services	14,000,000	[12] 23,301,000	23,000,000	23,000,000	23,000,000	+9,000,000	−301,000	----------	----------
Total, Departmental management	23,000,000	49,504,000	48,158,000	48,658,000	48,408,000	+25,408,000	−1,096,000	+250,000	−250,000
Special Institution									
Contribution to the National Homeownership Foundation	----------	250,000	----------	250,000	----------	----------	−250,000	----------	−250,000
Total, Department of Housing and Urban Development, title I	3,040,981,000	2,557,177,000	3,206,324,000	3,532,324,000	3,274,824,000	+233,843,000	+717,647,000	+68,500,000	−257,500,000
TITLE II—SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES									
Executive Office of the President									
National Aeronautics and Space Council									
Salaries and expenses	500,000	[13] 508,000	500,000	500,000	500,000	----------	−8,000	----------	----------
Office of Science and Technology									
Salaries and expenses	2,167,000	[14] 2,361,000	2,300,000	2,330,000	2,300,000	+133,000	−61,000	----------	−30,000
Total, Executive Office of the President	2,667,000	2,869,000	2,800,000	2,830,000	2,800,000	+133,000	−69,000	----------	−30,000

Footnotes at end of table.

Agency and item	New budget (obligational) authority, fiscal year 1971 (*)	Budget estimates of new budget (obligational) authority, fiscal year 1972	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Conference action compared with—			
						New budget (obligational) authority, fiscal year 1971	Budget estimates of new budget (obligational) authority, fiscal year 1972	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE II—SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES—Continued									
Commission on Population Growth and the American Future									
Salaries and expenses		$650,000	$650,000	$650,000	$650,000	+$650,000			
Federal Communications Commission									
Salaries and expenses	$26,844,000	[15] 31,454,000	31,454,000	31,454,000	31,454,000	+4,610,000			
National Aeronautics and Space Administration									
Research and development	2,565,000,000	2,517,700,000	2,517,700,000	2,541,700,000	2,522,700,000	−42,300,000	+$5,000,000	+$5,000,000	−$19,000,000
Construction of facilities	24,950,000	56,300,000	33,800,000	56,300,000	52,700,000	+27,750,000	−3,600,000	+18,900,000	−3,600,000
Research and program management	722,669,000	[16] 726,635,000	720,000,000	722,635,000	722,635,000	−34,000	−4,000,000	+2,635,000	
Total, National Aeronautics and Space Administration	3,312,619,000	3,300,635,000	3,271,500,000	3,320,635,000	3,298,035,000	−14,584,000	−2,600,000	+26,535,000	−22,600,000
National Science Foundation									
Salaries and expenses	511,000,000	[17] 620,150,000	582,000,000	645,150,000	619,000,000	+108,000,000	−1,150,000	+37,000,000	−26,150,000
Scientific activities (special foreign currency program)	2,000,000	3,000,000	3,000,000	3,000,000	3,000,000	+1,000,000			
Total, National Science Foundation	513,000,000	623,150,000	585,000,000	648,150,000	622,000,000	+109,000,000	−1,150,000	+37,000,000	−26,150,000
Renegotiation Board									
Salaries and expenses	4,560,000	[18] 4,754,000	4,754,000	4,754,000	4,754,000	+194,000			
Securities and Exchange Commission									
Salaries and expenses	23,615,000	[19] 24,730,000	24,730,000	24,730,000	24,730,000	+1,115,000			
Selective Service System									
Salaries and expenses	78,197,000	[20] 82,235,000	82,235,000	82,235,000	82,235,000	+4,038,000			
Veterans' Administration									
Compensation and pensions	5,890,379,000	6,248,000,000	6,248,000,000	6,248,000,000	6,248,000,000	+357,621,000			
Readjustment benefits	1,656,700,000	1,888,700,000	1,888,700,000	1,888,700,000	1,888,700,000	+232,000,000			
Veterans' insurance and indemnities	[21] 5,100,000	[21] 6,500,000	6,500,000	6,500,000	6,500,000	+1,400,000			
Medical care	1,941,623,000	[22] 2,124,647,000	2,244,700,000	2,333,700,000	2,307,700,000	+366,077,000	+183,053,000	+63,000,000	−26,000,000
Medical and prosthetic research	62,684,000	[23] 64,707,000	64,707,000	72,707,000	68,707,000	+6,023,000	+4,000,000	+4,000,000	−4,000,000
Medical administration and miscellaneous operating expenses	20,161,000	[24] 20,252,000	20,252,000	20,252,000	20,252,000	+91,000			
General operating expenses	258,130,000	[25] 285,110,000	286,450,000	286,450,000	286,450,000	+28,320,000	+1,340,000		
Construction of hospital and domiciliary facilities	59,000,000	[26] 90,418,000	90,418,000	93,418,000	93,418,000	+34,418,000	+3,000,000	+3,000,000	
Grants for construction of State extended care facilities	7,500,000	8,000,000	8,000,000	8,000,000	8,000,000	+500,000			
Grants to the Republic of the Philippines	2,000,000	2,100,000	2,100,000	2,100,000	2,100,000	+100,000			
Payment of participation sales insufficiencies	6,128,000	5,929,000	5,929,000	5,929,000	5,929,000	−199,000			
Loan guaranty revolving fund (limitation on obligations)	(350,000,000)	(350,000,000)	(350,000,000)	(350,000,000)	(350,000,000)				
Total, Veterans' Administration	9,909,405,000	10,744,363,000	10,865,756,000	10,965,756,000	10,935,756,000	+1,026,351,000	+191,393,000	+70,000,000	−30,000,000
Total, Space, Science, Veterans, and certain other independent agencies, title II	13,870,907,000	14,814,840,000	14,868,879,000	15,081,194,000	15,002,414,000	+1,131,507,000	+187,574,000	+133,535,000	−78,780,000
TITLE III—CORPORATIONS									
Department of Housing and Urban Development:									
College housing loans	(1,074,000)					(−1,074,000)			
Housing for the elderly or handicapped	(908,000)					(−908,000)			
Public facility loans	(1,281,000)					(−1,281,000)			
Revolving fund (liquidating programs)	(134,000)					(−134,000)			
Federal Housing Administration:									
Administrative expenses	(14,615,000)	[27] (16,103,000)	(15,850,000)	(15,850,000)	(15,850,000)	(+1,235,000)	(−253,000)		
Nonadministrative expenses	(127,842,000)	[28] (148,426,000)	(148,426,000)	(148,426,000)	(148,426,000)	(+20,584,000)			
Government National Mortgage Association	(6,600,000)	(6,600,000)	(6,600,000)	(6,600,000)	(6,600,000)				
Federal Home Loan Bank Board:									
Interest adjustment payments	85,000,000	85,000,000	40,000,000	85,000,000	62,500,000	−22,500,000	−22,500,000	+22,500,000	−22,500,000
Administrative expenses	(7,122,000)	[29] (8,247,000)	(8,000,000)	(8,247,000)	(8,123,500)	(+1,001,500)	(−123,500)	(+123,500)	(−123,500)
Nonadministrative expenses	(15,776,000)	[30] (16,923,000)	(16,923,000)	(16,923,000)	(16,923,000)	(+1,147,000)			

Footnote at end of tables.

COMPARATIVE STATEMENT OF THE NEW BUDGET (OBLIGATIONAL) AUTHORITY, HUD—SPACE—SCIENCE—VETERANS APPROPRIATION BILL, 1972 (H.R. 9382)—Continued

[Note—All amounts are in the form of appropriations unless otherwise indicated]

Agency and item	New budget (obligational) authority, fiscal year 1971 (*)	Budget estimates of new budget (obligational) authority, fiscal year 1972	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Conference action compared with— New budget (obligational) authority, fiscal year 1971	Budget estimates of new budget (obligational) authority, fiscal year 1972	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Federal Savings and Loan Insurance Corporation	($440,000)	($497,000)	($497,000)	($497,000)	($497,000)	(+$57,000)			
Total, new budget (obligational) authority, Title III	85,000,000	85,000,000	40,000,000	85,000,000	62,500,000	−22,500,000	−$22,500,000	+$22,500,000	−$22,500,000
Total, administrative and nonadministrative expenses, Title III	(175,792,000)	(196,796,000)	(196,296,000)	(196,543,000)	(196,419,500)	(+20,627,500)	(−376,500)	(+123,500)	(−123,500)
Total, all titles, new budget (obligational) authority	16,996,888,000	17,457,017,000	18,115,203,000	18,698,518,000	18,339,738,000	+1,342,850,000	[31] +882,721,000	+224,535,000	−358,780,000
Consisting of— Appropriations	16,996,888,000	17,457,017,000	18,115,203,000	18,698,518,000	18,339,738,000	+1,342,850,000	[31] +882,721,000	+224,535,000	−358,780,000
Grand total	16,996,888,000	17,457,017,000	18,115,203,000	18,698,518,000	18,339,738,000	+1,342,850,000	[31] +882,721,000	+224,535,000	−358,780,000

*1971 column includes all supplemental appropriations.
[1] Reflects increase of $1,020,000 in H. Doc. 92-93.
[2] Reflects increase of $837,000 in H. Doc. 92-93.
[3] Reflects increase of $358,000 in H. Doc. 92-93.
[4] Reflects increase of $897,000 in H. Doc. 92-93.
[5] Reflects increase of $54,000 in H. Doc. 92-93.
[6] Reflects increase of $191,000 in administrative expense limitation in H. Doc. 92-93.
[7] New item contained in H. Doc. 92-93.
[8] Reflects increase of $404,000 in H. Doc. 92-93.
[9] Reflects increase of $252,000 in H. Doc. 92-93.
[10] Reflects increase of $165,000 in H. Doc. 92-93.
[11] Reflects increase of $696,000 in H. Doc. 92-93.
[12] Reflects increase of $1,001,000 in H. Doc. 92-93.
[13] Reflects increase of $23,000 in H. Doc. 92-93.
[14] Reflects increase of $81,000 in H. Doc. 92-93.
[15] Reflects increase of $1,464,000 in H. Doc. 92-93.
[16] Reflects increase of $29,285,000 in H. Doc. 92-93.
[17] Reflects increase of $1,150,000 in the appropriation and in the limitation on program development and management in H. Doc. 92-93.
[18] Reflects increase of $244,000 in H. Doc. 92-93 which also contains increasing the travel limitation from $57,000 to $80,000.
[19] Reflects increase of $1,234,000 in H. Doc. 92-93.
[20] Reflects increase of $3,835,000 in H. Doc. 92-93.
[21] Plus $7,000,000 in 1971 and $8,000,000 in 1972 derived by transfer from veterans special life insurance fund.
[22] Reflects increase of $14,500,000 for reclassification of nursing assistants and $68,597,000 for increased pay costs in H. Doc. 92-93, and $13,800,000 in H. Doc. 92-133 for drug treatment units.
[23] Reflects increase of $2,707,000 in H. Doc. 92-93.
[24] Reflects increase of $751,000 in H. Doc. 92-93, and $300,000 in H. Doc. 92-133 for drug treatment units.
[25] Reflects increase of $13,200,000 in H. Doc. 92-93, and $5,660,000 in S. Doc. 92-24 for workload increases.
[26] Reflects increase of $418,000 in H. Doc. 92-93.
[27] Reflects increase of $803,000 in H. Doc. 92-93.
[28] Reflects increase of $7,026,000 in H. Doc. 92-93.
[29] Reflects increase of $347,000 in H. Doc. 92-93.
[30] Reflects increase of $723,000 in H. Doc. 92-93.
[31] Taking into account $850,000,000 in the budget as a proposed supplemental for special revenue sharing, or ½ year funding in certain housing and urban development programs, the bill is $32,721,000 over the budget estimates.

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

Mr. BOLAND. I am delighted to yield to my friend, the gentleman from Iowa (Mr. GROSS).

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

I would like to go back briefly over a few of the figures the gentleman has given.

Do I understand correctly that for the same general purposes last year, in the initial appropriation bill, there was appropriated $17,709,525,300?

Mr. BOLAND. Yes, the gentleman is correct.

Mr. GROSS. And this conference report calls for appropriations this year of $18,339,738,000, or an increase over the original 1971 appropriation of about $630 million?

Mr. BOLAND. The gentleman is correct.

Mr. GROSS. In round figures?

Mr. BOLAND. The gentleman is correct.

Mr. GROSS. That is a substantial increase over last year's spending.

Do I also understand correctly that several agencies or departments—or agencies, at least, of the Government, have since been dropped from consideration by this committee?

Mr. BOLAND. The gentleman is correct. A number of agencies have been dropped from this subcommittee. The natural question then arises: How come this bill is higher than it was for last year in view of the dropping of these agencies?

Mr. GROSS. That is my point.

Mr. BOLAND. Let me say to the gentleman from Iowa that for the Veterans' Administration alone the total over 1971 is $1,026,351,000.

For the National Science Foundation the appropriation for fiscal year 1972 is $622 million. This is $109 million above the amount provided for the National Science Foundation in 1971. A good deal of the increase is occasioned by what is known as the Mansfield amendment, which was adopted in the Senate. It requires the research and development carried on by particular agencies to be mission oriented. Any research and development that was not mission oriented was dropped from particular agencies, like the DOD, and was partially picked up by the National Science Foundation.

This accounts for the substantial increase in the amount for the National Science Foundation.

The Federal Communications Commission has an increase of $4,610,000 over the amount appropriated in 1971.

The amount for the Securities and Exchange Commission is $1,115,000 over the appropriation for 1971. The SEC has some particular problems and the House accepted the budget figure recommended by the OMB and the Senate followed in this area. The Selective Service System increase was $4,038,000 over 1971.

Those are some of the increases. The largest increase is for the Veterans' Administration.

If the gentleman from North Carolina (Mr. JONAS) has something to add, I will be delighted to yield to him.

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

Mr. BOLAND. I yield to the gentleman.

Mr. JONAS. I was interested in the response to the question by the gentleman from Massachusetts, but the conversation around me kept me from hearing his opening comments. Did the gentleman deal with the increases in the Veterans' Administration?

Mr. BOLAND. Yes.

Mr. JONAS. That is nearly $2 billion. The budget for 1972 was nearly $1.7 billion higher than it was in the original 1971 Appropriations Act for the Veterans' Administration and the conference report is nearly $2 billion more than was appropriated in the original 1971 act.

Mr. BOLAND. Yes, but that is not counting the supplementals that came to the committee after 1971.

Mr. JONAS. I might add since we are on this subject, for the information of the Members, about one-half billion dollars of the increase, over comparable amounts for 1971, in the Veterans' Administration are mandatory increases brought about the operation of the law that fixes pensions and compensations and readjustment benefits and that we had no options about them.

Mr. BOLAND. What the gentleman says is correct—the real increase in the budget for the Veterans' Administration comes close to $2 billion when compared to the original 1971 appropriation bill.

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

Mr. BOLAND. I yield to the gentleman.

Mr. GROSS. But, in view of the fact that there are certain uncontrollables, the committee and the conference should have cut back elsewhere in order to keep these expenditures somewhere in line in view of the fiscal situation of this country. How in the name of the Lord are we ever going to be able to deal with the financial situation which confronts the

country if we are not going to cut back wherever we can—having, as the gentleman says, to appropriate for uncontrollables, including the care of veterans who are coming back from the war and that sort of thing? It seems to me that, somewhere, someone has to do something about this fiscal situation.

Mr. BOLAND. I could not agree with the gentleman more, but, as the gentleman knows, we are not the only body that appropriates for these particular activities. We got much better than a 50–50 split in the conference. As I have indicated, the Senate did add $583 million. We got them to back up by $358,780,000 with the result that this conference report is only $224,535,000 over the House recommendation. I would think that is a pretty good conference report.

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

Mr. BOLAND. I yield to the gentleman.

Mr. JONAS. I have asked the gentleman to yield because I want to respond also to the inquiry of the gentleman from Iowa.

There is another mandatory increase that makes this bill this year distorted in relationship to last year's.

The net housing subsidy payments in this bill are one-half billion dollars above the 1971 payments.

Now we did not authorize those programs, but we had to fund them. We cannot default on those guaranteed loans and on the subsidy payments because they are written into the law previously enacted.

So when you count these mandatory increases in subsidy payments of a little over one-half billion dollars and the mandatory increase of one-half billion dollars in the VA payments for compensation and readjustment benefits—those items that are out of our control—you will begin to see why the bill this year must be higher than last year's.

But, as the gentleman from Massachusetts says, there is another body—another branch of the Congress. When we had this bill in the House earlier in the year we were about $192 million below the budget—when you consider the $850 million proposed in the budget as a supplemental. When you add that amount, or take that into consideration, we were $192 million below the budget. But the other body increased our bill by $583 million and, as the gentleman from Massachusetts has pointed out, we got better than a 50-percent settlement in conference. You have to compromise when you are in conference with the other body.

Mr. BOLAND. I am delighted that the gentleman from North Carolina calls attention to the housing payments, which in this bill is a total of $1,373,800,000. I might add that next year the housing payments for contract authority payments that we have to pay under the contract for section 235 and section 236, for public housing and college housing, that item will not be $1,373,800,000. It will be substantially more than this amount next year.

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

Mr. BOLAND. I am delighted to yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's yielding. I want to compliment the conferees on the part of the House for at least staying within the Reorganization Act of 1970, and not only allowing the 3 legislative days to lapse before bringing the conference report up, but having the report printed and an analysis of the bill, so that the Members could study it, before calling it up for final action. Many of us appreciate this and, as far as I know, it is the first conference report on an appropriation bill that has not been brought up by unanimous consent this year prior to the 3 days of availability of the conference report in the hands of the Members under a unanimous consent request before it was actually called up on the floor.

Mr. BOLAND. I want to thank the gentleman from Missouri. Let me say that he helped us to achieve this result.

Mr. HALL. Second, Mr. Speaker, if the gentleman will yield further for one technical question, and that is why I rose when he explained that this conference report is only $224.5 million above the House-passed bill, I think the important thing for the Members to realize is that we must compare this year's apples with last year's apples—not old oranges. I feel certain the gentleman would agree with me—that that is true, but this conference report does not include the increases that have been going on concurrently in other branches or agencies that have now been taken out of this conference report, such as Treasury and Post Office, Agriculture, Environmental, part of the Public Works Appropriation, Treasury and Post Office, and if all those were figured, it would indeed be $3,154,000,000 over the House-passed bill (assuming that other House action on those parts now deleted from this subcommittee's jurisdiction have been written into law). Is that a true statement?

Mr. BOLAND. I have not checked the figures, but I am willing to accept the amount as stated by the gentleman from Missouri.

Mr. HALL. My figures indicate that, based upon your worksheet, and extrapolating out thereof the portion now removed from the jurisdiction of the distinguished gentleman's subcommittee; and while running down those which have been removed, I understood the gentleman to mention Selective Service. Was I in error, or was it the General Services Administration?

Mr. BOLAND. We still have the Selective Service in this subcommittee and, as I indicated to the gentleman from Iowa, the increase for that agency is $4,038,000 over last year.

Mr. HALL. Mr. Speaker, my question is, in view of the letters that all Members have been receiving about the consolidation across county lines and in the various States of Selective Service in the interest of cost economy, why is there this increase, especially with the wind-down of the war and these consolidations, plus Dr. Curtis Tarr's well-documented claim for more and more office economies in Selective Service?

Mr. BOLAND. As the gentleman so well knows, because the authorizing legislation comes out of his legislative committee, there will be no consolidation of draft boards in the Nation. This comes, I understand it, as a result of the amendments which were offered on the floor of the House, particularly the amendment offered by the gentleman from Georgia, Mr. BRINKLEY. We have been informed by Dr. Tarr that this prevents the colocation of draft boards. Consequently, this is one reason why there is an increase in the Selective Service budget and why there has been no reduction.

Mr. HALL. Mr. Speaker, I have "news" for the gentleman from Massachusetts and the gentleman from Georgia. They are going ahead, but I understand the gentleman's logical position, and I thank the gentleman for yielding.

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

Mr. BOLAND. I yield to the gentleman from Florida.

Mr. ROGERS. Mr. Speaker, I commend the committee for their initial work and, of course, for carrying on the conference on establishing funds for the Veterans' hospitals for treating the drug problems.

Mr. Speaker, today we had testimony in my Public Health and Environment Subcommittee on the drug situation that the Defense Department, after all their talk about the amnesty program and after 8,000 men have turned themselves in, some 3,500 have been arrested. 12,000 men have said they need treatment for durg addiction, but the Defense Department has as of July referred three to the Veterans' Administration for treatment.

Mr. BOLAND. Just three servicemen?

Mr. ROGERS. Three servicemen, an unbelievable figure. This shows, I think, the fact that the Defense Department is not on top of the problem and does not realize the intent of the Congress in having treatment given to these men and doing something about the problem.

I would hope the gentleman's committee, along with our committee, and the Veterans' Affairs Committee, will look into the matter and get the Department to go ahead and comply with the intent of the Congress.

Mr. BOLAND. I am sure this would be the thinking and position of the legislative committee under the able chairmanship of our colleague, the gentleman from Texas (Mr. TEAGUE) and the ranking minority member, the gentleman from California (Mr. TEAGUE).

Mr. ROGERS. I thank the gentleman for yielding.

Mr. BOLAND. Mr. Speaker, I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Speaker, I will not take the 30 minutes. In fact, I have no requests for time. I had planned to take 10 or 15 minutes myself but all the points I would have made have been brought out in the various colloquies that have already occurred. I will sort of wrap up what was said during those colloquies just by way of summary.

This conference report recommends substantially more money than the total amount appropriated last year, as has already been indicated, but we have explained that a billion dollars of that

increase is in the Veterans' Administration and over half of that is for uncontrollable items. It has already been said that this conference report proposes appropriations which will result in a net increase of $32,721,000 above the budget. Here again that is brought about by reason of substantial increases in the Veterans' Administration program. The conference report is $224,535,000 above the House bill, but it is $358,780,000 below the Senate bill.

All Members who have attended conferences with the other body are aware of the fact that the conferees on neither side can have their way all of the time. There has to be give and take. I think we came out of the conference ahead, because we were able to obtain more concessions from the other body's conferees than we were required to give up ourselves. I think this is a good conference report. It represents a great deal of hard work. I join the gentleman from Massachusetts in urging its adoption.

Mr. FULTON of Pennsylvania. Mr. Speaker, I support the conference report on H.R. 9382 which appropriates funds for the National Aeronautics and Space Administration for fiscal year 1972. I have studied the conference report carefully. The final report provides for the continued growth of our U.S. space program. I wish to commend the conferees on the part of the House for the competent work they have done on the fiscal year 1972 NASA appropriation.

The committee of conference agrees to a final fiscal year 1972 appropriation level of $3,298,035,000. This budget total includes $2,522,700 for research and development, $52,700,000 for construction of facilities and $722,035,000 for administrative expenses.

The Congress must realize that the budget which was approved for this fiscal year is financially constraining. A number of new programs are being initiated. But a greater number are being postponed. Many of the programs postponed would provide immediate return to the American taxpayer in the form of better communications, more accurate weather forecasting, and other similar services. But the NASA program for this year will provide for a careful balance between dollars invested and benefits received.

The research and development effort within NASA includes the specific program activity. One of the major efforts is the Apollo program. The Apollo missions are now transitioning from proving the feasibility of extraterrestrial travel and the development of moon landing techniques to more formal lunar research and experimentation.

The Apollo 15 mission which was launched on July 26, 1971, is the most sophisticated of any of the Apollo missions attempted. The mission continues to go well as the astronauts prepare for insertion into lunar orbit later today, July 29. The minor problems which might be expected to occur in a piece of equipment as sophisticated as the Apollo 15 spaceship apparently have been solved. It is testimony to the dedicated and highly skilled personnel of NASA and our space program that the Apollo 15 vehicle with its 2 million individual parts and components is able to perform with such reliability and precision.

The 12-day Apollo 15 mission, launched on July 26, 1971, will carry out the fourth U.S. manned exploration of the moon. The mission will—

Double the time and extend tenfold the range of lunar surface exploration as compared with earlier missions;

Deploy the third in a network of automatic scientific stations;

Conduct a new group of experiments in lunar orbit; and

Return to earth a variety of lunar rock and soil samples.

Scientists expect the results will greatly increase man's knowledge both of the moon's history and composition and of the evolution and dynamic interaction of the sun-earth system.

This is so because the dry, airless, lifeless moon still bears records of solar radiation and the early years of solar system history that have been erased from earth. Observations of current lunar events also may increase understanding of similar processes on earth, such as earthquakes.

The Apollo 15 lunar module will make its descent over the Apennine Peaks, one of the highest mountain ranges on the moon, to land near the rim of the canyonlike Hadley Rille. From this Hadley-Apennine lunar base, between the mountain range and the rille, Comdr. David R. Scott and lunar module pilot James B. Irwin will explore several kilometers from the lunar module, driving an electric-powered lunar roving vehicle for the first time on the moon.

Scott and Irwin will leave the lunar module for three exploration periods to emplace scientific experiments on the lunar surface and to make detailed geologic investigations of formations in the Apennine foothills, along the Hadley Rille rim, and to other geologic structures.

The three previous manned landings were made by Apollo 11 at Tranquillity Base, Apollo 12 in the Ocean of Storms and Apollo 14 at Fra Mauro.

The Apollo 15 mission should greatly increase the scientific return when compared to earlier exploration missions. Extensive geological sampling and survey of the Hadley-Apennine region of the moon will be enhanced by use of the lunar roving vehicle and by the improved life support systems of the lunar module and astronaut space suit. The load-carrying capacity of the lunar module has been increased to permit landing a greater payload on the lunar surface.

Additionally, significant scientific data on the Earth-Sun-Moon system and on the Moon itself will be gathered by a series of lunar orbital experiments carried aboard the Apollo command/service modules. Most of the orbital science tasks will be accomplished by Command Module Pilot Alfred M. Worden, while his comrades are on the lunar surface.

During their first period of extravehicular activity—EVA—on the lunar surface, Scott and Irwin will drive the lunar roving vehicle to explore the Apennine front. After returning to the LM, they will set up the Apollo lunar surface experiment package—ALSEP—about 300 feet west of the LM.

Experiments in the Apollo 15 experiment package are: Passive seismic experiment for continuous measurement of moonquakes and meteorite impacts; lunar surface magnetometer for measuring the magnetic field at the lunar surface; solar wind spectrometer for measuring the energy of solar protons and electrons reaching the moon; detectors for measuring the density of solar winds; gages, for measuring variations in the thin lunar atmosphere; and the heat flow experiment to measure heat emanating from beneath the lunar surface.

A suitcase-size device—called the lunar communications relay unit—for the first time will allow the crew to explore beyond the lunar horizon from the lunar module and still remain in contact with earth. The communications unit relays two-way voice, biomedical information and television signals from the lunar surface to earth. Additionally, the unit permits earth control of the television cameras during the lunar exploration.

The Apollo 15 will land on the moon on Friday July 30. The lunar module will remain on the surface about 67 hours. Splashdown will be on Saturday, August 7th in the North Central Pacific, north of Hawaii.

The two remaining Apollo missions, 16 and 17 will be flown in 1972. Apollo 16 in the spring of 1972 and Apollo 17 in December 1972, are the most sophisticated and comprehensive of the entire series. A whole new array of exploration procedures and instrumental concepts open new opportunities for research on the moon to scientists from all over the world. Eighteen new experiments have been selected to fly in the Apollo 15 through 17 missions. Changes in the lunar module—LM—and surface hardware will allow the astronauts to remain on the lunar surface for up to 66 hours; the landed scientific payload will be doubled to approximately 1,000 pounds; and the range and efficiency of surface operations will be increased through improved suit mobility, improved life support system, and a lunar roving vehicle.

In addition to increased surface science, changes are being made to add nearly 1,000 pounds of cameras, other remote sensing scientific equipment, and additional consumables to the command and service modules—CSM—to increase the capability to study the moon from orbit. Findings from the widely separated landings can then be tied together and fitted into a total picture of the moon.

Similar to Apollo 15, the Apollo 17 mission will deliver a small, self-powered subsatellite to lunar orbit to monitor the variation of magnetic fields and interplanetary charged particle streams in the vicinity of the moon to determine the electrical body properties of the moon and infer internal physical characteristics.

Of particular interest in these last missions is the increased surface mobil-

ity which will be provided to the astronauts by the lunar roving vehicle.

This vehicle will significantly increase the mobility and range of the astronauts. It can carry both astronauts plus 100 pounds of instruments for exploration and the collected surface samples. A wide variety of samples will be collected during each of the three EVA's per mission to make a better assessment of the landing sites.

A lunar sounder and lunar seismic profiling experiments will be flown on Apollo 17. Data analysis from Apollo 12 implies that moonquakes, equivalent to earthquakes generated by slippage, always appear to slip in the same direction. This is very likely caused by a source of strain accumulating within the moon and being released by the additional tidal forces that occur at the time of close earth-moon proximity. At present we can only speculate as to the source of strain. Further data from the lunar seismic profiling experiment may provide a clearer insight into this phenomenon.

The lunar sounder, a radio sounding device, will be used to probe geological substrata from high altitude. It has a long development time and would not have been available for earlier flight schedules. The device is similar to radar in its transmission of a signal and sensing the return from the target area. However the use of multiple frequencies and their known penetration variations make it possible to extrapolate the density and makeup of the subsurface.

The Skylab program is a further major effort within NASA's Research and Development activity.

The Skylab project is now in an advanced state of development. The flight phase will commence early in 1973 with the unmanned launch of the workshop. Operations will begin 1 day later when the first of three crews will rendezvous and dock with this workshop in an Apollo command and service module launched on a Saturn IB vehicle. The workshop consists of laboratories, work areas, control stations, living quarters, earth sensors and a solar observatory, and will be used to perform over 50 experiments for which over 2,200 astronaut hours have been allocated. This is more than three times the amount available in all prior U.S. manned earth orbital missions. Four areas of experiment activity are of particular importance: earth science, astronomy and space physics, space medicine, and engineering and manufacturing technology.

Earth sciences activity will include photography of the earth for use in studies of crop health and distribution, land use, forestry, meteorology, air and water pollution, mineral resources, geography, water management, oceanography, and population growth. One of the mission improvements made possible by the decision to shift from the Saturn IB to the Saturn V launch vehicle was to raise the orbital inclination to give earth survey coverage between 50 degree latitude North and South. This orbit covers some 75 percent of the globe, including 80 percent of food producing areas, and 90 percent of the population. Skylab earth sensing instruments will complement those that will be flying a polar orbit in the earth resources technology satellite—ERTS—at about the same time and will permit coordinated measurements of the same area by different systems. Aircraft and ground measurements of space test sites both in the United States and countries cooperating in this activity will also be made for purposes of calibrating and interpreting the data from the workshop and ERTS.

The initial manned mission will be primarily directed toward the accomplishment of medical experiments related to providing assurance for the well-being of astronauts during the three Skylab missions. Other areas of focus will be the solar astronomy, earth resources, and technical experiments which will be conducted concurrently with the medical activity. This mission is planned to last up to 28 days, beginning with the launch of the manned flight. The crew, before leaving, will prepare the workshop for an unmanned period of 2 months, during which it will be maintained in a semiactive condition.

The second manned mission will be launched approximately 3 months after the first manned launch. This revisit mission is planned for a duration of up to 56 days. The mission will reoccupy the Skylab workshop and gather much greater amounts of data from medical, technical, scientific, earth resources, and solar astronomy experiments, with the focus on these latter two areas. The third and final crew will be launched approximately 3 months after the second manned launch. This mission is also planned for a duration of up to 56 days from launch. Again, the crew's activities will emphasize the scientific and applications objectives of the experiments.

One of NASA's most important programs is the space shuttle. The Committee of Conference offered its strong endorsement of this effort.

The space shuttle is significant because it is the key to economical space operations. The shuttle vehicle is a reusable space transportation system that will revolutionize present-day space operations by furnishing airline-type accessibility to space at low operational cost.

Two major sources of cost reduction are associated with the use of the shuttle system. In addition to the substantial operational savings generated by reusable hardware, there are significant economies to be realized in the payload area due to relaxed weight and volume constraints, capability to return payloads and in-flight checkout of payloads.

The shuttle is planned as a two-stage vehicle which will possess an all azimuth capability and have an operational availability such that it can be launched on short notice. It will take off vertically under rocket power with the booster accelerating the orbital stage to the outer fringe of the earth's atmosphere where separation will occur. The booster will then decelerate and cruise to a designated landing field and land horizontally. The orbiter will proceed to orbit, powered by its own rocket engines, to deliver its payload and perform its assigned mission. After spending up to 7 days in orbit, the orbiter will re-enter and return to a conventional airport runway and also land horizontally. After a short turnaround period of approximately 2 weeks both shuttle stages will be ready for another mission.

The shuttle will be designed for 100 or more flights with a minimum of ground maintenance. Payload transportation will be similar to commercial airline practice. The orbiter will contain a large compartment of about 10,000 cubic feet to accommodate a varying payload mix of satellites, passengers, and cargo. In a passenger mode, 10 people plus a crew of two can be accommodated. Moderate G loads and a shirt sleeve environment will allow average people in good health to fly into space without extensive flight training.

Once developed, the shuttle can replace essentially all the present day launch vehicles except for very small vehicles of the Scout class, and the very large Saturn V. Its low operational cost and its versatile capability can accomplish a variety of missions including transportation to and retrieval of satellites from low earth orbit, visiting orbiting satellites for periodic servicing, delvery of propulsive stages and payloads for high energy missions to low earth orbit, short duration science and applications missions, serving as a space research laboratory, and the transportation of personnel and cargo to space stations in low earth orbit.

The shuttle vehicle consists of a fully reusable booster and orbiter each using high pressure liquid oxygen/liquid hydrogen fueled rocket engines for propulsion. The shuttles payload capability will range from 25,000 to 65,000 pounds depending on altitude, inclination, and orbiter configuration.

The fiscal year 1972 program provides for detailed design and development on the engine—the longest leadtime component of the shuttle. It also provides for proceeding on an orderly step-by-step basis with the shuttle airframe design. This effort may lead to detailed design or initiation of development depending on the progress of studies now underway.

Two concurrent definition studies are underway for the vehicle to provide data upon which to select configurations that can be carried forward with the design phase. Supplemental feasibility studies of alternate vehicle concepts are also being conducted.

In fiscal year 1972 vehicle definition will be advanced by wind tunnel testing to define the precise aerodynamic heating, launch aerodynamics, staging separation forces, re-entry stability and control characteristics, and atmospheric propulsion effects. Dynamics testing will proceed to determine wind loads, vehicle flutter effects, and the acoustic environment which will exist. Design of long leadtime hardware and subsystems, test devices and tooling fixtures will be performed.

The program specifically earmarked for additional funding by the Committee of Conference was the very important NERVA effort. NERVA is the nuclear space propulsion and transportation system for use in carrying space payloads from close earth to deep earth orbits and beyond.

Space is one of the most appropriate arenas for the application of nuclear energy. In the long run, nuclear fuel is the only source of energy compact and long-lived enough, and with sufficient performance potential, to make feasible extended trips to the vast reaches of space or to provide the power for extended and large-scale operations in deep space, on the moon, the planets, or in orbit. For the near term, we have established the technology for using nuclear energy in space for a wide range of mission applications that represent reasonable extensions of our current programs. In fact, we have already seen concrete examples of the advantages of nuclear energy in the use of isotope power supplies for the Nimbus III satellite and the Apollo lunar surface experiment packages.

One important contribution of nuclear energy will be in space propulsion as represented by the NERVA engine. The U.S. began working on nuclear rocket research and technology in 1955 and has continued the program through years of hard work to establish a sound technological basis for the development of the NERVA engine, the first nuclear propulsion system.

The technology we have established is impressive. We have developed a reactor that can operate for long times at temperatures over 4,000° F. while heating hydrogen at a rate of 3 tons per minute in a reactor not much larger than an office desk. Problems of starting, stopping, and throttling have been solved and we know how to build all the components of a useful propulsion system.

There is an aspect of the NERVA engine that seems most important. This propulsion system is flexible and widely useful. Basically, one type of engine can perform manned or unmanned missions near earth, to the moon and into deep space. It is adaptable to many booster configurations and will work well with systems launched with the space shuttle. NERVA development was initiated and continued because of our deeply rooted confidence in this technology and in its utility for a broad range of missions.

The very high performance of NERVA will make possible great flexibility in the selection, operation, and economy of future space missions. The introduction of the NERVA propulsion system into operational use will for the first time make practically available the power of the atom for space propulsion. As time goes on, the energy of the atom will lead to even greater advancements in space propulsion and power; ideas that are currently only in the conceptual stage show great promise for future generations of space propulsion and power. It is vital to proceed with the NERVA program.

NASA's second major category of activity is the construction of facilities program. One of the vital efforts within this category is the Visitor's Information Center at the Kennedy Space Center.

The master plan for the improved center proposes new construction, rehabilitation and improvements to existing facilities, and general improvements to the site and ancillary utilities, over a period of years in three phases at an estimated cost of $10.0 million. The first phase envisioned by this project involves the construction of a Reception and Exhibit Building; a Hall of History Building; modifications and improvements to existing facilities; and improvement to existing site utilities, at an estimated cost of $2,330,000.

The existing Center was authorized in fiscal year 1964 by the Congress. Because of limited funds made available at that time only temporary, prefabricated structures could be erected. Some improvements have been made over the years using funds derived from revenues collected from the visiting public. However, again because of limited funds, these improvements have been minimal.

To improve public understanding of our national space effort, a review of the requirement for an improved public information and education outlet at the Kennedy Space Center was conducted. The review concluded that the existing facility is inadequate not only to meet the existing visitor load, but will be grossly inadequate to meet the anticipated increase in visitor load which will be caused by the opening of Disney World East later this year.

I consider that a more appropriate and modern complex should be available to the general public for informational and educational purposes. Millions of people have visited this facility and it appears that with the opening of Disney World East in Orlando later this year, an additional 600,000 persons will visit the Center annually. Improved facilities could contribute a great deal to a better public understanding and appreciation of the space program.

I emphasize that this facility is a profitmaking undertaking. In fact, the distribution of gross profits from the present Center based upon operation between May 1, 1968, through April 30, 1971, resulted in direct payment to the Treasury of the United States of $163,403. The present facility is inadequate to handle the number of persons visiting the Cape area. The existing facility was designed to accommodate 3,000 persons on a daily basis. By contrast, the daily average visitor load to the information center in 1970 was 5,500 people. In fact, the peak for a single day was 15,000 persons which represented a severe strain on the Center.

With the proximity of Disney World East, the Center is expected to attract a minimum of 5 million people annually. The visitor load is therefore expected to reach between 12,000 and 15,000 persons per day in 1972. To meet this anticipated increase in visitor load a new and expanded facility will be required.

The third of the three major NASA program categories is research and program management—administrative expenses. The major portion of money within this category is allocated for personnel salaries. The administration request provided for a NASA-wide reduction in manpower of 1,500 personnel. This corresponded to a cut of approximately 5 percent of NASA's total personnel. This reduction represents a major decrease in manpower and one which cuts deeply into key scientific and technical personnel. The appropriation level finally approved by the committee of conference corresponds to the budget level authorized in the NASA authorization conference report. No further manpower cuts will therefore be required beyond those proposed in the original administration request.

Mr. Speaker, I consider that the committee of conference has agreed to a good conference report. This report for the fiscal year 1972 appropriation represents one that should be supported by our members. This bill will maintain the strength of the United States in space.

Mr. JONAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. ZWACH).

Mr. ZWACH. Mr. Speaker, in considering the conference report on H.R. 9382, HUD, space-science appropriations, I want to commend the House-Senate conferees for maintaining increased funding for veterans' medical care in order to maintain the average daily patient load at 85,500.

The demands for hospitalization of our returning Vietnam veterans and those of our other wars are at an all-time high.

The fulfillment of our commitment to our veterans is a time-honored obligation and we must provide the necessary funds to assure that we honor these commitments.

Mr. JONAS. Mr. Speaker, I have no further requests for time.

Mr. BOLAND. Mr. Speaker, before I move the previous question on the conference report, I want again to indicate to the House that there are no items in disagreement on this conference report. As a result, there will be no further motions offered when the previous question is moved and adopted. All of the amendments are covered by the conference report. The question will be on the passage of the bill.

Mr. HILLIS. Mr. Speaker, I would like to commend the Senate and House conferees for H.R. 9382, containing the Veterans' Administration appropriations for fiscal year 1972. In the Veterans' budget, the conferees had the foresight to raise the amounts budgeted for construction of veterans hospital and living facilities by $3 million more than allowed in the House bill. The managers also added $63 million for veterans medical care, agreeing that a minimum objective of 97,500 operating beds and average daily patient load of 85,000 must be met. Another $4 million was added to the House bill for medical and prosthetic research.

This appears to be just another indi-

cation of the strong commitment in Congress to help our former fighting men when health troubles strike and to show our deep appreciation for the services these men have rendered to the United States, whether in the past year or 50 years ago. An investment in the health of our veterans is also an investment in the health of our Nation—this research can be shared with all the country's health institutions, and by providing hospital facilities for this group, Congress relieves to some degree the workload on other hospitals.

I am sure the many veterans from Indiana who write my office daily expressing the need for such medical assistance would like to express their appreciation to the committee managers for their actions. So I will say "Thank you, gentlemen," for them.

Mr. McDADE. Mr. Speaker, I rise in support of the conference committee report on H.R. 9382. As in all such conference reports, there are are areas of agreement and disagreement, some of which are resolved and some of which remain. However, I believe this bill is one which deserves the support of every Member of this House. I would like to call your attention to one change which has concerned me greatly during consideration of this bill.

Last month, when the House first considered this bill, I expressed my regret that the limitation requiring local matching funds for the Federal share of HUD's open space land program was retained at 50 percent. This 50–50 matching fund, similar to the Interior Department's land and water conservation fund's program, does not insure the quick action necessary to encourage the development of urban green areas and neighborhood parks. I expressed the hope then, as I do now, that this program could be 100 percent federally funded. The committee has wisely agreed to increase the Federal contribution to 75 percent and I heartily commend them for it. This is a positive step toward making this most worthy program a 100 percent federally funded program. While I greatly appreciate the action of the conference in increasing this Federal share, I intend to continue to work for a 100 percent Federal share in the very near future.

Mr. Speaker, this is a most comprehensive and important piece of legislation. I urge its adoption by the House.

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

The previous question was ordered.

The SPEAKER. The question is on the conference report.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 363, nays 30, answered "present" 1, not voting 39, as follows:

[Roll No. 215]

YEAS—363

Abbitt	Addabbo	Andrews, Ala.
Abernethy	Alexander	Andrews,
Abourezk	Anderson,	N. Dak.
Abzug	Calif.	Annunzio
Adams	Anderson, Ill.	Archer
Ashley	Frenzel	Mazzoli
Aspin	Frey	Meeds
Aspinall	Fulton, Pa.	Melcher
Badillo	Fulton, Tenn.	Metcalfe
Baker	Fuqua	Mikva
Barrett	Galifianakis	Miller, Calif.
Begich	Garmatz	Miller, Ohio
Bell	Gaydos	Mills, Ark.
Bennett	Gettys	Mills, Md.
Bergland	Giaimo	Minish
Betts	Gibbons	Mink
Bevill	Goldwater	Minshall
Biaggi	Gonzalez	Mitchell
Biester	Grasso	Mizell
Bingham	Green, Oreg.	Mollohan
Blanton	Green, Pa.	Monagan
Blatnik	Griffin	Moorhead
Boland	Griffiths	Morgan
Bolling	Grover	Morse
Brademas	Gubser	Mosher
Brasco	Gude	Moss
Bray	Haley	Murphy, Ill.
Brinkley	Halpern	Murphy, N.Y.
Brooks	Hamilton	Myers
Broomfield	Hammer-	Natcher
Brotzman	schmidt	Nedzi
Brown, Mich.	Hanley	Nelsen
Brown, Ohio	Hanna	Nichols
Broyhill, N.C.	Hansen, Idaho	Nix
Broyhill, Va.	Hansen, Wash.	Obey
Buchanan	Harrington	O'Hara
Burke, Fla.	Harsha	O'Konski
Burke, Mass.	Harvey	O'Neill
Burleson, Tex.	Hastings	Passman
Burlison, Mo.	Hathaway	Patman
Burton	Hawkins	Patten
Byrne, Pa.	Hays	Pelly
Byrnes, Wis.	Hébert	Pepper
Byron	Hechler, W. Va.	Perkins
Cabell	Heckler, Mass.	Pettis
Caffery	Helstoski	Peyser
Carney	Henderson	Pickle
Casey, Tex.	Hicks, Mass.	Pike
Cederberg	Hicks, Wash.	Pirnie
Celler	Hillis	Podell
Chamberlain	Hogan	Poff
Chappell	Holifield	Powell
Chisholm	Horton	Preyer, N.C.
Clark	Hull	Price, Ill.
Clausen,	Hunt	Price, Tex.
Don H.	Ichord	Pryor, Ark.
Clay	Jacobs	Pucinski
Cleveland	Jarman	Purcell
Collins, Ill.	Johnson, Calif.	Quie
Conable	Johnson, Pa.	Quillen
Conte	Jonas	Randall
Conyers	Jones, Ala.	Rangel
Corman	Jones, N.C.	Rees
Cotter	Karth	Reid, N.Y.
Coughlin	Kastenmeier	Reuss
Culver	Kazen	Rhodes
Daniel, Va.	Keating	Riegle
Daniels, N.J.	Kee	Roberts
Danielson	Keith	Robison, N.Y.
Davis, Ga.	Kemp	Rodino
Davis, S.C.	King	Roe
Davis, Wis.	Kluczynski	Rogers
de la Garza	Koch	Roncalio
Delaney	Kuykendall	Rooney, N.Y.
Denholm	Kyl	Rooney, Pa.
Dent	Kyros	Rosenthal
Dickinson	Leggett	Rostenkowski
Dingell	Lennon	Roush
Dorn	Lent	Rousselot
Dow	Link	Roy
Dowdy	Lloyd	Roybal
Downing	Long, Md.	Runnels
Drinan	Lujan	Ruppe
Duiski	McClory	Ruth
Duncan	McCloskey	St Germain
du Pont	McClure	Sarbanes
Dwyer	McCollister	Satterfield
Eckhardt	McCormack	Scherle
Edmondson	McDade	Scheuer
Edwards, Ala.	McDonald,	Schwengel
Edwards, Calif.	Mich.	Sebelius
Eilberg	McEwen	Seiberling
Erlenborn	McFall	Shipley
Evans, Colo.	McKay	Shoup
Evins, Tenn.	McKevitt	Shriver
Fascell	McKinney	Sikes
Fish	McMillan	Skubitz
Fisher	Macdonald,	Slack
Flood	Mass.	Smith, Calif.
Flowers	Madden	Smith, Iowa
Foley	Mahon	Smith, N.Y.
Ford, Gerald R.	Mailliard	Spence
Ford,	Mann	Springer
William D.	Martin	Stafford
Forsythe	Mathias, Calif.	Staggers
Fountain	Matsunaga	Stanton,
Frelinghuysen	Mayne	J. William
Stanton,	Tiernan	Williams
James V.	Udall	Wilson, Bob
Steed	Ullman	Wilson,
Steele	Vander Jagt	Charles H.
Steiger, Wis.	Vanik	Winn
Stokes	Veysey	Wolff
Stratton	Vigorito	Wright
Stubblefield	Waggonner	Wyatt
Sullivan	Waldie	Wydler
Talcott	Wampler	Wylie
Taylor	Ware	Wyman
Teague, Calif.	Watts	Yates
Teague, Tex.	Whalen	Young, Fla.
Terry	Whalley	Young, Tex.
Thompson, N.J.	White	Zablocki
Thomson, Wis.	Whitehurst	Zion
Thone	Whitten	Zwach
	Widnall	

NAYS—30

Ashbrook	Dennis	Latta
Bow	Derwinski	Michel
Camp	Devine	Montgomery
Clancy	Eshleman	Robinson, Va.
Clawson, Del	Findley	Sandman
Collier	Goodling	Schmitz
Collins, Tex.	Gross	Schneebeli
Colmer	Hall	Scott
Crane	Hutchinson	Snyder
Dellenback	Landgrebe	Steiger, Ariz.

ANSWERED "PRESENT"—1

Reid, Ill.

NOT VOTING—39

Anderson,	Flynt	Railsback
Tenn.	Fraser	Rarick
Arends	Gallagher	Ryan
Baring	Gray	Saylor
Belcher	Hagan	Sisk
Blackburn	Hosmer	Stephens
Boggs	Howard	Stuckey
Carey, N.Y.	Hungate	Symington
Carter	Jones, Tenn.	Thompson, Ga.
Dellums	Landrum	Van Deerlin
Diggs	Long, La.	Wiggins
Donohue	McCulloch	Yatron
Edwards, La.	Mathis, Ga.	
Esch	Poage	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Arends.
Mr. Carey with Mr. Railsback.
Mr. Anderson of Tennessee with Mr. Carter.
Mr. Sisk with Mr. Hosmer.
Mr. Stuckey with Mr. Blackburn.
Mr. Jones of Tennessee with Mr. Belcher.
Mr. Mathis of Georgia with Mr. Thompson of Georgia.
Mr. Gray with Mr. Esch.
Mr. Gallagher with Mr. Saylor.
Mr. Flynt with Mr. Wiggins.
Mr. Stephens with Mr. Long of Louisiana.
Mr. Fraser with Mr. Dellums.
Mr. Van Deerlin with Mr. Diggs.
Mr. Hagan with Mr. Rarick.
Mr. Hungate with Mr. Baring.
Mr. Yatron with Mr. Ryan.
Mr. Donohue with Mr. Edwards of Louisiana.
Mr. Symington with Mr. Landrum.

Mr. KUYKENDALL and Mr. LENT changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

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

There was no objection.

CONFERENCE REPORT ON H.R. 9667, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1972

Mr. McFALL. Mr. Speaker, I call up the conference report on the bill (H.R. 9667) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Speaker, reserving the right to object, I do so to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. YATES. I intend to make a point of order against amendment No. 5, which will be considered for a separate vote. At what point shall I make that point of order?

The SPEAKER. When the amendment is presented.

Mr. YATES. I thank the Chair.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 26, 1971.)

Mr. McFALL (during the reading). Mr Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

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

There was no objection.

The SPEAKER. Under the rule, the gentleman from California, (Mr. McFALL) will be recognized for 30 minutes, and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California.

(Mr. McFALL asked and was given permission to revise and extend his remarks.)

Mr. McFALL. Mr. Speaker, the conferees have brought back a bill which has a total amount of new obligational authority of $2,905,310,997.

Although the conference agreement is $44,983,000 more than the budget estimates from 1972, it is $79,309,608 less than the appropriations provided for similar activities last year.

The bill is $171,941,000 more than when it left the House. Most of this increase, however, is for three items, two of which were not considered by the House. The three largest increases included over the House bill are: $58,500,000 to repay the airlines for their contribution to the SST development program; $49,800,000 in additional funds for facilities and equipment for the Federal Aviation Administration; and $25,000,000 for high-speed ground transportation research and development.

The $58.5 million to repay the airlines was not considered by the House on July 14 when we originally passed the Transportation appropriations bill, and these funds are not part of the conference report. After the vote on the conference report, I will offer a separate motion with respect to repayment of the airlines. At that time the House will be given an opportunity to vote on this item. I believe, as did a large majority of the conferees, that the airlines should be repaid.

There is an additional $49.8 million in the bill for facilities and equipment for the FAA. All of these increased funds are earmarked for additional control towers and airport surveillance radars. As stated in the conference report, the conferees are very concerned about the rate at which the new equipment is being installed and placed into operation by the FAA. This is a matter which we intend to look into in much greater detail prior to our next hearings with the FAA.

The third item is the $25 million included for high-speed ground transportation research and development. This item was not included when the House considered the bill because the authorizing bill had not passed the House. The Senate included funds for this program, and it was the feeling of the conferees that unless some provision was made for the program, it would not have been able to continue after the enactment of this bill, at least for the time until the authorizing legislation became law.

In summary, the bill includes a total of $102,602,000 for the Office of the Secretary of Transportation. The major item under this office is the repayment to the airlines which we will consider after the adoption of the conference report.

With respect to the 15 additional positions allowed for this Office, the conference report directs that none of these shall be for the Office of Consumer Affairs or for the regional representative program. It is my feeling that this prohibition should also apply to the cargo security program until that program is justified to the House Appropriations Committee. In providing no funds for the Office of Consumer Affairs and the regional representatives, the conferees intended that these activities be held at the House level and not be supplemented by additional personnel from the operating administrations or other activities within the Office of the Secretary.

For the Coast Guard the conference agreement would provide a total of $694,059,997 which is $4,100,000 more than provided by the House and $5,000,000 less than the amount proposed by the other body.

There were three items in conference pertaining to the Federal Aviation Administration. The first was facilities and equipment which I have previously discussed. With respect to the second item, research and development, the House position was maintained. The third item in disagreement was the Federal payment to the airport and airway trust fund. For this item, the bill includes a total of $580,744,000. This amount should provide for a $248 million reserve in the trust fund for future payments to liquidate airport development grants.

The bill includes $35,729,000 in new obligational authority and $4,733,093,000 in liquidating cash for the Federal Highway Administration. It was the intention of the conferees that the additional funds allowed for salaries and expenses should provide for nine positions over the House bill. With respect to the forest highways and public lands highways programs, the bill includes language which makes highway trust funds available to liquidate obligations incurred against amounts authorized for prior years and remaining unobligated at July 1, 1971.

This is in amendment No. 22, and I am advised that the Committee on Public Works of the House is going to oppose this. It is obviously legislation on an appropriation bill, and although it is not subject to a point of order, it must come back in disagreement, and, of course, the House will have an opportunity to decide this matter. The Committee on Public Works of the House will present their case to you for not doing this. It was suggested by the Office of Management and Budget, and, of course, I believe you will listen very carefully to what the House Committee on Public Works says.

The gentleman from Illinois (Mr. KLUCZYNSKI) is down here in front, and I know he will state his case to the House.

The major item in disagreement with respect to the Highway Safety Administration was the alcohol safety action program. It was the intention of the conferees that the number of new demonstration projects added by the Senate be reduced in proportion to the reduction in funds. Such an allocation was also intended with respect to the new positions.

For the Federal Railroad Administration, most of the differences between the two bills were evenly divided. The total in the bill for this Administration is $43,186,000. This includes an additional 17 positions for the Office of the Administrator, and 10 for the Bureau of Railroad Safety.

No increase over the House bill is included for administrative expenses of the Urban Mass Transportation Administration. Research and development funds total $65 million, which is an even split between the House and Senate bills. The language which was added to the House bill earmarking funds for subway safety research has been deleted. The Mass Transportation Administration indicated that this language was not necessary, since they intend to spend at least $3 million in this area.

In title II there was only one item in disagreement, that was the Interstate Commerce Commission. The conference agreement, for this item, includes $30,640,000, which is the same as the House bill.

Mr. Speaker, I urge that the conference report be agreed to. The following table gives the figures in detail:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1971 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1972

Item	New budget (obligational) authority fiscal year 1971 (enacted to date)	Budget estimate of new (obligational) authority, fiscal year 1972	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Conference action compared with— New obligational authority 1971	Budget estimate 1972	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE I—DEPARTMENT OF TRANSPORTATION									
Office of the Secretary									
Salaries and expenses	$18,735,000	$22,342,000	$21,342,000	$22,342,000	$21,592,000	+$2,857,000	−$750,000	+$250,000	−$750,000
Transportation planning, research, and development:									
Appropriation	14,500,000	24,600,000	17,500,000	24,600,000	19,500,000	+5,000,000	−5,100,000	+2,000,000	−5,100,000
By transfer		(6,500,000)	(6,500,000)	(6,500,000)	(6,500,000)	(+6,500,000)			
Transportation research activities overseas (special foreign currency program)		500,000	500,000	500,000	500,000	+500,000			
Grants-in-aid for natural gas pipeline safety	500,000	1,000,000	500,000	1,000,000	750,000	+250,000	−250,000	+250,000	−250,000
Consolidation of departmental headquarters	4,845,000	2,000,000	1,500,000	1,760,000	1,760,000	−3,085,000	−240,000	+260,000	
Civil supersonic aircraft development	[1] 157,500,000	([2])				−157,500,000			
Civil supersonic aircraft development termination	97,300,000	[2] 58,500,000	([2])	58,500,000	58,500,000	−38,800,000		+58,500,000	
Total, Office of the Secretary	293,380,000	108,942,000	41,342,000	108,702,000	102,602,000	−190,778,000	−6,340,000	+61,260,000	−6,100,000
Coast Guard									
Operating expenses	446,000,000	477,838,000	475,000,000	475,000,000	475,000,000	+29,000,000	−2,838,000		
Appropriation for debt reduction	−137,063	−143,003	−143,003	−143,003	−143,003	−5,940			
Subtotal, operating expenses	445,862,937	477,694,997	474,856,997	474,856,997	474,856,997	+28,994,060	−2,838,000		
Acquisition, construction, and improvements	94,000,000	96,682,000	96,682,000	101,682,000	97,682,000	+3,682,000	+1,000,000	+1,000,000	−4,000,000
Alteration of bridges		3,000,000	7,150,000	9,750,000	9,750,000	+9,750,000	+6,750,000	+2,600,000	
Retired pay	65,850,000	71,371,000	71,371,000	71,371,000	71,371,000	+5,521,000			
Reserve training	25,900,000	10,544,000	25,900,000	25,900,000	25,900,000		+15,356,000		
Research, development, test, and evaluation	9,500,000	17,622,000	14,000,000	15,500,000	14,500,000	+5,000,000	−3,122,000	+500,000	−1,000,000
Oil pollution fund	20,000,000					−20,000,000			
Total, Coast Guard	661,112,937	676,913,997	689,959,997	699,059,997	694,059,997	+32,947,060	+17,146,000	+4,100,000	−5,000,000
Federal Aviation Administration									
Operations (airport and airway trust fund)	[4] 895,390,000	991,574,000	989,074,000	989,074,000	989,074,000	+93,684,000	−2,500,000		
Reappropriation	[5] (61,825,000)	[5] (67,418,000)	[5] (67,418,000)	[5] (67,418,000)	(67,418,000)	(+5,593,000)			
Facilities and equipment (airport and airway trust fund)	[6] 238,000,000	[7] 252,009,300	252,009,300	301,809,300	301,809,300	+63,809,300	+149,800,000	+49,800,000	
Reappropriation	[5] (356,348,000)	[5] (142,000,000)	[5] (142,000,000)	[5] (142,000,000)	(142,000,000)	(−214,348,000)			
Research and development (airport and airway trust fund)	[6] 62,420,000	[7] 73,360,700	63,360,700	73,360,700	63,360,700	+940,700	−10,000,000		−10,000,000
Reappropriation	[5] (19,831,000)	[5] (19,140,000)	[5] (19,140,000)	[5] (19,140,000)	(19,140,000)	(−691,000)			
Grants-in-aid for airports (airport and airway trust fund):									
Planning grants	10,000,000	15,000,000	15,000,000	15,000,000	15,000,000	+5,000,000			
Development grants (appropriation to liquidate contract authorization)	(60,000,000)	(92,000,000)	(92,000,000)	(92,000,000)	(92,000,000)	(+32,000,000)			
Reappropriation	[5] (183,172,000)					(−183,172,000)			
Federal payment to the airport and airway trust fund (intragovernmental transaction)		(341,744,000)	(530,944,000)	(750,744,000)	(580,744,000)	(+580,744,000)	(+239,000,000)	(+49,800,000)	(−170,000,000)
Safety regulation	138,319,000	164,408,000	160,000,000	160,000,000	160,000,000	+21,681,000	−4,408,000		
Operation and maintenance, National Capital airports	11,100,000	11,467,000	11,467,000	11,467,000	11,467,000	+367,000			
Construction, National Capital airports	4,000,000	19,630,000	4,930,000	4,930,000	4,930,000	+930,000	−14,700,000		
U.S. International Aeronautical Exposition	2,800,000			([9])		−2,800,000			
Total, Federal Aviation Administration	1,362,029,000	1,527,449,000	1,495,841,000	1,555,641,000	1,545,641,000	+183,612,000	+18,192,000	+49,800,000	−10,000,000
Federal Highway Administration									
Salaries and expenses:									
Appropriation	4,294,000	8,238,000	7,110,000	7,159,000	7,129,000	+2,835,000	−1,109,000	+19,000	−30,000
By transfer	(88,793,000)	(100,944,000)	(92,337,000)	(93,326,000)	(93,037,000)	(+4,244,000)	(−7,907,000)	(+700,000)	(−289,000)
Highway beautification (see general provision):									
Appropriation	526,000	1,350,000	1,100,000	1,100,000	1,100,000	+574,000	−250,000		
Appropriation to liquidate contract authorization	(16,500,000)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)	(−6,500,000)			
Highway-related safety grants: (Appropriation to liquidate contract authorization)		(6,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(+5,000,000)	(−1,000,000)		
Rail crossings demonstration project		10,000,000	4,000,000	10,000,000	10,000,000	+10,000,000		+6,000,000	
Territorial highways (appropriation to liquidate contract authorization)		(1,200,000)	(1,000,000)	(1,000,000)	(1,000,000)	(+1,000,000)	(−200,000)		
Darien Gap, highway	5,000,000	20,000,000	15,000,000	20,000,000	15,000,000	+10,000,000	−5,000,000		−5,000,000
Federal-aid highways (trust fund—appropriation to liquidate contract authorization)	(4,626,365,000)	(4,670,000,000)	(4,661,393,000)	(4,662,382,000)	(4,662,093,000)	(+35,728,000)	(7,907,000)	(+700,000)	(−289,000)
Right-of-way revolving fund (trust fund, appropriation to liquidate contract authorization)	(35,000,000)	(35,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	(−10,000,000)	(−10,000,000)		

Footnotes at end of table.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1971 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1972—Continued

Item	New budget (obligational) authority fiscal year 1971 (enacted to date)	Budget estimate of new (obligational) authority fiscal year 1972	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Conference action compared with— New obligational authority 1971	Budget estimate 1972	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Forest highways (trust fund, appropriation to liquidate contract authorization) (see general provision)	($17,500,000)	[10] ($25,000,000)	[10] ($25,000,000)	[10] ($25,000,000)	($25,000,000)	(+$7,500,000)			
Rescission of unobligated balance		[11] (−38,098,000)	Defer	Language	Defer				
Public lands highways (trust fund—appropriation to liquidate contract authorization) (see general provision)	[12] (14,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(−9,000,000)			
Rescission of unobligated balance		[11] (−26,637,000)	Defer	Language	Defer				
Baltimore-Washington Parkway (trust fund)		5,000,000		2,500,000	2,500,000	+2,500,000	−$2,500,000	+$2,500,000	
Total, Federal Highway Administration	9,820,000	44,588,000	27,210,000	40,759,000	35,729,000	+25,909,000	−8,859,000	+8,519,000	−$5,030,000
National Highway Traffic Safety Administration									
Traffic and highway safety	42,935,000	76,837,000	62,837,000	75,837,000	69,337,000	+26,402,000	−7,500,000	+6,500,000	−6,500,000
Construction of compliance facilities		9,600,000	9,600,000	9,600,000	9,600,000	+9,600,000			
State and community highway safety (appropriation to liquidate contract authorization) (see general provision)	(51,000,000)	(57,000,000)	(47,000,000)	(47,000,000)	(47,000,000)	(−4,000,000)	(−10,000,000)		
Total, National Highway Traffic Safety Administration	42,935,000	86,437,000	72,437,000	85,437,000	78,937,000	+36,002,000	−7,500,000	+6,500,000	−6,500,000
Federal Railroad Administration									
Office of the Administrator, salaries and expenses	1,510,000	2,468,000	1,943,000	2,468,000	2,205,000	+695,000	−263,000	+262,000	−263,000
Railroad research	3,450,000	13,700,000	7,000,000	13,700,000	10,350,000	+6,900,000	−3,350,000	+3,350,000	−3,350,000
Bureau of Railroad Safety	4,825,000	5,781,000	5,481,000	5,781,000	5,631,000	+806,000	−150,000	+150,000	−150,000
High-speed ground transportation research and development	18,000,000	29,077,000	Defer	29,077,000	25,000,000	+7,000,000	−4,077,000	+25,000,000	−4,077,000
Federal grants to National Railroad Passenger Corporation	40,000,000					−40,000,000			
Alaska Railroad revolving fund				1,000,000	Language				−1,000,000
Total, Federal Railroad Administration	67,785,000	51,026,000	14,424,000	52,026,000	43,186,000	−24,599,000	−7,840,000	+28,762,000	−8,840,000
Urban Mass Transportation Administration									
Urban mass transportation fund (see general provision): Administrative expenses	[13] 3,325,000	7,149,000	6,300,000	7,149,000	6,300,000	+2,975,000	−849,000		−849,000
Research, development, and demonstrations	[14] 6,000,000	78,000,000	52,000,000	78,000,000	65,000,000	+59,000,000	−13,000,000	+13,000,000	−13,000,000
Appropriations	7,500,000					−7,500,000			
Appropriation to liquidate contract authorization		(150,000,000)	(150,000,000)	(150,000,000)	(150,000,000)	(+150,000,000)			
Total, Urban Mass Transportation Administration	16,825,000	85,149,000	58,300,000	85,149,000	71,300,000	+54,475,000	−13,849,000	+13,000,000	−13,849,000
St. Lawrence Seaway Development Corporation									
Limitation on administrative expenses	(729,000)	(749,000)	(749,000)	(749,000)	(749,000)	(+20,000)			
Total, title I, Department of Transportation	2,453,886,937	2,580,504,997	2,399,513,997	2,626,773,997	2,571,454,997	+117,568,060	−9,050,000	+171,941,000	−55,319,000
TITLE II—RELATED AGENCIES									
National Transportation Safety Board									
Salaries and expenses	6,399,000	7,242,000	7,150,000	7,150,000	7,150,000	+751,000	−92,000		
Civil Aeronautics Board									
Salaries and expenses	12,204,000	13,445,000	13,445,000	13,445,000	13,445,000	+1,241,000			
Payments to air carriers	57,399,000		53,600,000	53,600,000	53,600,000	−3,799,000	+53,600,000		
Total, Civil Aeronautics Board	69,603,000	13,445,000	67,045,000	67,045,000	67,045,000	−2,558,000	+53,600,000		
Interstate Commerce Commission									
Salaries and expenses	28,442,000	28,940,000	30,640,000	28,940,000	30,640,000	+2,198,000	+1,700,000		+1,700,000
Payment of loan guarantees	[15] 43,901,668					−43,901,668			
Total, Interstate Commerce Commission	72,343,668	28,940,000	30,640,000	28,940,000	30,640,000	−41,703,668	+1,700,000		+1,700,000

Footnotes at end of table.

Item	New budget (obligational) authority fiscal year 1971 (enacted to date)	Budget estimate of new (obligational) authority, fiscal year 1972	New budget (obligational) authority recommended in House bill	New budget (obligational) authority recommended in Senate bill	Conference action	Conference action compared with— New obligational authority 1971	Budget estimate 1972	House bill	Senate bill
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
TITLE II—RELATED AGENCIES—Continued									
The Panama Canal									
Canal Zone Government:									
Operating expenses	$49,610,000	$50,932,000	$50,800,000	$50,800,000	$50,800,000	+$1,190,000	−$132,000		
Capital outlay	1,500,000	4,743,000	3,700,000	3,700,000	3,700,000	+2,200,000	−1,043,000		
Panama Canal Company:									
Limitation on general and administrative expenses	(17,248,000)	(19,283,000)	(19,283,000)	(19,283,000)	(19,283,000)	(+2,035,000)			
Total, the Panama Canal	51,110,000	55,675,000	54,500,000	54,500,000	54,500,000	+3,390,000	−1,175,000		
Washington Metropolitan Area Transit Authority									
Federal contribution	[15] 330,028,000	[17] 174,321,000	[17] 174,321,000	[17] 174,321,000	174,321,000	−155,707,000			
Aviation Advisory Commission									
Salaries and expenses	1,250,000					−1,250,000			
Commission on Highway Beautification									
Salaries and expenses		200,000	200,000	200,000	200,000	+200,000			
Total, title II, related agencies	530,733,668	279,823,000	333,856,000	332,156,000	333,856,000	−196,877,668	+54,033,000		+$1,700,000
Total, titles I, II, and III, new budget (obligational) authority	2,984,620,605	2,860,327,997	2,733,369,997	2,958,929,997	2,905,310,997	−79,309,608	+44,983,000	+$171,941,000	−53,619,000
Consisting of (appropriations)—									
Fiscal year 1971	(2,834,620,605)					(−2,834,620,605)			
Fiscal year 1972	(150,000,000)	(2,686,006,997)	(2,559,048,997)	(2,784,608,997)	(2,730,989,997)	(+2,580,989,997)	(+44,983,000)	(+171,941,000)	(−53,619,000)
Fiscal year 1973		(174,321,000)	(174,321,000)	(174,321,000)	(174,321,000)	(+174,321,000)			
Memorandums:									
Reappropriations	(621,176,000)	(228,558,000)	(228,558,000)	(228,558,000)	(228,558,000)	(−392,618,000)			
Appropriations to liquidate contract authorizations	(4,820,365,000)	(5,051,200,000)	(5,021,393,000)	(5,022,382,000)	(5,022,093,000)	(+201,728,000)	(−29,107,000)	(+700,000)	(−289,000)
Appropriations for debt reduction	(137,063)	(143,003)	(143,003)	(143,003)	(143,003)	(+5,940)			
Rescission of unobligated balances		[11] (−64,735,000)		(Language)	(Defer)				
Grand total	(8,426,298,668)	(8,140,229,000)	(7,983,464,000)	(8,210,013,000)	(8,156,105,000)	(−270,193,668)	(+15,876,000)	(+172,641,000)	(−53,908,000)

[1] Obligational authority through Mar. 30, 1971, provided by Public Law 91-645 (H.J. Res. 1421).
[2] S. Doc. 92-30 deleted $235,000,000 request for SST development and added $58,500,000 to SST termination for repayment of the airlines' contributions.
[3] Not considered by House.
[4] Includes $889,390,000 in appropriations from general Treasury funds, and excludes $130,739,000 related to activities which are funded under safety regulation in fiscal year 1972.
[5] Included as new budget (obligational) authority in prior appropriation acts.
[6] Includes $190,000,000 in appropriations from general Treasury funds.
[7] Budget proposed consolidating "Facilities and equipment" and "Research and development" into a single appropriation "Airway system investment and development."
[8] Includes $38,420,000 in appropriations from general Treasury funds, and excludes $6,580,000 related to activities which are funded under safety regulation in fiscal year 1972.
[9] General provision language.
[10] Includes $10,000,000 to be derived from the highway trust fund.
[11] Amount not considered due to lack of legislation excluded from totals.
[12] Appropriation from general Treasury funds.
[13] Excludes $140,000 transfer.
[14] Excludes $20,000,000 advance appropriation provided in fiscal year 1970.
[15] Excludes indefinite appropriations.
[16] Includes advance appropriation of $150,000,000 for fiscal year 1972.
[17] Advance appropriation for fiscal year 1973.

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

Mr. Speaker, overall, this is a good conference report. We came out, as the chairman said, $45 mililon over the budget. Some of us tried in conference to bring this below the budget, but we were unsuccessful. As the saying goes, "government is the art of compromise," and it was the best compromise figure we could get. However, overall, it is a good conference report.

One of the matters of controversy here is the repayment of the $58.5 million which the airlines contributed toward the production of the SST. I would like to go on record as supporting the appropriation of $58.5 million to repay the airlines contributions for the development of the civil supersonic aircraft. Since the Administration made no formal request to the House committee, no funds for this purpose were included in the House bill. However, such a request was made in the Senate in the enactment of the Senate version of the transportation bill.

There was no contention that in early 1967 the Department of Transportation requested, or more accurately insisted, that the airlines contribute funds toward the production cost. It is also quite clear that the Department indicated that the program might be terminated if these contributions were not received. The contributions were used by Boeing as a portion of the government's share of the contract cost. While there may be some argument as to the legal obligation of the Government to repay this risk capital, to my mind there is no argument as to the Government's moral obligation. By its own act it insisted that these contributions be made. By its own act, it terminated its participation in the project. By its own act, it should now return the money.

So, therefore, Mr. Speaker, I urge all of my colleagues when this issue comes up for a vote to vote down the motion which will be offered by the gentleman from Illinois (Mr. YATES) and vote for the conference report to repay the airlines $58.5 million.

Mr. McFALL. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, quite a little has been said about the airlines' contribution toward the development of the SST. I shall call for a vote by the House on the matter because I think the House ought to pass upon the question as to whether or not the money should be returned to the airlines. It was deposited under contracts, the terms of which said this:

3. Neither Boeing nor the U.S. Government shall have any obligation pursuant to this Agreement to:

(a) complete the design, development, fabrication or test of any SST prototype aircraft;

(b) manufacture, sell, or offer to sell any SST aircraft; or

(c) return or refund, under any circumstances whatsoever, any money contributed pursuant to this Agreement.

That is the actual contract.

Now, Mr. Speaker, it has been said that a moral obligation exists to return the money to the airlines because the Government canceled the contract. The fact remains that the contract itself specifically looked to the possibility of the contract being terminated. In that event again, these is no liability upon the Government to make any repayment.

In paragraph 4 of the contract this language appears:

4. Termination of the Phase III Contract by the United States Government prior to the date on which any payment provided

for in paragraph 1 of this Agreement is received by Boeing or prior to the date on which such payment is due under said paragraph, whichever date first occurs, shall relieve the Airline of its obligation to make such payment. However, termination of the Phase III Contract by the United States Government on or after the date on which any such payment is received by Boeing or the date on which any such payment is due, whichever date first occurs, shall not obligate Boeing or the U.S. Government to refund such payment nor relieve the Airline of its obligation to make such payment.

Thus there is no obligation under this contract for the Government or Boeing to return the money by its specific terms. The airline companies concede that. They say their contract with the Government is based at best upon an implied contract, but they emphasize much more "moral responsibility."

The point I make however, if this is true, if there was no fixed contractual obligation as there was in the case of the return of the money to the Boeing Co. for the termination cost, then you have an unliquidated claim which ought to be considered by the Court of Claims to see what, if any, is the responsibility or the liability of the U.S. Government.

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

Mr. YATES. I will yield to the gentleman from Ohio in a moment.

Mr. BOW. Mr. Speaker, I thank the gentleman from Illinois for yielding.

Would the gentleman agree with me that the U.S. Government is not a party to the contract from which the gentleman has just read?

Mr. YATES. Yes, that is correct.

Mr. BOW. It is not a contract with the U.S. Government?

Mr. YATES. That is correct; it is a contract between Boeing and the airlines. And that raises a very interesting point as to why the Government should give the money back.

Mr. BOW. Mr. Speaker, would the gentleman yield further?

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

Mr. BOW. Is it not true that it was the Government that insisted upon the airlines making these payments for the development of the SST, and that the Government told them that there would be no SST unless they made their contributions, and yet the Government was not a party to this contract?

Mr. YATES. I believe the gentleman from Ohio is correct.

But I want to say that we had no testimony to this effect. One of the shortcomings of our discussion today is the fact that we did not hear testimony from any witnesses who were actually present at the White House when the conference took place. We received some testimony from witnesses of the Air Transport Association who told us what occurred, and they were present for examination. But the fact remains that nobody who appeared before us was present at the White House when the conference was supposed to have taken place, as to what has been stated by the gentleman from Ohio, that the airlines were supposed to have been told that unless the airlines entered into these contracts the Government would not proceed with the further development of the SST.

And, of course, as one who opposed the SST, I feel that the airlines contributed money because if they had not done so the SST would not have gone forward. Had that happened the Government would not have lost the hundreds of millions of dollars that it did subsequently.

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

Mr. YATES. I yield to the gentleman from Michigan.

Mr. HARVEY. Mr. Speaker, I want to say to the gentleman that I joined the gentleman in opposing the SST, but I can well recall back in 1964 that I served then, as I do now, on the Committee on Interstate and Foreign Commerce, and our committee was called down to the White House by President Johnson. And President Johnson then in 1964, when he announced the SST, with our committee before him, discussed thoroughly the method of financing and how that money was going to be furnished. He went through it year by year, fiscal year by fiscal year, as to what was going to be expected of the Congress.

Then he told us in addition that the airlines also were contributing money, and he told us how many millions of dollars they were putting into it.

So I say to my friend, the gentleman from Illinois (Mr. YATES) that although I joined the gentleman in voting against the SST, that I cannot agree with the gentleman now about not giving the money back that the airlines put in.

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

Mr. McFALL. Mr. Speaker, I yield 3 additional minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, I thank the gentleman for the additional time, and I yield again to the gentleman from Michigan.

Mr. HARVEY. In conclusion, I would simply say to my friend, the gentleman from Illinois (Mr. YATES) that I voted with the gentleman against the SST, but now it seems to me that we do have an obligation to return this money.

After all, the President himself told our committee, back in 1946, that he was expecting the airlines to make their contribution, and was demanding that they put this money into the SST. Further they were going to get an SST in return for their money. Therefore I think that certainly the airlines should have their money back. Particularly since we in the Congress made the decision that we should no longer go ahead with the SST.

Mr. YATES. Mr. Speaker, I would suggest to the gentleman from Michigan that in 1964 the airlines had 3 years to think over their contributions, and that they should not have signed contracts under the terms of which neither Boeing nor the Government were under an obligation to return the money. They did not have to sign. If they had said "no", the SST program would have been terminated at that time.

The airlines entered into these contracts freely and of their own will. There was no compulsion upon them to sign these contracts. They refused later to put up more money.

I was visited by one of the representatives of the airlines, and I showed him these harsh provisions and I said—he was an attorney—I said, "Why did you let your clients sign this kind of an agreement?"

And he told me, "I recommended against signing the agreement, but my clients overrode my opinion."

The contracts are very difficult and tough contracts, I will say to the gentleman from Michigan.

Mr. HARVEY. Mr. Speaker, if the gentleman will yield further, there is one other thing. The airlines expected to get an SST in return for what they put in—what they were required to put in.

Mr. YATES. The gentleman's statement may be correct but as I said the fact remains they signed contracts which looked to the possibility of termination by the government for which the government would not be liable to the airlines. And they say themselves they were told that if the SST was not economically viable or was technically deficient, their contributions were at their own risk, and they would not get their money back.

I like to think that those were the reasons why the Congress voted down the SST, among many reasons.

There was still a very grave question as to whether or not the airplane was technically efficient. Certainly, its cost would have been so high as to place in doubt its economic viability to any airline which bought them.

Mr. Speaker, this is a very difficult question. I have great sympathy for the airlines. All of those who participated in this conference have great sympathy for the airlines. But the fact remains that you do have the hard and fast processes of the contract which say that there is no liability. Congress usually approves legal claims not moral claims. Moral claims for relief go the committee on the judiciary or to the Court of Claims for a hearing. Otherwise, you have in this conference report what amounts to a bill for the relief of the airlines. This is essentially what you have here and I think that is what the vote will be upon today. My own feeling is it ought to go to the Court of Claims.

Moreover, there is a question as to whether or not the airlines had a tax advantage which may provide them with more money than this conference report actually intends for them to get.

Finally, Mr. Speaker, what a precedent would be established by approval of a moral obligation. $58.5 million to be paid on the basis of a so-called moral obligation when a written contract denies any liability. This precedent will certainly rise to plague us in the future.

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

Mr. YATES. I yield to the gentleman.

Mr. VANIK. The question of taxation is a very serious one. If this money is paid back to the airlines, they will be getting both, a $58.2 million tax deduction—and they will also be getting the

money back. So, in effect, they will get more than they paid in. They will be getting a deduction plus the return of the money.

What assurance do we have that there will not be an increased payment to the airlines beyond the refund of their contribution?

Mr. YATES. I can give the gentleman no assurance on that.

The gentleman from California, my good friend, Mr. MCFALL, has been given information by the airlines for the deducted amounts over a period of 4 or 5 years. As to the testimony, that is a different story than the one we received in our committee.

In response to a question that I asked—could you tell the committee whether the airlines received a tax advantage as a result of the contribution they made?

General Von Kann answered:

I think it would be better if I checked the details of this. It involves several airlines. It involves several methods of contracting negotiations. I will submit an answer for the record.

(The information follows:)

To the best of our knowledge, all airlines deducted this money as an R. & D. business expense on their tax returns when paid in early 1968.

So they did take advantage of it.

Mr. CONTE. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, as I said earlier in support of this particular appropriation, I happened to be in the fight with the gentleman from Illinois to stop further Government funding of the two SST prototypes. However, I feel that we are not going to back away from our obligations now. We paid back General Electric and Boeing what was due them.

I think I agree with the gentleman from Illinois—I have some grave reservations as to whether there is any legal obligation to pay back the airlines. But I certainly feel there is a moral obligation.

I asked some questions during the committee hearings regarding the tax status of the payments. I would refer my colleagues to pages 1151 and 1152 of part 3 of the hearings. Certainly, if they received a tax break, the Internal Revenue Service is going to see that the appropriate adjustment will be made. There is no problem there. That is what the administration witnesses told us.

I would like at this time to refer to what the gentleman from Illinois said to the effect that no one who served at the time when Mr. Boyd was Secretary of Transportation appeared before the committee. But we do have some evidence here as to what the situation was then. This is a letter dated April 29, 1971, to Senator MAGNUSON, in which Mr. Boyd explained:

I made it perfectly clear (to the airlines) that the deposits would be at risk and would be forfeited if Boeing could not succeed in building a plane that in a production model would be economically viable and capable of safe operation at design speed.

I further quote from that letter:

It was certainly assumed by all concerned that the deposits were at risk only in connection with failures that might be related to the aircraft itself.

I further quote from Secretary Boyd's letter to Senator MAGNUSON:

Under the circumstances, as I know them, it appears to me a sacrifice of the deposits, due to failure of continuing Federal participation, was not contemplated.

In a letter to Senator MAGNUSON, dated April 27, 1971, General McKee also indicated that there was no intention on behalf of any of the parties that the airlines were to assume the risk of termination of phase 3 by reason of withdrawal of continued Government support of that program, and I quote from his letter to Senator MAGNUSON:

As a result of this meeting the involved airlines paid in some $58 million on the basis that they would get their money back plus interest. They all understood that there would be no return unless "a" the airplane was operationally suitable and safe; and "b" the airplane was economically viable.

I further quote from General McKee's letter to Senator MAGNUSON:

It is my considered judgment that the airlines acted in good faith and on the clear-cut assumption that the Government would go forward on the prototype program to determine the operational and economic aspects of the airplane.

I further quote from General McKee's letter to Senator MAGNUSON:

I would not have been a party to requesting financial participation by the airlines, and I doubt that Mr. Boyd would, had I thought for an instant that the program would be arbitrarily terminated prior to finding out the answers to "a" and "b" above.

In view of such a record with regard to the understandings of the U.S. Government and the respective airlines, it is indefensible to contend, on the basis of generalized disclaimer language in the Boeing-airlines agreements, that the airlines waived their right to reimbursement of their investment under any and all circumstances, regardless of the parties' clear intention to the contrary.

I think we have a moral obligation here. I think the record is clear. I think they should be repaid, and I do not think this is any time to backdown from a debt.

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

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

Mr. VANIK. I do not dispute what the gentleman has said, but does the gentleman feel that it is proper to give the airlines a $58.5 million tax writeoff as a business deduction and then give them the money too? That is the whole issue. I would like to have the gentleman respond to that question.

Mr. CONTE. Yes. I was trying to find the point in the record. I asked that same question of the administrative witnesses when they came before us and they said they were not certain about the tax situation, but certainly if the airlines received a tax advantage at that time, the Internal Revenue would direct that they make an adjustment.

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

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

Mr. YATES. I had hoped that the report would contain language which would protect the Government. For example, I conferred with the gentleman from Arkansas (Mr. MILLS) and he referred me to his tax counsel who suggested language like this:

Provided, That such payment—

The payment to the airlines—

shall be reduced to the extent of any tax benefits received by any of the airline companies through claiming a deduction of the amount of its contributions in reporting its Federal income tax; and provided further that such payment shall not bear interest.

Those two points, I think, are very important. I do not think the airlines should be repaid more than they actually contributed.

Mr. CONTE. I am sure the Internal Revenue Department will see to that.

Mr. YATES. That is not necessarily true, I believe.

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

Mr. CONTE. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I would like to ask the gentleman from Illinois what leads him to believe that this will happen. I think it is presumptive on his part and really could not happen.

Mr. YATES. Mr. Speaker, will the gentleman permit me to reply to the gentleman from Louisiana?

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

Mr. YATES. The $58.5 million was invested and deducted in a year when the airlines were showing a profit, 1968.

Mr. WAGGONNER. Is the gentleman objecting to the fact that some of them might be losing money now, and, as a result of their operations, they have a loss when considering their overall income and if so they will not have to pay taxes this year?

Mr. YATES. That is the point.

Mr. WAGGONNER. In other words, the gentleman is against income-averaging ever?

Mr. YATES. I do not understand the gentleman's point.

Mr. WAGGONNER. They happen to be making money one year and they happen to be losing money this year. You pay taxes if you make a profit not when you lose money.

He objects to them losing money. If he objects to them losing money, then he ought to be willing to help them get back into the black.

Mr. YATES. As far as I am concerned, I would be glad to help them get back into the black. As far as I can see what the conference report seeks to do is to make them whole, to put them back into the position they were at the time they invested their money. In the event they received a tax advantage in addition to the money, I think they would be beyond the intention of the conferees. Would the gentleman agree with that?

Mr. CONTE. I am satisfied with this amendment and with the administration witnesses' responses to my inquiries in the committee. Certainly IRS is not going to let them get away with anything. I

think this is a good amendment and we ought to vote it up.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

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

Mr. EDWARDS of Alabama. Mr. Speaker, I think we ought to make the point that the airlines themselves very clearly understand that they are not going to be unjustly enriched by this provision. They clearly understand that if and when the money is made available, that tax adjustments will have to be made when the money is turned over to them. Nobody is trying to suggest the airlines will receive a penny more than they are entitled to. There will have to be taken into consideration their tax situation in prior years and their tax situation today. So in view of all the circumstances, I think we in Congress have the obligation to see that this money is repaid. To me it is just as much a part of winding down the SST project as the other parts for Boeing and General Electric.

Mr. CONTE. Mr. Speaker, I compliment the gentleman from Illinois and my colleague who joined him, the gentleman from Ohio, for bringing this up. I think they have really done a good service to the Congress and to the country, because now we have established some legislative history, which I am sure the IRS and other agencies will take cognizance of.

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

Mr. CONTE. I yield to the gentleman from Oklahoma (Mr. STEED).

Mr. STEED. Mr. Speaker, where the cancellation of SST costs were included, the several million dollars would give the Department the resources it needed to make all these determinations not only to the contractor, but also to cover this item also. So the funds to enable them to make a proper determination have already been made available.

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

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

Mr. MINSHALL. Mr. Speaker, I thank the gentleman for yielding. I commend the gentleman from Massachusetts and also the gentleman from California for the excellent statements they have made concerning this $58 million designated for the airlines. I want to make it abundantly clear that I was one of those who voted against the SST proposal when it came before the House, but I certainly hope out of moral obligation if nothing else, that the House will defeat the amendment to be offered by my friend, the gentleman from Illinois (Mr. YATES) because I think the airlines are definitely entitled to this payment.

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

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

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

Do I understand from the letter which the gentleman from Massachusetts read to the House a few minutes ago that the airlines understood that unless a feasible plane was produced, they would be out their money?

Mr. CONTE. That is right.

Mr. GROSS. Then why give them $58.5 million?

Mr. CONTE. Because, as General McKee said, and as all the other witness said, no one anticipated the Federal Government's pulling out from the project—which we did. The Congress by a majority vote said that we will no longer continue to fund the SST prototype.

Mr. YATES. Mr. Speaker, will the gentleman take one additional minute and yield to me?

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

Mr. YATES. Mr. Speaker, I thank the gentleman for yielding. I want to point out that inasmuch as this is a conference report, I cannot offer my amendment to it. The report has to be voted up or down. The language is as contained in amendment No. 5, which will provide the payment to the airline.

Inasmuch as the claim is a moral one, and an unliquidated one, I think personally it ought to go to the Court of Claims, and then it will come back to Congress, rather than approving it at this time.

Mr. CONTE. Mr. Speaker, I disagree.

Mr. McFALL. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. JARMAN).

Mr. JARMAN. Mr. Speaker, I believe to be equitable the conclusion of the conferees that the Government should repay the airlines their SST investment and I urge acceptance of the conference report.

To paraphrase the famous line from Charles Dickens—the SST is dead, dead as a doornail—at least for the time being. But what is not dead is the issue before us today as to whether or not the airlines should be returned money they invested in the SST program in 1968. We are talking about $58.5 million.

There has been some discussion about the responsibility of the Government to repay the airlines. It has been said there is no legal obligation, there was no contract betwen the airlines and the Government, that the airlines went into this with their eyes wide open, that the airlines signed some sort of an agreement to the effect that they would not ask for their money back if the program was terminated.

Let me address some of these points. I strongly believe the U.S. Government has the highest responsibility and obligation to return the money invested by the airlines in the prototype phase of the SST. The responsibility exists because the U.S. Government went to the carriers, went to the airline presidents and told them that the SST program had to have their support. President Johnson put it quite strongly—that the SST program had to have the backing of the carriers interested in such a program—that the carriers should put some money up as evidence of their good faith. The Government's strong feeling about airline participation was stated in a Department of Transportation policy statement of June 5, 1967 and I quote:

> The airlines will be required to make a contribution to the SST research and delivery program in connection with each delivery position reservation.

This appears to be a somewhat unique situation where the Government required private funding. The airlines, as you know, did invest in the program and were assured by the Government that they would get their money back in the event that the SST was produced and the carriers were assured it would be produced—that such investment would be returned with the airlines receiving a share of the Government's royalties. This return was to be at the rate of $1.5 million returned for every $1 million invested.

Strangely enough, the airlines did not have a contract with the Government for return of the money via the royalty procedure. This was, in essence, a good-faith arrangement. Strangely enough, the Government drew up a memorandum between the airlines and the Boeing Co. which indicated that the airlines were to receive part of the Government's royalties and that the airlines would not seek reimbursement in the event that the program was terminated. I might add that this restriction on reimbursement was predicated on the fact that the airlines would not seek reimbursement if the program failed because of technological reasons. This is verified by everyone who was involved with the program, including former DOT Secretary Boyd and former FAA Administrator McKee.

Now that the Government has put the last nail in the SST coffin, there are some who point to this memorandum saying that the airlines are not entitled to reimbursement. There is little doubt that the Government has a clear-cut responsibility and obligation to return the airline investment. There is little doubt that the airlines relied on the good faith of the Government. There is no question that the airlines clearly saw the possibility of losing the money because Boeing could not meet certain specifications, but the record is clear that these same airlines were given Government assurance that the program would continue and that there would be a substantial return on their investment.

The airlines are not asking for any interest on their money, but seek only to be reimbursed dollar for dollar. I see no reason why the Government should not stand up to its responsibility, acknowledge the obligation and reimburse all parties who were injured as a result of the Government's decision to cancel the program.

I urge the acceptance of the conference report.

Mr. McFALL. Mr. Speaker, I would hope that the conference report would be adopted and that when we get to item 5 we will be able to discuss the specific item of $58.5 million at that time.

Mr. Speaker, at this time I yield 1 minute to the gentleman from Pennsylvania (Mr. MOORHEAD).

Mr. MOORHEAD. Mr. Speaker, I rise to direct two questions to the distinguished chairman of the subcommittee

about the so-called early action program of mass transit in Pittsburgh, Allegheny County, Pa.

First, is the subcommittee familiar with this project and does the subcommittee believe this is a good project which should go forward without undue delay?

Mr. McFALL. We are familiar with the project. I believe this is a good project which should go forward without undue delay.

I understand that in the Senate report there is certain language indicating an intent on the part of the other body to restrict the expenditure of funds. We feel, I believe, on this side that the project is a good one and the funds should be permitted to be expended.

Mr. MOORHEAD. May I direct a secone question to the chairman? Even though there is some criticism in the Senate report, is it not true that there is nothing in the House bill, nothing in the Senate bill, and nothing in the conference report—and hence nothing in the law—to delay this project?

Mr. McFALL. That is correct.

Mr. MOORHEAD. I thank the distinguished chairman very much.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. ASPINALL). The question is on the conference report.

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

The yeas and nays were refused.

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

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 393, nays 15, not voting 25, as follows:

[Roll No. 216]

YEAS—393

Abbitt	Bevill	Camp
Abernethy	Biaggi	Carney
Abourezk	Biester	Casey, Tex.
Abzug	Bingham	Cederberg
Adams	Blanton	Celler
Addabbo	Boland	Chamberlain
Alexander	Bolling	Chappell
Anderson, Calif.	Bow	Chisholm
	Brademas	Clancy
Anderson, Ill.	Brasco	Clark
Anderson, Tenn.	Bray	Clausen, Don H.
	Brinkley	
Andrews, Ala.	Brooks	Clawson, Del
Andrews, N. Dak.	Broomfield	Clay
	Brotzman	Cleveland
Annunzio	Brown, Mich.	Collier
Archer	Brown, Ohio	Collins, Ill.
Ashley	Broyhill, N.C.	Collins, Tex.
Aspin	Broyhill, Va.	Colmer
Aspinall	Buchanan	Conable
Badillo	Burke, Fla.	Conte
Baker	Burke, Mass.	Conyers
Baring	Burleson, Tex.	Corman
Barrett	Burlison, Mo.	Cotter
Begich	Burton	Coughlin
Belcher	Byrne, Pa.	Crane
Bell	Byrnes, Wis.	Culver
Bennett	Byron	Daniel, Va.
Bergland	Cabell	Daniels, N.J.
Betts	Caffery	Danielson
Davis, Ga.	Kazen	Rhodes
Davis, S.C.	Keating	Riegle
Davis, Wis.	Keith	Roberts
de la Garza	Kemp	Robinson, Va.
Delaney	King	Robison, N.Y.
Dellums	Kluczynski	Rodino
Denholm	Koch	Roe
Dennis	Kuykendall	Rogers
Dent	Kyl	Roncalio
Derwinski	Kyros	Rooney, N.Y.
Dickinson	Landgrebe	Rooney, Pa.
Dingell	Landrum	Rosenthal
Dorn	Leggett	Rostenkowski
Dow	Lennon	Roush
Dowdy	Lent	Rousselot
Downing	Link	Roy
Drinan	Lloyd	Roybal
Dulski	Long, Md.	Runnels
Duncan	Lujan	Ruppe
du Pont	McClory	Ruth
Dwyer	McCloskey	Ryan
Eckhardt	McClure	St Germain
Edmondson	McCollister	Sandman
Edwards, Ala.	McCormack	Sarbanes
Edwards, Calif.	McDade	Satterfield
Eilberg	McDonald, Mich.	Scherle
Erlenborn		Scheuer
Evans, Colo.	McEwen	Schneebeli
Evins, Tenn.	McFall	Schwengel
Fascell	McKay	Scott
Fish	McKevitt	Sebelius
Fisher	McKinney	Seiberling
Flood	McMillan	Shipley
Flowers	Macdonald, Mass.	Shoup
Flynt		Shriver
Foley	Madden	Sikes
Ford, Gerald R.	Mahon	Sisk
Ford, William D.	Mailliard	Skubitz
	Mann	Slack
Forsythe	Martin	Smith, Calif.
Fountain	Mathias, Calif.	Smith, Iowa
Fraser	Mathis, Ga.	Smith, N.Y.
Frelinghuysen	Matsunaga	Snyder
Frenzel	Mayne	Spence
Fulton, Pa.	Mazzoli	Springer
Fulton, Tenn.	Meeds	Stafford
Fuqua	Melcher	Staggers
Galifianakis	Metcalfe	Stanton, J. William
Gallagher	Mikva	
Garmatz	Miller, Calif.	Stanton, James V.
Gaydos	Miller, Ohio	
Gettys	Mills, Ark.	Steed
Giaimo	Mills, Md.	Steele
Gibbons	Minish	Steiger, Ariz.
Goldwater	Mink	Steiger, Wis.
Gonzalez	Minshall	Stephens
Grasso	Mitchell	Stokes
Gray	Mizell	Stratton
Green, Oreg.	Mollohan	Stubblefield
Green, Pa.	Monagan	Stuckey
Griffin	Montgomery	Sullivan
Griffiths	Moorhead	Talcott
Grover	Morgan	Taylor
Gubser	Morse	Teague, Calif.
Gude	Mosher	Teague, Tex.
Hagan	Moss	Terry
Haley	Murphy, Ill.	Thompson, Ga.
Halpern	Murphy, N.Y.	Thompson, N.J.
Hamilton	Natcher	Thomson, Wis.
Hammer-schmidt	Nedzi	Thone
	Nelsen	Tiernan
Hanley	Nichols	Udall
Hanna	Nix	Ullman
Hansen, Idaho	Obey	Vander Jagt
Hansen, Wash.	O'Hara	Vanik
Harrington	O'Konski	Veysey
Harsha	O'Neill	Vigorito
Harvey	Passman	Waggonner
Hastings	Patman	Waldie
Hathaway	Patten	Wampler
Hawkins	Pelly	Ware
Hays	Pepper	Watts
Hechler, W. Va.	Perkins	Whalen
Heckler, Mass.	Pettis	Whalley
Helstoski	Peyser	White
Henderson	Pickle	Whitehurst
Hicks, Mass.	Pike	Whitten
Hicks, Wash.	Pirnie	Widnall
Hillis	Podell	Wiggins
Hogan	Poff	Williams
Holifield	Powell	Wilson, Bob
Horton	Preyer, N.C.	Wilson, Charles H.
Howard	Price, Ill.	
Hull	Price, Tex.	Winn
Hunt	Pryor, Ark.	Wolff
Ichord	Pucinski	Wyatt
Jacobs	Quie	Wydler
Jarman	Quillen	Wylie
Johnson, Calif.	Railsback	Wyman
Johnson, Pa.	Randall	Yates
Jonas	Rangel	Young, Tex.
Jones, Ala.	Rees	Zablocki
Jones, N.C.	Reid, Ill.	Zion
Karth	Reid, N.Y.	Zwach
Kastenmeier	Reuss	

NAYS—15

Ashbrook	Goodling	Michel
Dellenback	Gross	Myers
Devine	Hall	Rarick
Eshleman	Hutchinson	Schmitz
Findley	Latta	Young, Fla.

NOT VOTING—25

Arends	Esch	Poage
Blackburn	Frey	Purcell
Blatnik	Hébert	Saylor
Boggs	Hosmer	Symington
Carey, N.Y.	Hungate	Van Deerlin
Carter	Jones, Tenn.	Wright
Diggs	Kee	Yatron
Donohue	Long, La.	
Edwards, La.	McCulloch	

So the conference report was agreed to.

The Clerk announced the following pairs.

Mr. Boggs with Mr. Arends.
Mr. Hébert with Mr. Saylor.
Mr. Blatnik with Mr. Carter.
Mr. Carey of New York with Mr. Esch.
Mr. Symington with Mr. Diggs.
Mr. Kee with Mr. Frey.
Mr. Jones of Tennessee with Mr. Blackburn.
Mr. Van Deerlin with Mr. Hosmer.
Mr. Wright with Mr. Donohue.
Mr. Hungate with Mr. Purcell.
Mr. Yatron with Mr. Edwards of Louisiana.

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: Page 3, line 7, strike out "$500,000" and insert "$1,000,000".

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the sum proposed, insert the following: "$750,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 5: Page 3, line 14, insert:

"CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT TERMINATION

"For expenses necessary for the termination of the civil supersonic aircraft development program, $58,500,000."

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 5 and concur therein with an amendment, as follows: In lieu of the matter inserted, insert the following:

"CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT TERMINATION

"For payment of the airlines contribution toward the development of the Civil Supersonic Aircraft, $58,500,000, to remain available until expended."

POINT OF ORDER MADE BY MR. YATES

Mr. YATES. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. YATES. It is predicated on three grounds. First, the amendment is not germane to the bill. Second, the amendment has no authorization in law. It is not a termination cost even though the heading of the amendment purports to indicate it is. Third, the amendment deals with new and different subject matter than the bills passed by both the House and the Senate.

Mr. Speaker, when the bill was passed by the Senate, the provision read "for expenses necessary for the termination of the civil supersonic transport development program $58.5 million." It will be noted, Mr. Speaker, that the Senate language applied to termination expenses, which is a subject that is germane to the purposes of the bill. However, when the conferees met they struck out the Senate language and agreed upon language which did not relate to termination expenses. They agreed upon language which departed completely from the purpose of the bill, which now reads "for payment of airlines contribution toward the development of the civil supersonic transport $55 million to remain available until expended."

I should explain, also, in its version of the bill the House provided no funds for the civil supersonic transport.

Again, these are not termination costs. The conferees have agreed upon a procedure which is totally beyond any authorization in law. The termination costs were considered in the supplemental appropriation bill, and they have been paid to the Boeing Co. pursuant to a contract that the Government had with the Boeing Co. The Government has no contract with any of the airline companies in which this money is involved and therefore this could not possibly be termination costs. Therefore it is not correct to call it termination costs.

Even the use of the word contribution in the amendment is wrong, because the airlines made no contribution to the Government.

Therefore the conferees clearly departed from the purposes of the language and drafted an amendment which is not a part of the bill. What it really is is an amendment in the nature of a bill for the relief of the airlines, and I submit that that is not within the jurisdiction of this committee.

The SPEAKER. Does the gentleman from California care to be heard on the point of order?

Mr. McFALL. Yes, Mr. Speaker.

Mr. Speaker, the language of the motion is, I believe, clearly germane to the Senate amendment. In fact, the heading of the motion is identical to that contained in the Senate amendment. Both deal with precisely the same subject.

All that my motion does is merely rephrase the language contained in the Senate amendment. This motion does not in any way rededicate the funds involved. The $58.5 million still goes to the precise purpose intended by the Senate amendment.

The Senate report clearly states the purpose for which these funds are being provided. I quote from page 6 of Senate report No. 92–271:

The committee recommends an appropriation of $58,500,000 to repay airline contributions to the development of the civil supersonic aircraft.

So, Mr. Speaker, it is clear that these funds are being provided for the same purpose under both my motion and the Senate amendment. I believe, therefore, that the motion is clearly germane to the Senate amendment.

The SPEAKER (Mr. ALBERT). The Chair is ready to rule.

The gentleman from California (Mr. McFALL) has offered a motion to recede and concur in Senate amendment No. 5 to the bill H.R. 9667 with an amendment, and the gentleman from Illinois (Mr. YATES), has made the point of order that the amendment offered by the gentleman from California is not germane to Senate amendment No. 5.

The Chair has listened with interest to the arguments made by the gentleman from Illinois and by the gentleman from California on the point of order.

Senate amendment No. 5, which the conferees have reported back in disagreement, contains an appropriation of $58,500,000 "for expenses necessary for the termination of the civil supersonic aircraft development program." The report of the Senate Committee on Appropriations—Senate Report No. 92–271 at page 6—and the debate in the Senate on July 22, 1971—RECORD, page S11843—indicate that the sole purpose of this amendment was to repay carriers for their investment in the SST program which the Government has terminated.

While couched in slightly different language, the motion proposed by the gentleman from California includes the heading "Civil Supersonic Development Termination" and would appropriate the same amount "for payment of the airlines contribution toward the development of the SST."

The Chair feels that the motion offered by the gentleman from California would accomplish the same purpose intended by the Senate amendment No. 5 and is germane to the Senate amendment. The Chair therefore overrules the point of order.

The gentleman from California (Mr. McFALL) is recognized for 1 hour.

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

Mr. Speaker, I recognize that this matter has already been discussed on the floor of the House this afternoon and has been debated at other times. I further realize that the Members are almost ready to vote. But I do not want the Members to think that, because of silence on my part, I am not very much in favor of the payment of this money to the airlines.

I know that the gentleman from Illinois (Mr. YATES) desires to make a short statement upon this so that all Members will understand exactly what is pending before us.

Mr. Speaker, in early 1967, the Government asked the domestic airlines involved to support their faith in the SST program with dollars. Consequently, nine U.S. airlines and one foreign airline put up funds for each delivery position they had reserved. The total airline investment was $58.5 million. This amount was used to reduce the size of the Government's contribution to the program, and applied toward the Government/Boeing contract.

Congress has voted to discontinue Government funding, and the airlines have asked that their investment be returned. They argue, quite justly, that the money was put up under the assumption that the only risk was the technological one—that they would not get any money back if Boeing could not build an operationally and economically viable aircraft.

I believe that the U.S. Government has the responsibility to return the money invested by the airlines in the prototype phase of the SST. This responsibility exists because the U.S. Government went to the carriers for support. The Government's strong feeling about airline participation was stated in a Department of Transportation policy statement of June 5, 1967, and I quote:

The airlines will be required to make a contribution to the SST research and development program in connection with each delivery position reservation.

While the airlines may not have had an explicit contract with the Government for return of the money, there was a good-faith arrangement. I feel the Government should live up to its responsibilities under this arrangement and repay the airlines.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. Bow).

Mr. BOW. Mr. Speaker, I rise in support of the amendment, and I rise in support of the position taken by the gentleman from California (Mr. McFALL).

Mr. Speaker, about the matter of the refund or airline investment in the SST program. Is it not about time that we faced up to the fact that it was we, the Government, who terminated the program, not the airlines; that it was the Government who required airline participation; and it is we who must pay all of the termination costs as a result of our decision to kill the project? Boeing and GE have already been paid off—the contributing carriers should now be refunded the money they put up in good faith.

Now I have heard some talk about airlines having signed an agreement not to ask for their money back, and that because of that the $58.5 million they advanced to the Government is not returnable. There was such a memorandum, but the Government was not a party to it—even though the agreement was written by the Government. This was a strange situation with the Government drafting a contract they were not a party to and yet insisting that it be signed by Boeing and the airlines. Now the Government wants to rely on a memorandum it was not even a party to. This would be a strange way to do business—pressuring the airlines to invest—and after terminating the program, failing to take care of those parties injured as a direct result of Government action.

The facts are that the arms of airline presidents were more than a little bit twisted by the administration in 1967 to

contribute to the program. The July 19 issue of Aviation Week and Space Technology notes that the Department of Transportation in 1967 indicated that if significant airline contributions were not received, the SST program would probably not go forward. How, I ask you, could the airlines resist this kind of pressure?

This report is entirely consistent with a copy of a letter I have from the then DOT Secretary Alan Boyd. Mr. Boyd also indicated in his letter that the airlines' money was considered in 1967 to be a risk only in connection with a technical failure of the aircraft, not with the Government's unilateral decision to halt the program.

Mr. Speaker, there is a strong moral obligation to reimburse the airlines. The administration has testified, and I use the words of Transportation Secretary Volpe, that

> We have a strong moral commitment to refund the airlines' money because of the government's role in terminating the program.

Let us face up to our responsibility and refund the airlines' money.

But I am not asking that we refund the money because I believe in charity. On the contrary, I believe it is our duty to do what is right and equitable. In this case, it is quite clear to me that the most equitable action would be to return the SST deposits to the airline companies.

It is not hard to do what is right. It is sometimes hard to know what is right. In this case there can be no question it is right that we fulfill our obligation. This Government must not be enriched by its own acts of reversal.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman from California yield to me?

Mr. McFALL. I yield to the distinguished gentleman from New York, Mr. ROONEY.

Mr. ROONEY of New York. Mr. Speaker, I do wish to commend the distinguished gentleman from California (Mr. McFALL) for the position he has taken in regard to this matter, and I endorse his position heartily. What we are trying to do in the pending situation is morally right and just.

Mr. McFALL. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, it is true that the airlines have invested $58.5 million in contracts they had with the Boeing Co. This is not an unusual kind of a procedure. When any new plane is being financed the airline companies ordinarily put up money to help finance its production.

The contracts between the airlines and the Boeing companies were specific, not general, were specific in stating that under no circumstances—and I repeat—under no circumstances if the SST development program were to be terminated would liability accrue to either the Government or to Boeing; the airline companies would not be allowed to have their money back.

The airline companies may have, and probably they do have, a claim upon the assets of the SST to the extent of their investment. Their own counsel before our committee argued that the arrangement with the Government is in the nature of a joint venture between the Government and the airline companies. If it is a joint venture, and I do not know whether it is, it is probable the companies would not be entitled to the entire $58.5 million.

The point I make is that this is not a liquidated amount. We do not know what the airlines are entitled to. If a contractor has a claim against the Government we do not ordinarily set aside a paragraph in an appropriation bill and say that the contractor has a moral right to the return of the full amount of the money. We do not do that. We send the contractor to the court of claims in order that there can be a full and thorough examination of the amount that the contractor is entitled to receive from the Government.

In this case, the correct procedure, in my judgment, is to require the contractor to go through the same kind of a procedure in the Court of Claims so that we know what the debt is that the Government owes to the airlines. At the present time we do not know what that debt is.

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

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

Mr. COLMER. Mr. Speaker, I have such little knowledge on this matter, but I would like to ask the gentleman what claim the airlines have on the Government.

As I understand—and I will ask the gentleman from Illinois (Mr. YATES) if this is correct—the contract was between the airlines and the builder?

Mr. YATES. That is right.

Mr. COLMER. And the Government had no dealings with the airlines as such; is that correct?

Mr. YATES. That is correct insofar as the deposit of the money is concerned. The point is that there is no legal liability. What those who support the airlines suggest is that there is a moral obligation to return the money. They admit that there is no legal obligation.

Mr. COLMER. That was my point exactly, whether there was a legal obligation. I thank the gentleman from Illinois for yielding.

Mr. YATES. There is no legal obligation. And even the gentleman from Massachusetts, to whom I now yield, admits that there is no legal obligation.

Mr. CONTE. In answer to the question of the gentleman from Mississippi, the airlines contributed their money and was to be used in lieu of Government funds.

Mr. YATES. The gentleman does not know anything about the deal except as it appears in the contracts, and except as it appears in the testimony by witnesses from the ATA, who were not present at the time the original deal was made.

The gentleman will recall that when I cross-examined the witness for the ATA who appeared before our committee I asked him specifically whether or not there was any liability specifically, and he said "No." The gentleman knows that.

Does the gentleman from Massachusetts wish me to yield further to him?

Mr. CONTE. I would appreciate it if the gentleman would yield.

Mr. YATES. I yield further to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. In answer to your question, on page 827 of the Department of Transportation hearings of the Senate for fiscal year 1972 it says that although the money was put at risk and used by Boeing, it is money of the air companies in lieu of Government funds.

Mr. YATES. Is that part of the contract?

Mr. CONTE. No.

Mr. YATES. That is the statement by representatives of the airlines company. I would suggest that all statements, according to the law as I understand the law, that are made preliminary to entering into a contract, are considered to be wound up within the contract itself. The gentleman knows well—even those who contend most strongly for the airlines position, concede that there is no legal basis for returning the sum of $58,500,000.

Mr. McFALL. Mr. Speaker, I yield to the gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Speaker, I want to reply to the statement of the gentleman from Illinois by saying that the payments that were made by the airlines were made for the account of the United States. That is in an agreement dated May 1 and July 21, 1967.

I would also object to and question his statement that there is no legal right for the airlines to collect this money. In this case we would have a pure case of unjust enrichment, and I think the government of the United States is a far bigger and better government than one that would say—"we have taken your money for the contract and now we have terminated this contract and even so we will not return your money."

I want to emphasize to the Members here today that this is not the taxpayers' money. This is money that was put up by the airlines. It was their money and now this money should be returned.

As Mr. Boyd says, and he was at that time Secretary of the Department of Transportation, the risks that were included in this contract and were part of the contract and I quote:

> I made it perfectly clear [to the airlines] that the deposits would be at risk and would be forfeited if Boeing could not succeed in building a plane that in a production model would be economically viable and capable of safe operation at design speed.
>
> It was certainly assumed by all concerned that the deposits were at risk only in connection with failures that might be related to the aircraft itself.

We are in the position of Boeing the United States being parties to a contract have invited in a third party and said, "We want your money." This money was taken and then deposited and now the government terminates the contract and we turn our back on the third parties and say "we will terminate but at the same time will keep your money."

This is grossly unfair. This is not what was contemplated in the termination.

Mr. McFALL. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I had originally planned to vote for this amendment. I bought the argument that we had a moral obligation to the airlines. But then I read the contract and listened to the gentleman from Illinois—and in my judgment he is right.

I would like to help to take care of the airlines. They came to my office. They are in a bad economic situation. But, most certainly, so is the U.S. Treasury—a lot worse situation than the airlines for that matter.

But there is another moral obligation around here that nobody has mentioned and that is the obligation of the U.S. Government not to gratuitously pass around the taxpayers' money when there is no legal obligation to do so.

We are being asked really to gratuitously adjust the interest of one party to this contract—the airlines. We are being asked to do that at the expense of the taxpayers.

What happens, in effect, is the taxpayer not only does not get his money back—as the airlines do under this arrangement—but the taxpayer winds up paying twice. Originally he paid in taxes and now the taxpayer has to pay money again to adjust and take care of somebody else's interest. I think that is wrong. The House ought to support the position of the gentleman from Illinois.

Mr. McFALL. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. THOMPSON of Georgia. Mr. Speaker, I would like to ask a few questions of the chairman of the committee, if I may.

The question of taxes has come up. Was there a tax writeoff that was allowed to the airlines on this $58 million? Was that part of the agreement when they paid the money to Boeing in lieu of the Federal Government paying this money? Did we allow them to write this off on their taxes?

Mr. McFALL. I am advised that a witness in the hearings testified that the item was written off, or at least it was deducted as research and development cost in the year in which it was paid.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield for another question?

Mr. CONTE. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. If we reimburse the airlines this money, will they then be liable for a return of the tax writeoff that they received? If so, in effect, the net cost to the Government would not be $58.5 million but less, say $48 million, or whatever it may be, depending on the amount of the writeoff in the first place.

Mr. McFALL. I do not claim to be a tax expert, and other Members may have a difference of opinion on this subject. But, as I understand it, it would be handled in the regular way that such things are handled. The Internal Revenue Service would apply the same rules it applies to similar matters. When the money is paid back, it would be considered in profit determination, and if the airline in that particular year should make a profit, then it would pay tax. Some of the airlines probably will make a profit this year. Some of the other airlines are in a loss status this year.

So it would depend upon the individual tax circumstance of each airline.

Mr. THOMPSON of Georgia. So the effect, then, would be that it will not cost the taxpayers $58.5 million because there will be a refund to the airlines of the writeoffs that they had taken in prior years.

Mr. McFALL. It would be handled in the regular way and would depend on the situation of the individual airline.

Mr. CONTE. Mr. Speaker, I would like to quote from the 1971 Senate hearings, page 827, the testimony of Mr. Beggs of the Department of Transportation:

> As I have already testified to this committee, the Government encouraged the airlines to make a financial commitment at risk to this program at its conception. As nearly as we can determine, none of the individuals involved in the discussion of this risk money contemplated that the SST program would be terminated by the Government for reasons outside of economics or general safety and viability of the aircraft.

For the benefit of some Members who were not present earlier, I quoted from a letter from General McKee to Senator MAGNUSON, April 27, 1971, in which he said—

> As a result of this meeting the involved airlines paid in some $58 million on the basis that they would get their money back plus interest. They all understood that there would be no return unless:
>
> a. The airplane was operationally suitable (and safe).
>
> b. The airplane was economically viable.

I further quote from the letter of the general who was in charge of the SST program at that time:

> It is my considered judgment that the airlines acted in good faith and on the clear-cut assumption that the Government would go forward on the prototype program to determine the operational and economic aspects of the airplane.

I further quote from the general's letter:

> I would not have been a party to requesting financial participation by the airlines, and I doubt that Mr. Boyd would, had I thought for an instant that the program would be arbitrarily terminated prior to finding out the answers to "a." and "b." above.

Mr. Speaker, here is the man who was in charge of the SST program at the time of the contract with Boeing, General McKee. He and Secretary Boyd both have said that they would not have been parties to the contract if the Government had anticipated terminating the contract with Boeing and then reneging on the downpayments. The same people, including myself, who led the fight here in the House to terminate the contract for the prototype SST do not wish to back down on a debt that we owe these people. No one says there is not a moral obligation. We could split hairs and say there is or is not a legal obligation. That question is in doubt. It is a gray area. All of the witnesses have said that that is a gray area, including Secretary Beggs. But we all agree that there is a moral obligation.

Therefore, I say that based upon the testimony of General McKee, his statements in his letters, the letter of Secretary Boyd to Senator MAGNUSON, and the testimony of Secretary Beggs, as well as the fact that the President of the United States sent a message to the Senate asking for this money, I say let us live up to our responsibility. We killed the SST. It was a great victory. Now let us pay the piper.

Mr. McFALL. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, at the time the $58.5 million contribution was made by the airlines, they were in black ink. They were profitable. The money they paid for the SST deposit would otherwise have gone into the Treasury at a 48-percent tax rate. So what they paid to the Federal Government was $30 million, the rest of it was a writeoff. It seems to me under these circumstances that it is incredibly foolish for the Federal Government to pay back $58.5 million on what was a $30 million investment.

This is not a moral repayment. It is an absurd spillage of the taxpayers' money. I hope, Mr. Speaker, that we can be assured that there will be no unjust enrichment of the airlines in the repayment of this fund.

Mr. McFALL. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Speaker, we are not debating the subject of either taxes or taxpayers' money. The money advanced had been earned by the airlines. It was funds that were profits from the legitimate operation of a business enterprise. On all of the money advanced by the airlines—all taxes, local, State, and Federal taxes had already been paid. This was their money in the strictest sense. None of it could be said to be taxpayers' money.

It was back in early 1967 when the Government was considering whether or not to ask the Congress to continue appropriations for development of the supersonic transport, it was decided to ask the domestic airlines involved to put up some money to show their faith in the program. Consequently, nine U.S. airlines and one foreign airline put up $1 million for each delivery position they had reserved, for a total airline investment of $58.5 million. This amount was used to reduce the size of the Government's contribution to the program.

Now that the Congress has voted to discontinue Government funding of the program, the airlines have asked that their investment be returned. They argue, quite justly, that the money was put up under the assumption the only risk was the technological one—that they would not get any money back if Boeing could not build an operationally and economically viable aircraft. There was no question of the Government not seeing the program through, at least the prototype stage.

Aside from the moral obligation that I feel the Government has to repay the airlines their investment, I think the Congress should also be aware that the $58.5 million means an even greater loss to the airline industry in their present economic condition. The nine U.S. airlines requesting return of their investment lost a total of $103.9 million in 1970 because of the recession conditions in this country. The big five carriers alone—American, Eastern, Pan American, TWA and United—lost almost $200 million.

The situation of the industry so far in 1971 has only worsened as traffic, not recovering from the national economic recession as had been hoped, is now actually declining from last year's levels. In addition, airline costs continue to spiral at rates almost double the national rate of inflation. Because of this, the major U.S. airlines, in the first 3 months of this year alone, showed a net loss of $137 million. And early figures for the second quarter do not show any signs of a turnaround.

In light of these two basic facts—that the Government is morally obligated to repay money put up by the airlines, and this $58.5 million represents a sum that amounts to more than half of their total losses last year—the airlines should receive this money and promptly.

Mr. McFALL. Mr. Speaker, I yield one minute to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, it is perfectly astounding to me to hear statements made that if we do not pay this money to the airlines, the U.S. Government will be unjustly enriched. The money was paid by the airlines to Boeing. The U.S. Government had already put $500 million into developing this plane for the use of the airlines. The airlines had good legal counsel. They can read the English language. The contract is perfectly clear. They walked into it with their eyes open. Now they are asking us to pay $58 million of money they knew was gone when they signed the contract. Furthermore, there is nothing to stop them from getting together with Boeing any time they want to and finishing the SST prototype, if they want to pay for it. If they do, they will have the benefit of $750 million of the taxpayers' money that has already gone into the development of the prototype. I see no justification for any further drain on the taxpayers for this project.

Mr. McFALL. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, I voted against the SST, and I voted against this proviso the first time around. But surely it seems to me if the Congress changed its mind on the need for the SST, we do have a moral obligation to pay back those moneys in good faith invested in the program that the Congress itself shut down subsequently. These airlines put this money up in good faith. They made a contribution. I do not see why we should now say that because Congress changed its mind—and I was one of those who helped Congress change its mind—they are not going to get their money back.

At first it seemed to me it did not make much sense to pay this money. Now we have changed our mind. When this came to the Congress the first time, it was late in the evening, and we did not have the facts and figures and all the testimony, but now we have had time to consider it and read the debate in the committee, and it seems to me we should vote for this provision.

Mr. McFALL. Mr. Speaker, I yield to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Speaker, I frankly feel there is a moral obligation here, but I question the procedure. I ask the gentleman, is it not unusual for this kind of payment to be authorized, so to speak, in an appropriation bill? Under what provision of law is this payment authorized?

Mr. McFALL. It has not been authorized by the House but it was put in by the Senate. I do not believe there was a dissenting vote in the Senate on this matter.

Mr. BINGHAM. But can we appropriate funds under an appropriation bill that have not been authorized by law?

Mr. McFALL. That is a parliamentary inquiry, but as I understand it, we are following proper parliamentary procedure in this matter, and it would be authorized if it was voted.

Mr. BINGHAM. I thank the gentleman for his reply. On that basis I am afraid I must vote "nay."

GENERAL LEAVE TO EXTEND

Mr. McFALL. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the subject of this amendment.

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

There was no objection.

Mr. McFALL. Mr. Speaker, I ask for an aye vote on my motion.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. McFALL).

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

Mr. YATES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

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

The question was taken; and there were—yeas 307, nays 99, answered "present" 1, not voting 26, as follows:

[Roll No. 217]

YEAS—307

Abbitt	Aspinall	Boland
Abernethy	Baker	Bolling
Adams	Baring	Bow
Addabbo	Begich	Brasco
Alexander	Belcher	Bray
Anderson, Tenn.	Bell	Brinkley
	Bennett	Brooks
Andrews, Ala.	Bergland	Broomfield
Andrews, N. Dak.	Betts	Brotzman
	Biester	Brown, Mich.
Annunzio	Blanton	Brown, Ohio
Archer	Blatnik	Broyhill, N.C.
Broyhill, Va.	Hays	Quillen
Buchanan	Hébert	Railsback
Burleson, Tex.	Heckler, Mass.	Randall
Burlison, Mo.	Henderson	Rees
Byrnes, Wis.	Hicks, Wash.	Reid, Ill.
Byron	Hillis	Reid, N.Y.
Cabell	Holifield	Reuss
Caffery	Horton	Rhodes
Camp	Howard	Riegle
Carney	Hull	Roberts
Casey, Tex.	Ichord	Robinson, Va.
Cederberg	Jarman	Robison, N.Y.
Celler	Johnson, Calif.	Rodino
Chamberlain	Johnson, Pa.	Roe
Chappell	Jonas	Rogers
Clancy	Jones, Ala.	Roncalio
Clark	Jones, N.C.	Rooney, N.Y.
Clausen, Don H.	Karth	Rooney, Pa.
	Kazen	Rostenkowski
Clawson, Del	Keating	Rousselot
Collier	Kee	Roy
Collins, Tex.	Keith	Ruppe
Conable	Kemp	Ruth
Conte	Kluczynski	St Germain
Corman	Kuykendall	Sandman
Coughlin	Kyl	Satterfield
Crane	Landgrebe	Scherle
Daniel, Va.	Landrum	Scheuer
Danielson	Lennon	Schneebeli
Davis, Ga.	Lent	Schwengel
Davis, S.C.	Link	Scott
Davis, Wis.	Lloyd	Sebelius
de la Garza	Lujan	Shipley
Dellenback	McClory	Shoup
Dennis	McCloskey	Shriver
Dent	McClure	Sikes
Dickinson	McCollister	Sisk
Dingell	McCormack	Skubitz
Dorn	McDade	Slack
Dowdy	McDonald, Mich.	Smith, Calif.
Downing		Smith, Iowa
Dulski	McEwen	Smith, N.Y.
Duncan	McFall	Spence
du Pont	McKay	Stafford
Dwyer	McKevitt	Staggers
Eckhardt	McKinney	Stanton, J. William
Edmondson	McMillan	
Edwards, Ala.	Madden	Stanton, James V.
Edwards, Calif.	Mahon	
Erlenborn	Mailliard	Steed
Evins, Tenn.	Mann	Steele
Fascell	Mathias, Calif.	Steiger, Ariz.
Fish	Mathis, Ga.	Steiger, Wis.
Fisher	Matsunaga	Stephens
Flood	Meeds	Stratton
Flowers	Melcher	Stubblefield
Flynt	Metcalfe	Sullivan
Foley	Michel	Talcott
Ford, Gerald R.	Miller, Calif.	Taylor
Ford, William D.	Mills, Ark.	Teague, Calif.
	Mink	Teague, Tex.
Forsythe	Minshall	Terry
Fountain	Mizell	Thompson, Ga.
Fraser	Mollohan	Thomson, Wis.
Frelinghuysen	Monagan	Udall
Frenzel	Montgomery	Ullman
Frey	Moorhead	Vander Jagt
Fulton, Pa.	Morgan	Veysey
Fulton, Tenn.	Morse	Vigorito
Fuqua	Mosher	Waggonner
Garmatz	Murphy, Ill.	Waldie
Gettys	Murphy, N.Y.	Wampler
Giaimo	Natcher	Ware
Gibbons	Nelsen	Watts
Goldwater	Nichols	Whalen
Gonzalez	O'Konski	Whalley
Grasso	Passman	White
Gray	Patman	Whitehurst
Green, Oreg.	Patten	Whitten
Griffin	Pelly	Widnall
Griffiths	Pepper	Wiggins
Grover	Perkins	Williams
Gubser	Pettis	Wilson, Bob
Hagan	Peyser	Wilson, Charles H.
Hammer-schmidt	Pickle	
	Pirnie	Winn
Hanley	Podell	Wright
Hanna	Poff	Wyatt
Hansen, Idaho	Preyer, N.C.	Wydler
Hansen, Wash.	Price, Ill.	Wyman
Harrington	Price, Tex.	Young, Tex.
Harvey	Pryor, Ark.	Zablocki
Hastings	Pucinski	
Hathaway	Quie	

NAYS—99

Abourezk	Bevill	Chisholm
Abzug	Blaggi	Clay
Anderson, Calif.	Bingham	Cleveland
	Brademas	Collins, Ill.
Ashbrook	Burke, Fla.	Colmer
Ashley	Burke, Mass.	Conyers
Aspin	Burton	Cotter
Badillo	Byrne, Pa.	Culver
Barrett	Carey, N.Y.	Daniels, N.J.

Delaney	Hunt	O'Neill
Dellums	Hutchinson	Pike
Denholm	Jacobs	Rangel
Derwinski	Kastenmeier	Rarick
Devine	King	Rosenthal
Dow	Koch	Roush
Drinan	Kyros	Roybal
Eilberg	Latta	Runnels
Eshleman	Leggett	Ryan
Evans, Colo.	Long, Md.	Sarbanes
Findley	Macdonald, Mass.	Schmitz
Galifianakis	Martin	Seiberling
Gaydos	Mayne	Snyder
Goodling	Mazzoli	Springer
Green, Pa.	Miller, Ohio	Stokes
Gross	Mills, Md.	Thompson, N.J.
Gude	Minish	Thone
Haley	Mitchell	Tiernan
Hall	Moss	Vanik
Hamilton	Myers	Wolff
Harsha	Nedzi	Wylie
Hechler, W. Va.	Nix	Yates
Helstoski	Obey	Young, Fla.
Hicks, Mass.	O'Hara	Zion
Hogan		

ANSWERED "PRESENT"—1

Mikva

NOT VOTING—26

Anderson, Ill.	Gallagher	Powell
Arends	Halpern	Purcell
Blackburn	Hawkins	Saylor
Boggs	Hosmer	Stuckey
Carter	Hungate	Symington
Diggs	Jones, Tenn.	Van Deerlin
Donohue	Long, La.	Yatron
Edwards, La.	McCulloch	Zwach
Esch	Poage	

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Arends.
Mr. Gallagher with Mr. Halpern.
Mr. Diggs with Mr. Blackburn.
Mr. Donohue with Mr. Anderson of Illinois.
Mr. Hungate with Mr. Esch.
Mr. Jones of Tennessee with Mr. Carter.
Mr. Yatron with Mr. Saylor.
Mr. Van Deerlin with Mr. Hosmer.
Mr. Stuckey with Mr. Powell.
Mr. Long of Louisiana with Mr. Zwach.
Mr. Hawkins with Mr. Symington.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next Senate amendment.

The Clerk read as follows:

Senate Amendment No. 6:

On page 5, lines 17 and 18, strike out "$96,682,000" and insert "$101,682,000"

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 6 and concur therein with an amendment, as follows: In lieu of the sum proposed, insert the following: "$97,682,000".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 14: On page 9, strike lines 14 to 22 inclusive and insert in lieu thereof:

FEDERAL PAYMENT TO THE AIRPORT AND AIRWAY TRUST FUND

For payment to the Airport and Airway Trust Fund as provided by section 208(d) of Public Law 91–258, $750,744,000: *Provided*, That of the anticipated unappropriated balance in the trust fund as of July 1, 1972, not to exceed $408,000,000 shall be available to liquidate obligations incurred under sections 14(a)(1) and 14(a)(2) of Public Law 91–258.

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 14 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted, insert the following:

"FEDERAL PAYMENT TO THE AIRPORT AND AIRWAY TRUST FUND

"For payment to the Airport and Airway Trust Fund as provided by section 208(d) of Public Law 91–258, $580,744,000: Provided, That the unappropriated balance in the Trust Fund as of July 1, 1972, shall be available solely to liquidate obligations incurred subsequent to June 30, 1972, under section 14(a)(1) and 14(a)(2) of Public Law 91–258."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 22: On page 15, line 8, after "fund", insert *"Provided*, That appropriations from the Highway Trust Fund are authorized for liquidation of obligations incurred against balances of the sums authorized for prior fiscal years and remaining unobligated at July 1, 1971."

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 22 and concur therein.

The SPEAKER. The gentleman from California is recognized for 1 hour.

Mr. McFALL. Mr. Speaker, I would ask the attention of the House on this matter for just a very few moments. This amendment and the next one have to do with the forest highways and the public lands highways programs. The Senate put language in their bill at the request of the Office of Management and Budget, which is legislation on an appropriation bill, which the effect of shifting to the trust fund the construction of these highways. We accepted it in conference, and it is being presented for a separate vote by the House.

Since the conference I have been advised that the Members on both sides of the aisle on the Public Works Committee disagree with this legislation and are going to ask that the House turn down the motion, in which case I will have another motion to stand with the House position.

The gentleman from Illinois (Mr. KLUCZYNSKI) is here, and he is going to make a statement in which he will ask the House to disagree with my position.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. KLUCZYNSKI).

Mr. KLUCZYNSKI. Mr. Speaker, I oppose this motion on the basis that it will appropriate funds from the trust fund which had not previously been authorized. The House Public Works Committee is opposed to this procedure, because it will create an unnecessary drain on the trust fund. This procedure is a retroactive action contrary to the Federal Aid to Highways Act of 1970.

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

Mr. McFALL. I yield to the gentleman from Massachusetts.

Mr. CONTE. The gentleman from Ohio (Mr. HARSHA), the ranking minority member of the Committee on Public Works, has spoken to me, and stated he wished to speak very much opposed to the Senate action. He wanted me to express his view that he was opposed to the motion.

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

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

Mr. GROSS. To which amendment is the gentleman referring in this instance?

Mr. McFALL. Amendment 22.

Mr. GROSS. My question would be, why did the House conferees yield to the other body to put legislation in an appropriation bill?

Mr. McFALL. I shall be glad to answer that. It became a question of judgment.

We had our conference at 11 o'clock on Monday, and I advised the House Committee on Public Works that this subject was coming up and asked for their opinion. They were very busily engaged in respect to important legislation for Appalachia and economic development and did not advise me of their opposition until after the conference and after I had accepted the Senate language.

I had to make a judgment. On the one hand, this would reduce the trust fund by about $64 million. On the other hand I was told by the officials of the Federal Highway Administration that it probably would result in constructing these forest highways and public lands highways a little faster because the Office of Management and Budget would be a little more lenient as to the use of those funds than it would be with general funds.

Consequently, I had the judgment to make, and I accepted the Senate language. Since that time I have been advised that the House Committee on Public Works is violently opposed to this procedure. We are bringing it to the House so that the House can make a determination.

Mr. GROSS. I thank the gentleman for his explanation. However, I still have no real answer to the question of why the House conferees would yield on an issue involving authorization which ought to be of some moment to all Members of the House. Sooner or later they are all going to get trapped in this business, one way or another, if they permit their representatives to legislate in appropriation bills and without authorization.

I commend the gentleman from Illinois (Mr. KLUCZYNSKI) and the gentleman from Ohio (Mr. HARSHA) for taking exception in this instance.

Mr. KLUCZYNSKI. And also Mr. BLATNIK.

Mr. GROSS. The gentleman from California (Mr. McFALL) now seems willing to recede from the position taken in conference, and I commend him for that position.

Mr. McFALL. I say to the gentleman, that when an item is not specifically authorized we bring it back in disagreement, so that the House will have a separate vote on the matter.

Mr. KLUCZYNSKI. Mr. Speaker, I should like to be heard on this motion.

This is not the first time I have tried to save the trust fund for the taxpayers. I have always been one of the fellows who was real happy to be taking care of the taxpayers money, and this is not the first time I have tried to protect the highway trust fund and run into a buzz saw. I should like to speak on this.

Mr. McFALL. How much time does the gentleman from Illinois desire?

Mr. KLUCZYNSKI. Five or ten minutes.

Mr. McFALL. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. KLUCZYNSKI).

(Mr. BLATNIK, at the request of Mr. KLUCZYNSKI, was granted permission to extend his remarks at this point in the RECORD.)

Mr. BLATNIK. Mr. Speaker, amendments Nos. 22 and 23 of this conference report dealing with forest highways and public lands is unequestionably in direct opposition to the intent of the 1970 Highway Act and previous highway authorizing legislation.

While I can appreciate the intent of the administration in attempting to capitalize on the 1970 Highway Act in order to reduce general fund expenditures at the expense of the highway trust fund I do not think it is the proper thing to do at this time. The phasing out of the forest highway and public lands programs as general fund items was completely analyzed last year and the 1970 Highway Act as written was the result of these deliberations.

The position taken by the House Appropriations Committee and the House itself in rejecting the administration's budget proposal to rescind all previous authorizations was exactly in conformance with the 1970 authorizing legislation and I would certainly commend that committee for its action.

The Senate position, however, a revised administration position, is unquestionably legislation by appropriation and is so stated on pages 19 and 20 of Senate Report No. 92–271 and certainly does not carry out the intent of the 1970 act.

I would, therefore, rise in opposition to these two amendments dealing with forest highways and public lands in that it is legislation by appropriations and not in conformance with the rules of the House.

Mr. KLUCZYNSKI. Mr. Speaker, I would like to address myself to amendments Nos. 22 and 23 on pages 6 and 7 of the conference report dealing with forest highways and public lands highways and oppose their passage at this time. They are points that are in technical disagreement in the conference report.

The House Appropriations Committee acted properly as did this body when they acted on this item in the House version of the bill. The other body, however, inserted legislative language and admitted doing so in their committee report on the bill.

I think the gentleman from California (Mr. McFALL) has acted most graciously and cooperatively with the Committee of Public Works in this instance and I commend him for his forthright discussions with us on this matter.

The 1970 Highway Act provided for funding the type of project out of the forest highway fund beginning with fiscal year 1972. The act also in order to stay within the limitations of the trust fund provisions, and as you know that fund is under the jurisdiction of the Committee on Ways and Means, provided that the definition of forest highways and park roads be changed to include only those which were on a Federal-aid highway system. This, of course, will cover the majority of the forest highways and public lands highways but those remaining which are off the Federal-aid system could then be financed from past authorizations out of the general fund.

We find, for example, that the 1972 appropriations as approved by both bodies includes $15 million out of the general fund and $10 million out of the trust fund exactly as recommended by the administration.

There is no authorization for taking funds authorized before fiscal year 1972 from the highway trust fund for these purposes and it was not the intent of the 1970 Highway Act that this be done.

I, therefore, oppose amendments Nos. 22 and 23 of the conference report and urge their rejection by this body.

Members of the House, it does not pay to be a good fellow. They twisted my arm a couple of years ago in the 1968 and 1970 Highway Acts, and I went for a couple of million dollars on the forest highways. Here they are now not satisfied with what we did in fiscal year 1972 but, instead, want to go back and make it retroactive.

Mr. Speaker, it is wrong for the committee to agree on something like this. It should be stricken out.

I know that Mr. McFALL is a fine man, just as my very good friend from Massachusets (Mr. CONTE) and that they will go along with me on this.

(Mr. HARSHA (at the request of Mr. CONTE) was granted permission to extend his remarks at this point in the RECORD.)

Mr. HARSHA. Mr. Speaker, the bill, as passed by the House of Representatives, included a liquidating appropriation of $25,000,000 for the forest highways program and $5,000,000 for public lands highways, both of which sums would be appropriated from the general funds of the Treasury. The House committee, in its report on the bill, stated that the committee, because of lack of legislative authority, has deferred action on the budget proposal to rescind the unobligated balances of prior year contract authority.

The fiscal year 1972 budget submitted to the Congress by the President contained language that the July 1, 1971, unobligated balance in contract authorization in the amount of $39,098,000 for forest highways and in the amount of $26,637,000 for public lands highways will be rescinded by proposed appropriation language. In effect, the budget document asked the Committee on Appropriations to include substantive legislation in the appropriation act, which is solely within the jurisdiction of the Committee on Public Works. The House Committee on Appropriations properly rejected this request.

At the subsequent request of the administration, the Senate Committee on Appropriations included in the bill, as it was reported and as passed by the Senate, a total of $25 million for forest highways, $15 million of which is to be appropriated from the general funds of the treasury, and $10 million from the highway trust fund, and provided for the entire $5 million for public lands highways to be appropriated from the highway trust fund. The Senate Committee recognized that the language contained in the appropriation bill appropriating these funds from the highway trust fund was substantive legislation and so stated in the committee report on the bill.

All administrations, commencing with the Eisenhower administration, have requested the Congress to appropriate moneys for forest highways and public lands highways from the highway trust fund. The House Committee on Public Works has consistently rejected these requests until 1970, at which time there was included in the Federal-Aid Highway Act of 1970, as enacted, authorizations for both forest highways and public lands highways for fiscal years 1972 and 1973 to be appropriated from the highway trust fund. However, there was coupled with this authorization an amendment to the definitions of forest highways and public lands highways contained in existing law to provide that all such highways shall be on a Federal-aid system. Prior to the Federal-Aid Highway Act of 1970, forest highways and public lands highways did not have to be on a Federal-aid system, and a number of such highways were not on a Federal-aid system.

The Senate amendments Nos. 22 and 23, which are reported to the House in disagreement in the conference report to accompany H.R. 9667, would appropriate moneys from the highway trust fund for liquidation of obligations for forest highways and public lands highways made as a result of authorizations for fiscal year 1971 and prior years. These authorizations are for the appropriation of moneys from the general funds of the Treasury only and are available for expenditure upon highways that are not a part of a Federal-aid highway system. It is my understanding that some of the funds to be appropriated pursuant to the amendments in question would, in fact, be used to pay for projects on non-Federal-aid highways.

Not only would the appropriation of these funds from the highway trust fund be contrary to the authorizations for such appropriations, but would also constitute a diversion of highway trust funds. Such expenditures would be in violation of section 209(f)(1) of the Highway Revenue Act of 1956, which act provides that amounts in the trust fund shall be available only for making expenditures to meet those obligations of the United States incurred under the provisions of title 23, U.S.C., which are attributable to Federal-aid highways—including those portions of general administrative expenses of the Federal Highway Admin-

istration payable from such appropriations.

These two Senate amendments are clearly in violation of existing law, constitute substantive legislation in an appropriation bill, and are contrary to the position that has consistently been taken by the House in regard to this matter since 1956.

Mr. McFALL. Mr. Speaker, I ask for a "no" vote, and move the previous question on the motion.

The previous question was ordered.

The motion was rejected.

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House insist upon its disagreement to the amendment of the Senate numbered 22.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 23: Page 15, line 20, after "Fund" insert the following: *"Provided,* That appropriations from the Highway Trust Fund are authorized for liquidation of obligations incurred against balances of the sums authorized for prior fiscal years and remaining unobligated at July 1, 1971."

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein.

Mr. McFALL. Mr. Speaker, this is exactly the same as the previously numbered 22 on which the gentleman from Illinois would ask for a "no" vote.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The motion was rejected.

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House insist upon its disagreement to the amendment of the Senate numbered 23.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 24: Page 16, line 3, insert the following:

"BALTIMORE-WASHINGTON PARKWAY TRUST FUND

"For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970, for the Baltimore-Washington Parkway, to remain available until expended, $2,500,000, to be derived from the 'Highway trust fund' and to be withdrawn therefrom at such times and in such amounts as may be necessary."

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 24 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 30: Page 17, line 20, insert the following:

"HIGH-SPEED GROUND TRANSPORTATION RESEARCH AND DEVELOPMENT

"For necessary expenses for research, development, and demonstrations in high-speed ground transportation, $29,077,000, to remain available until expended: Provided, That this appropriation shall be available only upon enactment into law of S. 979 or H.R. 8107 and H.R. 8302, 92d Congress."

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 30 and concur therein with an amendment, as follows: In lieu of the matter inserted, insert the following:

"HIGH-SPEED GROUND TRANSPORTATION RESEARCH AND DEVELOPMENT

"For necessary expenses for research, development, and demonstrations in high-speed ground transportation, $25,000,000, to remain available until expended."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 31: Page 18, line 16, after "provided" insert the following: "$1,000,000 shall be appropriated to the Alaska Railroad Revolving Fund for use in construction and engineering work on an extension of the Alaska Railroad from Fairbanks, Alaska, to the International Airport located near that city".

MOTION OFFERED BY M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion:

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 31 and concur therein with an amendment, as follows: In lieu of the matter inserted, insert the following: "; and not to exceed $1,000,000 of the Fund shall be available for use in construction and engineering work on an extension of the Alaska Railroad from Fairbanks, Alaska, to the International Airport located near that city."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 49: Page 28, line 10, insert the following:

"Sec. 309. Appropriations under this Act for the Federal Aviation Administration may be expended for necessary expenses to establish, conduct, and carry out the International Aeronautical Exposition in an amount not to exceed $3,780,000: *Provided,* That funds so expended shall be reimbursed to the appropriation from which expended out of revenues credited to the appropriation 'Federal Aviation Administration/United States International Aeronautical Exposition', in chapter XI of Public Law 92-18."

MOTION OFFERED BY MR. M'FALL

Mr. McFALL. Mr. Speaker, I offer a motion:

The Clerk read as follows:

Mr. McFALL moves that the House recede from its disagreement to the amendment of the Senate numbered 49 and concur therein with an amendment, as follows: Change the section number to "313".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. McFALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks and to include pertinent material and tables on the conference report just agreed to.

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

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED 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.

PUBLIC WORKS FOR WATER AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1972

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 562 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 562

Resolved, That during the consideration of the bill (H.R. 10090) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes, all points of order against the provisions contained under the heading "Atomic Energy Commission" beginning on page 2, line 12, through page 5, line 12, and under the heading "Independent Offices—Appalachian Regional Commission" beginning on page 22, line 16, through page 23, line 14, are hereby waived.

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 Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 562 provides that during the consideration of H.R. 10090, public works appropriations

for fiscal year 1972, all points of order are waived against title I, beginning on page 2 of the bill, and against that part of title IV beginning on line 16, page 22, through line 14, page 23. Title I includes the appropriation for the Atomic Energy Commission and that part of title IV specified includes the appropriations for the Appalachian Regional Commission and the Appalachian regional development programs. Neither of these authorizations has been enacted into law and that is the reason the waiver is needed in order to expedite passage of the appropriation bill.

Mr. Speaker, I urge the adoption of the rule.

Mr. Speaker, I now yield to the gentleman from Tennessee (Mr. QUILLEN).

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

Mr. YOUNG of Texas. I have already yielded to the gentleman from Tennessee (Mr. QUILLEN).

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. 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. 218]

Alexander	Edwards, La.	Mathis, Ga.
Anderson, Ill.	Esch	Melcher
Anderson, Tenn.	Fish	Minshall
	Foley	Patman
Arends	Ford, William D.	Poage
Ashley	Fraser	Pryor, Ark.
Baring	Fuqua	Rees
Blackburn	Gibbons	Rodino
Blanton	Gubser	Saylor
Boggs	Hagan	Schneebeli
Bray	Hawkins	Seiberling
Buchanan	Hébert	Sisk
Camp	Horton	Steiger, Wis.
Carter	Hosmer	Stuckey
Celler	Hungate	Symington
Chisholm	Johnson, Pa.	Tiernan
Clawson, Del	Jones, Tenn.	Van Deerlin
Clay	Lennon	Wilson, Charles H.
Dent	Long, La.	Yatron
Devine	McCulloch	Zion
Dickinson	McDade	Zwach
Diggs	Martin	
Donohue		

The SPEAKER. On this rollcall 368 Members have answered to their names, a quorum.

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

PUBLIC WORKS FOR WATER AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATIONS, 1972

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

Mr. LATTA. Mr. Speaker, as the distinguished gentleman from Texas (Mr. YOUNG) has stated, House Resolution 562 waives points of order against H.R. 10090, the public works appropriations bill, in two instances.

In both instances this is because the authorizing legislation has not yet been signed into law. The first instance is the appropriation for the Atomic Energy Commission, the second is the Appalachian Regional Commission.

The Atomic Energy Commission authorization conference report was agreed to by the House on Tuesday of this week. The Appalachian Regional Commission authorizations are contained in H.R. 9922 which passed the House yesterday. The appropriations contained in this bill are within the authorization figures contained in both bills.

No other points of order have been waived by the rule. The reason the Rules Committee granted the specific waiver contained in House Resolution 562 is to assist the House in completing as much of its business as possible before the August recess. I urge the adoption of the rule.

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

Mr. YOUNG of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. I thank the gentleman for yielding.

Mr. Speaker, in sight of what the distinguished gentleman from Ohio said, I would like to make clear on the record the situation regarding this rule: Do I understand the sole purpose of waiving the points of order against this bill that might otherwise have been raised is because of the lack of authorization for the Atomic Energy Commission and other agencies?

Mr. YOUNG of Texas. That is my understanding.

Mr. MIKVA. And, no other reasons were advanced before the Rules Committee other than that?

Mr. YOUNG of Texas. I do not know that any other reason was given other than the lack of authorization in these two instances.

Mr. MIKVA. Mr. Speaker, I thank the gentleman. I would like to say to the House that I think inadvertently this rule is guilty of overbreadth, in that it waives other points of order that have nothing to do with authorizations. But rather than hold up the proceedings of the House I will, when the bill is read and open to amendment, offer a motion to strike the section which I believe is subject to a different point of order.

I hope that the chairman and the other members handling the business of the bill will be responsive to these facts.

(Mr. QUILLEN, at the request of Mr. LATTA, was granted permission to extend his remarks at this point in the RECORD.)

Mr. QUILLEN. Mr. Speaker, as the distinguished gentleman from Texas (Mr. YOUNG) has stated, House Resolution 562 waives points of order against H.R. 10090, the public works appropriations bill, in two instances.

In both instances this is because the authorizing legislation has not yet been signed into law. The first instance is the appropriation for the Atomic Energy Commission, the second is the Appalachian Regional Commission.

The Atomic Energy Commission authorization conference report was agreed to by the House on Tuesday of this week. The Appalachian Regional Commission authorizations are contained in H.R. 9922 which passed the House yesterday. The appropriations contained in this bill are within the authorization figures contained in both bills.

No other points of order have been waived by the rule. The reason the Rules Committee granted the specific waiver contained in House Resolution 562 is to assist the House in completing as much of its business as possible before the August recess. I urge the adoption of the rule.

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.

Mr. EVINS of Tennessee. 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. 10090) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate continue not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Arizona (Mr. RHODES) and myself.

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

There was no objection.

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

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. 10090, with Mr. ASPINALL in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Tennessee (Mr. EVINS) will be recognized for 1 hour, and the gentleman from Arizona (Mr. RHODES) will be recognized for 1 hour.

The Chair recognizes the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Mr. EVINS of Tennessee. Mr. Chairman, I realize the lateness of the hour. This is an important bill, and we propose to finish it tonight as other legislation has been scheduled for tomorrow.

Mr. Chairman, we bring you today the public works and Atomic Energy Commission appropriations bill for fiscal 1972.

This is an important bill—a bill that

represents substantial investments—essential investments—in the future of America.

This public works appropriations bill has been called an "all-America bill" because it touches every State and virtually every section of our great country.

This bill represents an investment in America—and in our future.

The purpose of this bill is to strengthen our country.

By providing for water resource development we provide needed electric power, a more adequate water supply, flood control, reclamation, irrigation, navigation, and other essential services for our expanding population.

This bill strengthens the muscle of America by providing for research and development by the Atomic Energy Commission—for defense and defense-related missions—and for development of nuclear energy for peaceful purposes.

I must advise my colleagues, however, that because of slowdowns, stretchouts, and delays, this Nation is falling further behind in the construction of needed public works projects.

I will discuss this in greater detail later in discussing this appropriations bill.

First, I want to commend all the members of our subcommittee who have contributed to the preparation of this bill—all have participated.

This bill has been fashioned by all members of the subcommittee—and we bring you a unanimous report.

I want to commend the gentleman from Massachusetts (Mr. BOLAND), the gentleman from Mississippi (Mr. WHITTEN), the gentleman from Alabama (Mr. ANDREWS), the gentleman from West Virginia (Mr. SLACK); the ranking minority member, the gentleman from Arizona (Mr. RHODES), the gentleman from Wisconsin (Mr. DAVIS), and the gentleman from New York (Mr. ROBISON).

I want also to commend our excellent efficient committee staff: Gene Wilhelm, George Urian, John Plashal, and Mike Walker.

OVERALL SUMMARY

By way of overall summary, the President's budget recommends $4,615,945,000 for public works and related water resource programs and the Atomic Energy Commission for next year.

The committee is recommending $4,576,148,000—a cut and reduction of $39,797,000 below the President's budget.

The largest item in the budget is for the Atomic Energy Commission—a total of $2,270,000,000.

We have cut and reduced the AEC portion of the bill by $68,202,000.

The committee has set some priorities—and made some recommended increases.

We have added $28,405,000 to budgets for water resource programs—making a net reduction of $39,797,000—about $40 million below the budget.

Mr. Chairman, our committee has been greatly concerned by the action of the Office of Management and Budget in freezing, impounding, and withholding funds for every public works project initiated by our committee last year.

This action has slowed down vital and needed public works at a time when unemployment has been near an alltime high in this country.

Because of this negative attitude of officials of OMB, the Nation may well face even more serious crises in terms of brownouts, blackouts, power shortages, water shortages, flood damage, and other adverse effects resulting from impoundment of funds for public works.

Our committee has made an intensive study of the impact of these delays on the development of essential water and power resources of the Nation.

We have concluded—based on expert testimony and studies—that the impoundment of $63.4 million provided by the Congress for planning or construction of urgent projects has resulted in increased costs totaling $73 million—and loss of annual benefits totaling another $169 million.

This means that the action by the OMB in freezing appropriations by Congress will entail added costs and loss of benefits totaling $242 million.

This is not good business.

This is not efficiency and prudent fiscal management.

There is no question but that Congress has the constitutional authority to make adjustments in the President's budget.

I want to point out again that our bill last year was $25 million below the estimate.

The Congress set some priorities of its own, based on months of testimony and hundreds of witnesses.

The congressional add-ons last year included planning on a limited number of new starts because of the long leadtime required before construction.

The funds added by Congress last year and impounded were provided for projects under construction to expedite their completion and save the Government and the taxpayers increased costs occasioned by increases in costs of labor and materials.

Let me say further that not only were many projects slowed down and increased costs incurred by the impoundment actions, but funds for some projects were diverted to other purposes in clear violation of the Constitution—representing an item veto of Congress.

Mr. Chairman, this year in an effort to restore some sense of normalcy to construction schedules—to put delayed public works projects back on schedule—the committee adopted certain policies in the formulation of this bill as follows:

First priority has been given to providing full funding capability on the new planning and construction projects initiated by Congress last year which were delayed, deferred or diverted by OMB.

This involves 27 projects and the addition of $7,362,000 to the bill.

Second priority: We have given increased allowances for on-going planning and construction projects for which congressional add-ons in the fiscal year 1971 bill were also impounded.

This involves 44 projects and the addition of $37,112,000 to the bill.

A table follows:

	Number	Allowance
a. New planning starts: [1]		
Budgeted	5	$210,000
Committee additions	17	2,142,000
Total	22	2,352,000
b. New construction starts: [2]		
Budgeted	8	3,944,000
Deferred by subcommittee	−3	−1,048,000
Net	5	2,896,000
Committee additions	14	7,130,000
Total	19	10,026,000

[1] Total cost of projects $243,955,000, including $218,107,000 for those added by the committee; highest total cost $36,000,000; 12 projects have a cost of less than $10,000,000.

[2] Total cost of projects $209,828,,000 including $146,674,000 for those added by the committee; highest total cost $44,200,000; 11 projects have a cost of less than $10,000,000.

Third, priority was given to addition of only a limited number of low-cost planning and construction starts.

For the Corps of Engineers and the Bureau of Reclamation, only 18 new planning starts were approved from a backlog of 200 projects.

Only 13 new starts were funded from a backlog of 120 projects eligible for construction.

No new project was approved for planning or construction with a total cost of more than $40 million.

As a matter of fact, most of the additions to the budget by the committee involved total costs of less than $10 million.

WATER RESOURCE DEVELOPMENT AND THE ENVIRONMENT

The committee is increasingly concerned about the delays in water resource development occasioned by the number of injunction proceedings and lawsuits filed to stop progress of public works programs.

The committee believes that water resource development and the enhancement of the environment need not be incompatible, and indeed, should be complementary.

We must achieve a balance between protection of our environment and development of natural resources required to serve our expanding population.

We must avoid the extremes.

We must avoid halting and impeding progress in the name of environmental protection.

Our committee, in extensive hearings, found that many agencies of Government are now geared to the protection of the environment and attuned to the importance of preserving the quality of our environment.

The Corps of Engineers, for example, has recently issued new directives to its field offices to safeguard the environment in carrying out public works projects.

These directives directed to field offices are as follows:

First, to preserve unique and important ecological, esthetic, and cultural values of our national heritage;

Second, to conserve and use wisely the natural resources of our Nation for the benefit of present and future generations;

Third, to enhance, maintain and restore the natural and manmade environment in terms of its productivity, variety,

spaciousness, beauty, and other measures of quality; and

Fourth, to create new opportunities for the American people to enjoy their environment.

The Secretary of the Interior—Secretary Rogers Morton—has initiated research to advance underground power transmission technology.

The Bonneville Power Administration has adopted a variety of policies to assist in preserving the quality of the environment in its area.

The following statement by officials of the administration outlines the specifics of this policy:

To limit adverse effects on natural beauty, we select transmission line routes and substation sites and we design facilities which minimize the visual impact of structures. Although the land used for transmission towers and for substations and switchyards is not available for other uses, most of the right-of-way for transmission corridors is compatible with other land uses such as farming, Christmas tree cultivation, and recreation, and this we encourage. In addition, we avoid present and potential residential areas wherever possible. To eliminate or reduce the effect of construction on ecological systems, particularly in forested areas, we try to select routings which avoid virgin forest lands, wildlife preserves, major wetlands, animal habitat, springs, unstable soil, and other fragile areas. All BPA facilities are now constructed in a way which meets the most restrictive air and pollution standards of applicable Federal, state, or local agencies. Finally, we develop and incorporate design improvements to reduce the problem of radio and audible noise in the vicinity of high-voltage transmission lines.

Our committee is confident, Mr. Chairman, that the programs administered by agencies funded in this bill promote the economic growth while at the same time protecting the environment.

Flood control, for example, obviously protects the environment of those Americans living in areas subject to serious floods.

Multipurpose dams assure millions of Americans adequate and safe water supplies—an absolute necessity to assure a safe environment.

Power generation by water resource projects provides clean, pollution-free electric power for homes and businesses throughout the Nation.

Irrigation projects assure productive use of the environment and increase the attractiveness of the land.

We want pure air.

We want clean water.

We want to preserve as much of our natural scenic beauty as possible.

In an overzealous desire to protect our environment some Federal agencies and others have gone too far down the road of redtape and regulations. For example:

Things have reached a point in some areas that to blacktop a country rural road Federal environmental approval is involved.

It is understandable that the pendulum might swing in that direction with the national emphasis on curbing pollution and preserving our environment. But, I repeat a balance must be maintained.

We must continue programs of progress for the Nation.

One cannot have clean air on a dusty road.

Our people cannot have clean water unless water supplies are provided.

Our people cannot enjoy the beauties of nature in a flooded house full of mud and silt.

Our people cannot have electric power unless power generation is assured.

I repeat: We must achieve a balance between the preservation of our environment and the need for progress.

The voice of the turtle must be heard in the land, but the sounds of progress must also continue.

We must continue our public works program to assure our people of the basic services required to live safe and normal lives—while at the same time taking all possible steps to preserve and restore the quality of our environment.

In this connection, additional funds are provided in this bill for project investigations underway to assure that appropriate weight is given, in water resource planning, to preserve and enhance environmental values.

ATOMIC ENERGY COMMISSION

For the Atomic Energy Commission the committee is recommending $2,270,000,000, which is $68,202,000 less than the budget request.

The reductions include a net reduction of $5,251,000 based on the 1972 authorization bill—additional reductions of $35,500,000 imposed for anticipated slippages and unobligated carryover balances—and a further reduction of $27,451,000 in plant and capital equipment.

The committee recommendations with respect to the AEC budget underline our concern over the energy crisis.

The committee recommends $25 million for continuation of the Cascade improvement program at the uranium enrichment plants in Oak Ridge, Tenn.; Paducah, Ky.; and Portsmouth, Ohio.

The committee appropriated $16.1 million for this project last year and the OMB impounded these funds until they were just recently released.

The committee fully supports the high priority placed by AEC on the development of a liquid metal fast breeder reactor—LMFBR. The fast breeder reactor holds the answer for clean, efficient, and economic fuel for the future—as the LMFBR will be able to utilize uranium 40 times more efficiently than today's nuclear powerplants.

A total of $258 million is included in the bill for the development and demonstration of this technology which is vital in meeting the Nation's rapidly growing electric power needs.

The committee, in addition, has approved $29,800,000 to continue research in controlled thermonuclear power.

The purpose of this program is to develop a totally new source of electrical energy based upon nuclear fission reaction.

TRIBUTE TO CHAIRMAN GLENN T. SEABORG OF AEC

Mr. Chairman, at this time I want to commend the outstanding work of Chairman Glenn T. Seaborg of the Atomic Energy Commission.

We have all noted in the press news of his planned retirement from the Commission.

Chairman Seaborg has served the Commission and our country long and faithfully, and his contributions are immense.

Dr. Seaborg is known throughout the world for his scientific brilliance, his dedication and leadership.

His scientific contributions in the development of nuclear energy for defense and security, as well as peaceful applications of the atom, are monumental and noteworthy.

Dr. Seaborg has appeared before our committee many times and I have always been impressed by his great ability and knowledge, his background and competence, and his dedication to public service.

We wish Dr. Seaborg well as he assumes new responsibilities in the academic world at the University of California.

We know he will continue to make great contributions to our country.

U.S. CORPS OF ENGINEERS

For the Corps of Engineers the committee recommends a total $1,429,418,000 which is $8,933,000 more than the budget request. We have made these increases to put delayed projects back on schedule.

For general investigations the committee is recommending $49,364,000, which is $805,000 less than the budget estimate.

For general construction the committee is recommending $889,188,000, which is $40,000,000 more than the budget request.

For general operation and maintenance—the other major item in the Corps of Engineers budget—the committee is recommending $376,000,000, which is $27,966,000 less than the budget request.

As I indicated we are endeavoring to restore the construction schedule to its normal pace.

For the Corps of Engineers and the Bureau of Reclamation we have approved only 18 new planning starts out of a backlog of more than 200 projects.

And out of a backlog of 120 projects eligible for construction, we are recommending only 13 new starts.

BUREAU OF RECLAMATION

For the Bureau of Reclamation in the Department of the Interior, the committee is recommending a total of $350,504,000, which is $17,264,000 more than the budget estimate.

Earlier in my remarks I referred to the diversion of funds from specified projects by the OMB.

In each instance where funds have been transferred or diverted to other purposes by OMB, the committee has again provided funds for these specific projects which are considered urgent and important—and the committee has directed that these funds be spent for the purposes specified by Congress.

A list of these projects in the service area of the Bureau of Reclamation and recommended funding follows:

Central Valley project:	
Pleasant Valley Canal (Coalinga) (for Reach 2)	+$1,200,000
Westlands Distribution and Drainage System (For initiation of contracts 9, 10 and 11.)	+8,000,000

Columbia Basin project, Washington:	
Bacon Tunnel and Siphon No. 2	+1,055,000
Block 251 laterals	+405,000
Fryingpan-Arkansas Project, Colorado	+1,020,000
(For Cunningham Tunnel)	
Garrison Diversion Unit, North and South Dakota	+1,000,000
(For construction on McClusky Canal (Reaches 1 and 2; preconstruction studies on Devil's Lake and Stump Lake Canal; and for right-of-way for Lonetree Reservoir, Velva Canal, and Devil's Lake restoration.)	

APPALACHIAN REGIONAL DEVELOPMENT COMMISSION

The committee is recommending $282 million for the regional development programs of the Appalachian Regional Commission—and $1,113,000 for salaries and expenses of the Commission—a total of $283,113,000.

The increase provided is required primarily to finance the Federal Government's share of the increased administrative expenses of the Commission resulting from salary increases and related costs.

The impact of the Appalachian program is now highly visible as new highways provide access to remote areas—and with new hospitals, health centers, vocational trade schools, airports, and other public facilities underlining the success of this basic development program.

The largest single item in the bill for ARC is the sum of $175 million for the highway program.

The recommended Appalachian development programs funded by the committee are as follows:

Program by Section of Act:	*Allowance*
201—Development Highways	$175,000,000
202—Health Demonstration	41,000,000
205—Mine Area Restoration	2,000,000
211—Vocational Education Facilities	24,000,000
214—Supplemental Grants	35,000,000
302—Research demonstrations, and Local Development Districts	5,000,000
Total	282,000,000

TENNESSEE VALLEY AUTHORITY

The committee is recommending an appropriation of $64,950,000 to Tennessee Valley Authority, which is $8,350,000 more than the budget estimate for 1972.

Appropriations to TVA are limited to the water resource and conservation development programs. The power program of TVA is self-sustaining and supporting. The costs of the power program are being liquidated with payments made to the Treasury.

All TVA power projects begun since the mid-1950's have been financed from the agency's electric power revenues and through the sale of bonds and securities as authorized by Congress.

Following the committee's uniform policy, we have added some additional funding to important projects to also restore TVA's projects to original construction schedules.

The committee has also reviewed the TVA power program budget for fiscal 1972.

This program is financed entirely from power proceeds and borrowings.

Capital outlays for the year are estimated at $622 million.

This includes continued design and construction of one four-unit pump hydroelectric project—nine nuclear generating units—two coal-fired generating units—and a number of gas turbine units—and initial work on additional planned generating plants.

TVA PAYMENTS INTO THE TREASURY

TVA in fiscal 1972 will make payments to the U.S. Treasury from power proceeds of $90 million, including $20 million for reduction of the appropriation investment and $70 million in dividends representing the return on the appropriation investment.

TVA to date has paid into the Federal Treasury a total of $748,393,009—including $583,393,009 as returns on appropriation investment and $165 million as repayment of appropriation investment—a total of almost $1 billion. Very few agencies of the Government make such payments and returns to the Treasury.

FEDERAL POWER COMMISSION

For the Federal Power Commission the committee is recommending $22,200,000 for salaries and expenses—a cut and reduction of $382,000 under the budget estimate.

The committee allowance includes approval of 48 additional positions requested primarily to handle additional workloads brought on by the requirements for environmental impact statements—for reliability studies of the electric power industry—and for electric rate and natural gas cases.

Because of the importance of the regulatory work of public utilities by this important Commission, I include a list of the allocations by the committee to the various programs of the FPC, as follows:

Program	Allowance fiscal year 1972	Compared with fiscal year 1971
Hydroelectric power regulation	$3,684,000	+$510,000
Electric power systems evaluation	3,169,000	+659,000
Electric power utilities regulation	2,384,000	+334,000
Natural gas pipeline regulation	5,770,000	+633,000
Natural gas producers regulation	4,145,000	+294,000
Natural gas industry systems evaluation	317,000	+67,000
Services to other agencies and the public	1,594,000	+87,000
Administration	1,519,000	+88,000
Slippage reduction	−382,000	−382,000
Total, allowance	22,200,000	+2,290,000

Mr. Chairman, the allocations of funds for other power agencies and water commissions, including the FPC–AROC–BDA and the National Water Resources Council, are included in the committee report—and I commend the report for more details to the Members and others interested.

Mr. Chairman, I repeat: This is a good bill, an important bill, an all-America bill—a measure that represents an investment in the future growth, development and progress of America.

We must continue to provide the basic public services for our people and for our expanding population.

Instead of this annual appropriation frequently being criticized in the press and from other sources, this bill should be considered in true perspective—as an instrument which will save lives in flood zones, assure electric power during a crucial period of power shortage, provide additional waterways for navigation and commerce to ease pressures on already crowded land routes, and make available desperately needed water supply to arid areas of our country.

On the Theodore Roosevelt Monument on Roosevelt Island engraved and emblazoned on the memorial monument are the words of this great conservationist who said:

Conservation means development as much as it does protection.

Let us remember this injunction.

Water supplied by reservoirs constructed by the Corps of Engineers and Bureau of Reclamation provides water for some 19 million of our people annually.

Power from hydroelectric projects constructed and operated by these agencies and TVA provide 188.7 billion—almost 200 billion—of kilowatt-hours of electricity annually.

Flood damages avoided by existing facilities are estimated to exceed $22 billion—at a total cost of less than $7 billion expended over the years.

Waterways built by the Corps of Engineers now carry approximately one-sixth of the total ton-mileage of the Nation's intercity traffic.

The list of benefits of water resources development is quite long.

That is what this bill is all about—in addition to that portion which relates to the AEC and its vital defense and peacetime missions.

This appropriation is in the best interest of our country—of providing internal improvements which will save lives, generate power, protect property, supply water, provide transportation, promote navigation, continue reclamation, sustain our environment, and perform other vital services for our people.

We are responding to the challenge of the times and tomorrow by restoring construction schedules and moving forward in the public interest.

Mr. Chairman, let me say in conclusion, that this bill will provide a window through which we can glimpse the future of America—an America free of pollution, an America with abundant electric power, an America with a vast network of inland waterways and reaction areas—a stronger and better America of tomorrow through internal improvements.

This bill serves the public interest and I urge approval of this vital appropriations measure.

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

Mr. EVINS of Tennessee. I yield to the distinguished dean of the House of Representatives.

Mr. CELLER. The gentleman has given us a very profound expression of work well performed on this bill. The committee and the gentleman himself as chair-

man are entitled to a great deal of compliment for work well done.

I am delighted to see that the House Appropriations Committee has included $80,000 to enable the Army Engineers to start advance design and planning work on the New York Harbor drift collection and removal project.

This project, authorized by Public Law 91–611 signed by the President on December 31, 1970, has an impressive 9-to-1 benefit-cost ratio and involves no Federal maintenance costs.

The funding of this project culminates 8 years of support by the States of New York and New Jersey, the city of New York, New Jersey waterfront municipalities, shipping interests, civil groups, and antipollution proponents to clean up the New York-New Jersey harbor of shoreline debris and almost 2,000 sunken wrecks, some of which are almost 100 years old.

With the appropriation of $80,000 it should be very apparent to the Office of Management and Budget that the Congress is very anxious for this project to move forward.

This project provides a unique opportunity, in keeping with the President's goals, to improve the Nation's environment in the 1970's and to enhance the Nation's abused and misused coastal zone. This is a landmark and pioneer program to revitalize and clean up the waterfront in our Nation's largest port.

I urge favorable action on this appropriation.

Mr. EVINS of Tennessee. I thank the gentleman.

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

Mr. EVINS of Tennessee. I yield to my friend from Alabama.

Mr. ANDREWS of Alabama. I just want to say, Mr. Chairman, as a Member of this subcommittee, I have enjoyed working with the chairman of the subcommittee, the gentleman from Tennessee now in the well. He is a hard worker. He has done a grand job on this bill. He knows it like "ABC." He is the oldest man on the subcommittee from the standpoint of service on the subcommittee. It is a pleasure to serve with him. I can assure you that he brings you an excellent bill.

Mr. EVINS of Tennessee. I thank the gentleman.

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

Mr. EVINS of Tennessee. I yield to the gentleman from New York.

Mr. BINGHAM. I thank the gentleman for yielding.

I know the subcommittee has expressed great interest in the field of research for nuclear safety and also research for development of nuclear power by the fusion process. I know of the gentleman's great interest in that.

Unfortunately, this bill was reported out before the authorization bill had been amended to authorize an increase of $2.3 million for nuclear safety research and for an increase of $1.2 million for fusion research. These amendments, virtually identical with what I had proposed when the bill was originally before this House were adopted by the Senate and then agreed to by this House 2 days ago.

I have no intention of moving any amendments to the appropriation bill now before us, but I would hope when this bill goes to the other body it will be amended to appropriate the full amount of the authorization in these respects, and I would hope very much that the House conferees then might look sympathetically on such amendments.

Mr. EVINS of Tennessee. I thank the gentleman. The matter to which he addressed himself is important. We did provide in our markup the full authorization at that time. There were these subsequent amendments which the gentleman outlined, and you have my assurance the committee will give consideration to these additional requests.

Mr. BINGHAM. I thank the gentleman.

I recall that in June 1970, the committee expressed its disapproval at the inadequacy of budget submissions for fusion research it had previously received. I quote from the committee report of that time:

> The Committee has long been concerned at the slow pace of the development of (the 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 provision for acceleration of this research and development effort.—House Appropriations Committee Report for Public Works, No. 91–1219.

The committee's "hopes" have now been at least partially realized. I trust that, if given the opportunity, the conferees from the committee will seize it, in accordance with their long-standing concern for increased funding for fusion.

Mr. Chairman, I am equally confident that the distinguished committee chairman will want to accept any Senate action increasing funds for safety research. The record is filled with the potential perils inherent in the operation of any nuclear reactor. A refusal to appropriate authorized funds to speed up research and development of safety devices vital to these reactors would be to disregard our responsibility to public safety.

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

Mr. EVINS of Tennessee. I yield to the distinguished chairman of the Committee on Appropriations (Mr. MAHON).

Mr. MAHON. I have listened closely to the remarks of the able chairman of this subcommittee. I was pleased to hear the remarks of the gentleman from Alabama (Mr. ANDREWS).

As chairman of the Committee on Appropriations, I want to say that the gentleman from Tennessee has done a magnificent job in preparing this bill and presenting it to the House. I congratulate him and all the members of the subcommittee, including the ranking minority member, the gentleman from Arizona (Mr. RHODES) for the good job done.

I am proud of the committees of this Congress. I am proud of the Committee on Appropriations and its subcommittees.

Mr. EVINS of Tennessee. I thank the gentleman for his remarks.

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

Mr. STUBBLEFIELD. Mr. Chairman, between Kentucky Lake and Lake Barkley, straddling the Kentucky-Tennessee border, lies the 170,000-acre Land Between the Lakes recreation and conservation education area.

This area is being developed by the Tennessee Valley Authority as a demonstration to show how one facility can be operated to meet a variety of needs for those who seek to utilize the outdoors.

Timber is harvested from sections of Land Between the Lakes; however, it is not to maximize timber production. Instead the harvesting is managed to improve the quality of the timber resource and to provide open spaces so that deer and upland game will proliferate. Some of these animals, such as game birds, require the margins between woodland and open field as a source for food not distant from the sanctuary that trees afford.

Others, like deer, require low trees and bushes to feed on. If not enough small trees remain in the area, the food supply and therefore the size of the herd is limited.

Since many of our people find exercise and recreation from hunting, TVA believes that hunters should not be barred from the area. Therefore it conducts managed hunts for both bow and arrow and gun hunters. These hunts are held in restricted areas to assure that the hunting does not interfere with other uses of the area.

In utilizing Land Between the Lakes sometimes the best thing to do is nothing. For example, in cooperation with a local university a small section has been established on which nothing will be done—no management or recreation or other use. The section will be allowed to grow and mature without interference from man. Members of the university faculty and student body will closely watch this section and record what happens in it over an extended period of years, probably several decades. It is believed that the knowledge gained from this research will permit a better understanding of the forces at work in a growing woodland.

More common to Land Between the Lakes is utilization of the area for outdoor recreation and conservation education. There are highly developed campsites where families can bring trailers or campers. Opportunities are also numerous for those who wish to pitch a tent or sleep on the ground. In addition TVA has developed a group camp designed to encourage camping by groups such as Boy Scouts, church groups, and outdoor organizations. This camp will accommodate groups ranging in size from 4 to 400.

Perhaps the most imaginative facility at Land Between the Lakes is the youth station at the Conservation Education Center. This facility, which is heavily used, is designed to permit entire classes from elementary and secondary schools to spend a week or more in an outdoors environment. These stays are not breaks in the normal education program, since most groups continue much of their regular curriculum, but supplementary to it.

Through this facility school children

are given a chance to learn about and appreciate wildlife and woodlands. They are given a chance to understand the need for conservation of our natural resources.

The youth station is designed to demonstrate an educational resource. Its value can be shown by the fact that many of the schools which have utilized it are designing similar programs near the towns or cities where the schools are located.

The variety of activities in Land Between the Lakes has become a magnet, drawing visitors from a wide area of our country. It is estimated that during the current fiscal year about 2 million people will visit Land Between the Lakes, and this will be to a 170,000-acre area that does not have a gas station, a restaurant, or even a grocery store.

The lessons being learned through this development will be of value far beyond the Tennessee Valley. The knowledge about recreation, conservation, and the outdoors being gathered here can, and will, be used throughout the Nation.

Mr. EVINS of Tennessee. Mr. Chairman, I yield to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I rise to thank the gentleman from Tennessee and the members of the committee, including the ranking minority members, for their usual courteous treatment of the atomic energy authorization requests and appropriations. There has been some adjustment in the appropriations as against the authorizations. They seem to me to be reasonable in nature, and I certainly have no complaint.

As one who has worked in this field for many, many years and handled many authorization bills—I was not here, incidentally, due to a death in the family, to help on the 1972 fiscal year authorization bill when it was presented this year—I want to say over the years the gentleman from Tennessee and the members of the subcommittee and his very excellent staff have always accorded us every courtesy to present our positions and explain why we made our request.

Mr. EVINS of Tennessee. I thank the gentleman for his compliment.

I yield to my good friend from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Chairman, I want to thank the chairman of the subcommittee for his leadership in a field that does not get a lot of attention these days, which is the field of flood control.

The gentleman from Tennessee and his able subcommittee have provided funds to begin planning on a major flood control structure in Oklahoma, the Arcadia Reservoir, and to carry on work on another great project, the Copan Reservoir, which means literally thousands of dollars of flood damage will be prevented each year on these two important tributaries in Oklahoma.

I want to thank them on behalf of the people of Oklahoma for the consideration that they have given in this regard and the leadership that they demonstrated in advancing balanced water resource development in our country.

I urge approval of the bill.

Mr. WHITTEN. Mr. Chairman, at this time I wish to compliment our chairman, JOE EVINS, of Tennessee, as well as my colleagues, and members of the staff who worked so hard to see that we give fair treatment to each of our colleagues as well as provide attention to protecting and developing the resources of our Nation for present and future generations.

Mr. Chairman, I am proud to serve on the Committee on Appropriations where I am now ranking member, and particularly, I am glad to be a member of the Public Works Subcommittee. Other Members have covered the subject generally, but I would like to list at this point the Mississippi projects and the amount of funds we have in our bill which are of interest to the people of our State and in which all members of our delegation are interested and support.

Yellow Creek Port project, $2,050,000.

Bear Creek MP water control system, Alabama and Mississippi, $3,000,000.

Tennessee-Tombigbee Waterway, Alabama and Mississippi, $6,000,000 construction.

Tombigbee River and tributaries, Mississippi and Alabama, $90,000, general investigations, $1,300,000, construction.

Yazoo River, $32,000, operation and maintenance.

Arkabutla Lake, $110,000, construction including boat ramp; $440,000, operation and maintenance.

Enid Lake, $62,000, construction; $475,000, operation and maintenance.

Grenada Lake, $13,000, construction; $765,000, operation and maintenance.

Sardis Lake, $25,000, construction; $780,000, operation and maintenance.

Tributaries, $820,000, construction; $195,000, operation and maintenance.

Whittington Auxiliary Channel, $480,000, construction, operation, and maintenance.

Yazoo Backwater, $1,820,000, construction, $70,000, operation and maintenance.

Yazoo City, $60,000, operation and maintenance.

MISSISSIPPI RIVER AND TRIBUTARIES

Ascalmore, Tippo Bayou and Opossum Bayou, $100,000, continued planning.

UPPER AUXILIARY CHANNEL

A $200,000 release of funds appropriated last year.

The foregoing two items represent the full capability of the Corps of Engineers. In addition to the foregoing the committee provided the following directive in its report:

Yazoo Basin: The committee expects that the Corps of Engineers will fully cooperate with the Soil Conservation Service, including, where necessary, the full use of its authorities as provided in Public Law 91-493, in the correction of bank caving on streams, including the foothill area, in the Yazoo Basin. The committee has provided the full capability of the corps for planning and related activities in connection with the Ascalmore-Tippo Drainage project, the Upper Auxiliary Channel, and the Opossum Bayou area, and requests the corps to expedite its work in these areas, including bank stabilization, to the greatest extent possible. The committee expects that the corps will continue to proceed with the work from south to north so as not to aggravate prevailing conditions.

Bayou Cadet, $25,000, operation and maintenance.

Big Sunflower River, and so forth, $350,000, construction; $35,000, operation and maintenance; $30,000, Steele Bayou—planning; $165,000, Muddy Bayou-Eagle Lake.

Biloxi Harbor, $250,000, operation and maintenance.

East Pearl River, $45,000, operation and maintenance.

GIWW (Mobile district), Alabama, Florida, and Mississippi, $798,000, operation and maintenance.

Greenwood, $410,000, construction; $90,000, operation and maintenance.

Gulfport Harbor, $683,000, operation and maintenance.

Hancock County, $35,000, general investigation.

Main Stem, $285,000, operation and maintenance.

Okatibbee Lake, $175,000, operation and maintenance.

Pascagoula Harbor, $700,000, operation and maintenance.

Pearl River Basin, $103,000, general investigations; $660,000, operation and maintenance.

Pearl River, Louisiana and Mississippi, $660,000, operation and maintenance.

Tallahala Creek Lake, $230,000, advance engineering and design; $70,000, construction.

Vicksburg Harbor, $50,000, general investigation.

Mr. Chairman, as I said, I feel fortunate indeed to have the privilege of serving on this subcommittee, as well as being chairman of the Subcommittee on Agriculture, Environmental and Consumer Protection, where I have the additional opportunity to work toward protecting and developing our country. In that bill, where we approved the final bill Tuesday of this week, we provided further for watershed protection and flood prevention, for rural electrification, for water and sewer loans and grants, rural housing, the Soil Conservation Service, for the agriculture conservation programs—now REAP—extension, 4-H Club work, meat inspection, any many other essential programs.

Again, Mr. Chairman, we bring in a good bill, providing for the continued protection and development of our country, and of its natural resources, upon which our economy and the well-being of our people depend.

Mr. EVINS of Tennessee. I thank my friend for his comments.

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

Mr. Chairman, I want to begin by congratulating the chairman of the subcommittee for his usual fine job.

This is the first time he has brought a bill to the House as the official chairman of this particular subcommittee.

I am sure I speak for all of the minority members of the committee when I say it is a pleasure to serve with the distinguished chairman of this subcommittee and to report to the House and to the country that in my opinion he has done an outstanding job in conducting the

hearings on this bill, in the markup and presenting it to the House today.

Mr. Chairman, this is a bill which I think may be somewhat refreshing to Members of the House because it is an appropriation bill which is not only not above the budget but it is actually under the budget. As the chairman indicated, it is $39,797,000 under the budget.

If I were to say I think it is an adequate bill I would not be reflecting my opinions accurately. I wish it were a bill containing more funds for many categories. I think it needs more money for flood control and more money for water development in certain cases, and I hope as the fiscal situation of the country improves—and it must improve before too many years—that we will be able to devote a larger share of our gross national product to the endeavors which I think are so important of providing a means of completing the development of our natural resources and of providing a better life for all Americans.

Mr. Chairman, there are many parts of this bill which I would call exciting. The colloquy between the chairman of the subcommittee and the gentleman from New York (Mr. BINGHAM) touched upon the controlled thermonuclear reaction, the fusion process, if you will. To me this has always been the most exciting part of this bill. I am pleased that the Atomic Energy Commission feels it has made enough of a breakthrough so that it can ask for more money this year than it previously had.

The idea of harnessing the energy of the hydrogen bomb has always been one which has intrigued many of us. To provide the tremendous energy which is developed by the explosion of a hydrogen bomb for peaceful uses in order to make life better for men on this planet, is certainly an endeavor worthy of the highest efforts of all of us.

Mr. Chairman, the modest breakthrough has consisted of the fact that we have been able to contain a reaction longer and at higher temperatures than we previously had been able to do. We now feel that the containment of this reaction at the higher temperatures which must be attained in order to sustain the reaction can be solved in the manner which we have been trying to solve it. That is to use a magnetic field—bending the magnetic field so that it forms a bottle in which the reaction occurs.

Mr. Chairman, I think this is still many years away, from the day when we can actually produce electric power and the energy which man needs by this method. However, at least it now seems to be on the way.

Another important and exciting development is in the liquid metal fast breeder reactor. We have felt for many years that it was within the scope of the art to produce a liquid metal fast breeder reactor and with it to get the economy which comes from producing more fissionable material in the process of producing power than we started with.

The main problems seem to have been that the Atomic Energy Commission did not have customers for this liquid metal fast breeder reactor, but with the help of the chairman of this subcommittee and some of us who serve on it, I think we may now have created some interest in users of electricity so that the Atomic Energy Commission will in this next fiscal year be able to come up with customers, and be able to start on the actual construction of the liquid metal fast breeder reactors for use in the production of power.

Along these lines, I was also interested in the colloquy involving the amount of money spent for safety purposes by the Atomic Energy Commission. I think it is well to note that the subcommittee has always given the Atomic Energy Commission the money it has requested for purposes of safety and I am sure we will continue to do so in the future.

By its very nature, an atomic reaction can be dangerous. Certainly, we do not intend to be a party to endangering in any way the health and safety of any citizen of the United States by nuclear reactions. Therefore, we have given them all the money for safety which has been requested.

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

Mr. RHODES. I am very happy to yield to the distinguished gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, I think the gentleman from Arizona has just made a very important statement. I want to again thank him and the members of the subcommittee for their attention to this field of safety. I want to call attention to the fact that there has never been a major industry that has been developed in the United States that has had as much care and as much attention in the field of safety as this new industry has had.

There has never been a major industry in the United States that has the record of safety to persons than this industry has, not only in the field of handling the dangerous material which contains the radioactive properties, but also in the field as to the number of industrial accidents

The Atomic Energy Commission has had such great care given it—and it could not have been given that care if it had not been given the money by the Congress with which to do the job. The gentleman in the well and his companions who have worked on these bills over the years are personally responsible for that. Therefore, this fine record of safety that has been developed is an outstanding record and every member of the Joint Committee on Atomic Energy has consistently encouraged the Atomic Energy Commission that where there is any question which involves safety, that the safety should take precedence over any other consideration. That is why we have the record that we have.

Mr. RHODES. The gentleman from California is precisely correct, and I certainly want to congratulate the gentleman and the other members of the Joint Committee on Atomic Energy for authorizing the expenditures for safety, because if they had not done so, if it had not been for their far-sighted knowledge of the dangers of the fission process and the necessity for providing all the safety precautions which the state of the art allowed, it would not have been possible for us to appropriate the money. It has been a very fine relationship that this subcommittee has had with the members of the Joint Committee on Atomic Energy. I want the gentleman from California (Mr. HOLIFIELD) to know that as one member of the subcommittee I deeply appreciate the attitude the Joint Committee on Atomic Energy has shown, and the spirit of cooperation we have enjoyed throughout the years.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman.

Mr. RHODES. Mr. Chairman, another very interesting development is in the field of atmospheric research. The idea of being able to make it rain when it has not rained, or to use other means of bending nature in order to serve mankind better, has been a subject which has attracted the imagination of our people for many, many years. Atmospheric research has progressed well. I think that with the use of satellites and the information which can be obtained by our space program, it will be possible for this research to progress even farther in the years to come, so that we will be able to see the fruits of our labors.

The Gila River, Ariz., has a dam somewhat near the mouth called the Painted Rock Dam. There was money requested for channelization of the Gila River below the Painted Rock Dam, and the economic study showed a 3-to-1 benefit-to-cost ratio. However, quite recently the Corps of Engineers restudied the project in the light of new structures which may be built on the Gila River system such as the Orme Dam, which will be part of the central Arizona system, the Buttes Dam, and other structures. They have concluded that the likelihood of huge floods being impounded behind the Painted Rock Dam has certainly been reduced by the prospects of these other structures.

As a result, the benefit-to-cost ratio on channelization below the Painted Rock Dam has gone down to about one to one. Therefore, the committee did not include any further funds for fiscal 1972. There was $500,000 appropriated last year for construction which is in the budgetary reserve. Until the study on the benefit-to-cost ratio has been completed, and until the committees of the Congress can take another look at this project and see whether or not we should continue with it, it is my hope and my belief that the project will remain inactive, and that the $500,000 for construction will remain reserved either by the Office of Management and Budget, or by the Corps of Engineers, and not spent until it is possible for us to take another look at all of the matters involved.

One of the elements in the benefit-to-cost ratio which has not been taken into account is the fact that channelization helps Mexico under the Mexican Water Treaty. It will be necessary for the Corps of Engineers to obtain authority from the Committees on Public Works of the House and Senate in order to take that matter into consideration. When they do, it will undoubtedly help the benefit-to-cost ratio.

Speaking of the budgetary reserves, of course, the Office of Management and Budget saw fit to reserve everything that

was added by the Congress in this bill for the fiscal year 1971.

As a result, the subcommittee felt that it was of the first priority and importance to bring all of the projects which we attempted to fund last year up to their full capability. In other words, we determined the capability for expenditure in this fiscal year, deducted the amount in the budgetary reserve, and appropriated an amount equal to the difference between the budgetary reserve and the full capability for those projects. We expect they will be started and we expect they will proceed forthwith.

Mr. Chairman, this is a good bill. It has the full support of the members of the subcommittee on both sides of the aisle and I trust that in due time the House will approve it and send it to the other body.

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

Mr. RHODES. I yield to the gentleman.

Mr. GROSS. Can the gentleman say whether this is the first appropriation bill below the budget that has been considered this year?

Mr. RHODES. I cannot be sure, but it is the first one in my memory for this fiscal year that is below the budget.

Mr. GROSS. Then this is either the first or second?

Mr. RHODES. I am informed that there were three appropriation bills that are under the budget—legislative appropriations, Treasury and Post Office, and State and Justice.

Mr. GROSS. Of course, the Post Office operation ought to be below the budget.

Mr. RHODES. The gentleman from Iowa is a very valuable member of the Committee on Post Office and Civil Service and I am sure that if the Post Office is operating more efficiently than it used to, the gentleman from Iowa can take a great deal of credit for that.

Mr. GROSS. I was not making a point of the efficient operation of the Post Office Department. I was making the point that since some of the Post Office Department appropriations have been eliminated with installation of the corporation, it ought to be standing largely on its own feet.

Mr. RHODES. Of course, the effect of that has not yet been made apparent in the budgetary process.

Mr. GROSS. I understand that the Committee on Appropriations will likely get a bill soon for about $400 million for the new Postal Service.

Mr. RHODES. Well, the gentleman from Iowa is speaking about something in the minds of the members of the Committee on Appropriations that has escaped the notice of the gentleman from Arizona.

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

Mr. RHODES. I yield to the gentleman from Tennessee.

Mr. BAKER. Mr. Chairman, as the junior member of the delegation from Tennessee, I want to take this opportunity to thank the ranking member of our delegation, the esteemed chairman of the Committee on Public Works Appropriations and praise him for the fine job he does both for the Congress and for our State.

Mr. Chairman, I rise in support of H.R. 10090.

Mr. Chairman, since the Third Congressional District of Tennessee is in the heart of TVA land, I want to take a moment to address myself to that portion of the appropriation bill.

As you all know, appropriations to the Tennessee Valley Authority are limited to the water resources program and related activities in the area normally financed at the Federal level. The TVA power projects begun since the mid-1950's have been financed from its electric power revenues and through the sale of bonds and notes authorized by Congress in 1959.

It is appropriate, therefore, to look at the benefits which have been reaped through the expenditure of the water resources and development funds approved by the Congress over the years.

In 1949 a pamphlet highly critical of TVA was published by an organization called the Foundation for Economic Education. In that book the author, Dean Russell, chided TVA for grossly underestimating freight tonnage on the navigable waterway it was building in the Tennessee Valley.

Dean Russell referred to a 1938 TVA report which estimated that freight tonnage on the Tennessee River would reach 8 million tons by 1946. Ignoring the fact that World War II intervened between the date of the estimate and 1946, Mr. Russell cited the fact that only 2.4 million tons of freight moved on the waterway in that year as an example of a gross mistake by TVA in estimating the utility of its work.

If Dean Russell were writing today he would have to look for another example, for in 1970 not 8 million tons, but over 25 million tons of freight moved on the Tennessee River. This tonnage was an increase of more than 100 percent since 1960 and is full vindication of the estimates made by TVA planners over 30 years ago. Furthermore, estimates made by TVA for the first 5 months of 1971 show traffic growth continuing with a 12-percent increase in tonnage.

The benefits of a navigable Tennessee River spread far beyond its immediate region. In 1970 about 78 percent of the traffic on the Tennessee River either came from or was destined for points outside the Tennessee Valley on the 21-State Mississippi Valley-gulf waterway system.

Today newsprint from a plant in Tennessee is barged to Oklahoma, and grain from the plains States is carried by navigable waterway to Tennessee River ports. And a new system of water transportation is facilitating the shipment of products from the Tennessee Valley area to overseas ports. This system utilizes small barges or lighters which are towed to ocean ports where the barge itself is loaded into huge barge-carrying ships.

The availability of the navigable channel on the Tennessee River has been a great spur to the economy of the area. Private industry has invested $2 billion in over 200 Tennessee River waterfront plants, terminals, and distribution facilities. Ninety-nine percent of this investment has occurred since the modern 9-foot navigation channel was completed on the mainstream in 1945, and more than half has been invested since 1961.

These results show the value of a well planned navigation channel to what once was an economically depressed area. These results did not just happen. In addition to the waterway they depended upon the efforts of State and local governments as well as private individuals.

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

Mr. RHODES. I yield to the gentleman.

Mr. MIZELL. Mr. Chairman, I rise at this time to express my support for the $100,000 appropriation recommended for the Reddies River Dam project by the Appropriations Committee.

I am gratified that the Nixon administration has requested this level of funding, and that the Appropriations Committee has responded favorably to that request.

This $100,000 for preconstruction planning will enable the project to go forward at a consistent pace, and speed the day when actual construction can begin on this vitally needed project.

If the Corps of Engineers of the U.S. Army can finalize the plans for this dam this year, the administration can, and I feel confident, will see fit to request substantially greater funds next year for more progress toward final completion of the Reddies River Dam.

I urge my colleagues to join me in supporting this $100,000 funding level.

Mr. EVINS of Tennessee. Mr. Chairman, I yield to the gentleman from New York (Mr. PIKE).

Mr. PIKE. Mr. Chairman, I thank the gentleman for yielding and I appreciate it very much.

Mr. Chairman, I would like to engage in a little dialogue with the gentleman regarding an item in this bill which is found on page 51 of the committee report.

This has been a very controversial dredging project out in my territory for a long time and I have always opposed it in the past. The problem has to do with the fact that an oil company wants to dredge a harbor and make it a bigger oil terminal, while conservationists do not want this to be done.

I have always taken the position that if it ought to be done, the oil company could well afford to pay for it.

However, I like the language in the report of the committee and I simply want to make sure it says what it means and means what it says. This is the language:

> The $50,000 recommended in the bill, is solely for a review of alternatives to the problem of providing a petroleum supply for the area including consideration of the ecological aspects.

The first thing that concerns me, beyond looking at the problem of providing petroleum for an area, is why is this in the construction part of the bill and not in the study part of the bill?

Mr. EVINS of Tennessee. The gentleman has read the language in the report correctly. It is solely for a study of alternatives. The reason it is in this sec-

tion is because it is an authorized project and this is the proper place for the funding of such a review of alternatives to the authorized plan.

Mr. PIKE. I thank the gentleman very much. I will be able to say not only to myself but also to my constituents that I can safely vote for this study of alternative ways of providing petroleum to the area without furthering this particular dredging project.

Mr. EVINS of Tennessee. The gentleman is correct. This measure does not in any sense initiate planning on the project.

Mr. PIKE. I thank the gentleman very much. Just one final question. I also appreciate fully the language that says that this will include full consideration of the ecological aspects if we are entitled under this study to get an environmental impact statement from the Environment Protection Agency. I would like that to be done also.

Mr. EVINS of Tennessee. The committee would have no objection to such a requirement.

Mr. PIKE. I thank the gentleman.

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

Mr. EVINS of Tennessee. I yield to the gentleman from Massachusetts.

Mr. BOLAND. In addition to the response the distinguished chairman of the subcommittee has given—and I would agree with the statement that he has given in response to the question of the gentleman from New York (Mr. PIKE)—I would point out that the language on page 51 of the report does spell out that the $50,000 recommended in the bill will be used solely for review of alternatives. I might also add that on page 41 in the table for the construction, general appropriation there is further emphasis with reference to Port Jefferson, and in parenthesis it again spells out that this is for "review of alternatives."

I would agree with the distinguished chairman in his statement that, in no case, are we initiating planning for this project. I am aware of the very deep interest the gentleman from New York has in this area, his concern about geting oil to the people there as well as his concern about the environment and his concern about Port Jefferson Harbor itself.

Mr. PIKE. If that is the way the committee has handled it, I am happy to see it so handled. I would like to establish some legislative history so, first of all, I can survive back home; and second of all, that I am sure that nobody is throwing me a curve and that this is not coming in through the back door.

Mr. EVINS of Tennessee. I assure the gentleman that we are not throwing any Member a curve.

Mr. Chairman, I yield to the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Chairman, water users of the El Paso Valley of west Texas will be, especially pleased if the House today accepts the recommendation of the appropriations committee and approves an expenditure of $500,000 to begin a rehabilitation and betterment project for El Paso County Water Improvement District No. 1.

This project is to be paid for by the irrigators themselves, through increasing and extending the amounts of their annual payments to the Bureau of Reclamation. A contract was signed on February 12 this year for some $5.5 million to carry on a program of rehabilitation and betterment, consisting principally of the concrete lining of canals and laterals to prevent loss of water through seepage and absorption by water-consuming plants. This contract was signed after the adoption of the administration's budget so the necessary funds were not included.

The Bureau of Reclamation, however, informed me it had the capability, in staff and facilities, to utilize $500,000 on this project in fiscal 1972. The necessary studies and plans have been made and the Bureau of Reclamation is ready to go to work if Congress approves the appropriation.

I believe it is essential to begin this work as soon as possible. Water users of our area, and this includes the city of El Paso, are rationed this year at the rate of 1.85 acre-feet per acre of water right land. It requires 3 feet to irrigate a crop. If, as it now appears, we are in another drought cycle in the Southwest, the situation could be even worse next year. The water level in Elephant Butte Reservoir is expected to fall to its lowest point in some 15 years, and there is genuine concern over the possible loss of fish and deterioration of recreational facilities.

It has reached the point where water resources are measured in terms of acre-inches instead of acre-feet, and every acre-inch that can be saved for beneficial use is precious. I believe time is of great importance in this water conservation project, and I urge the House to accept this addition to the administration budget.

I wish to thank the House Subcommittee on Public Works of the Appropriations Committee, for its response to the request I made on May 18, when I was joined by the president and manager of the El Paso County Water Improvement District No. 1. I believe the approval of this appropriation is a water conservation measure of high priority.

Mr. EVINS of Tennessee. Mr. Chairman, I yield to the distinguished gentleman from California, chairman of the joint committee.

Mr. HOLIFIELD. I thank the gentleman for yielding. I refer to the table on page 15 of the report, and call to his attention three items on the righthand side: $270,000, $295,000, and $475,000. I understand that under the language and interpretation of the language that these are considered as construction items, and I want to call the attention of the gentleman to the fact that these are in effect experimental construction items. In other words, where these circular or linear accelerators exist—and they cost varying amounts from $100 to $200 million—that it is sometimes necessary to lay electrical lines off to the offshoots of the beams that they use. Technically, it is construction, but actually in the case of the $475,000 figure there, that amount of money, I am told by Dr. Pinofsky, the appropriation would be vital to a number of experiments. These lines are laid and experiments are made and then they are taken away. In other words, it is not permanent construction. It is construction that is necessary to lay electrical lines and construct chambers and that sort of thing at the end of the spurs which are necessary to increase the utilization of the accelerator.

While it is small in amount, it gives a multiplication of experiments we had at one time. So if this is brought before the gentleman in conference by the Members of the other body and explained more fully then I will take the time to explain it today, I hope the gentleman will look upon it not as construction per se, but as the necessary experimental devices in experiments which will multiply the uses of the different expensive accelerators that have been built.

Mr. EVINS of Tennessee. Mr. Chairman, we appreciate the gentleman's comments. These reductions are in line with the action taken in the authorization bill, and the committee will certainly give consideration to the gentlemen's recommendations in the conference action.

Mr. HOLIFIELD. I thank the gentleman.

Mr. EVINS of Tennessee. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I take this time because I have a feeling that this is where I came in. I remember 12 years ago when I first came to this body as a new Congressman, representing a district centering on the city of Schenectady, where the great General Electric turbine manufacturing facilities are located, making a speech on this floor, I think perhaps at the time this same bill was up, and pointing out then the economic distress that existed in Schenectady in 1958, because of unemployment in the electrical industry, and pointing the finger to the TVA authority which had just purchased several turbine generators from England instead of from Schenectady.

Today, 12 years later, we are faced with a similar situation, Mr. Chairman. I am looking to the distinguished chairman of the subcommittee, not only because he is, as has already been said, a distinguished Representative from the State of Tennessee, and one who has a great deal of interest in the TVA, but also because we are confronted again with a similar problem created by foreign competition for American jobs. Unemployment is spreading around the country. The electrical industry has been especially hard hit. Some 2,000 jobs in the electrical industry have been lost through foreign imports. Yet within the last couple of months the TVA has gone to Switzerland to buy two massive sets of turbine generators and has ignored the American turbine firms where unemployment is rising.

I have had communications with the Chairman of the TVA. He points out to me that the American differential is only 6 percent, and that the difference in the various bids offered was much greater than that. Well, I must say that I believe the national interest requires us to raise this buy American differential. And

it seems to me the TVA ought to recognize more strongly than it does the need to buy American products with the money that this public organization is getting through its public operations.

I know the gentleman from Tennessee, the chairman of the committee, Mr. EVINS, is sympathetic to this problem, because he made remarks to this effect on the floor only the other day. I hope we can enlist his support. But it does seem to me that at a time such as the present, we ought to be expecting the TVA to try harder to buy American and help preserve the jobs of Americans.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. EVINS of Tennessee. Mr. Chairman, I yield the gentleman from New York 2 additional minutes.

Mr. STRATTON. Mr. Chairman, I appreciate the additional time the chairman of the committee is yielding to me. I had hoped to be able to offer an amendment to this bill, but because funds for the power generating activities of TVA are not included in this bill, an amendment would not be germane. But I wonder if the gentleman from Tennessee could advise me whether there is a possibility of getting some change in the practice of TVA?

I recall when I made this same speech of mine some 12 years ago, the chairman at that time generously assured me of his concern. And I do not know what particular buttons he pushed, but I do remember when the next big TVA contract came along General Electric was in the running and may even have been successful. So I am hoping perhaps the gentleman can pull the same kind of magic rabbit out of the hat again this year, because 900 jobs in my district for 1 year are involved in these contracts.

Mr. EVINS of Tennessee. Mr. Chairman, I will say I am also concerned, but I suggest the gentleman address his attention to amending the Buy American Act which TVA is required to take into consideration in its procurement procedures.

A report was brought to my attention recently which stated that a significant percentage of the generators purchased by TVA are now being bought from foreign sources, and this affects our balance-of-payments situation. I am concerned about this practice not only by TVA, but also by other agencies. I hope the act can be amended to give them more latitude in making awards under the competitive bidding procedures.

So perhaps the gentleman could address his attention to amending the Buy American Act.

Mr. STRATTON. I hope I can count on the gentleman's cooperation. And let me say that I shall introduce new legislation to raise the Buy American differential, in view of our current unemployment problems, from a mere 6 percent, which is almost nothing in today's market, to the same 50 percent which currently applies to all Defense Department purchases. Our turbine generating manufacturing capabilities are also part of our defense base, and we must certainly act to protect it and the people who do that productive activity.

Mr. RHODES. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin (Mr. DAVIS).

Mr. DAVIS of Wisconsin. Mr. Chairman, I, too, want to express the broad general support of the Members of this subcommittee for this bill which is before us today. I believe it does reflect careful consideration, intensive and reflective hearings, and experienced and capable background and staff work.

I do not mean to suggest that I personally would support every project in it any more than I am sure other members of the subcommittee would want to have it suggested that they personally support every project. But, overall, it is a bill that is below the budget. There has been applied legislative judgment to some of the problems in which the various executive agencies have needed some legislative guidance.

The bill applies a mature realism to our water resources program, a program that continues to come under attack from two segments, which I suggest are frequently either ill-informed or incorrectly informed.

One group may be broadly called the environmentalists, who look upon water resources development as inconsistent with environmental considerations. Certainly quite the contrary is true, for by controlling flooding, by increasing the supply and quality of water, by controlling alluvial erosion, damages to land and forests and structures, this program certainly does protect both our natural and manmade environment.

I wanted to again reiterate the remarks that our subcommittee chairman did make in this connection and to call the attention of my colleagues to pages 5 and 6 of the committee report, which deal with that problem.

Then there is another group which is frequently equally unrealistic, that might be termed the scientific dreamers, who for several years have told us that we are on the verge of technological breakthroughs so that atomic or nuclear power will supersede the requirements for hydroelectric power. But every knowledgeable person who has come before us in the past 7 years has advised us that this is not a practical prospect. In fact, the demands for energy of all kinds continue to mount so that from all available sources we simply have not been keeping up with the demand or with the requirements for energy.

I hope that no one will be misled in the belief that the new emphasis on the liquid metal fast breeder reactors, for instance, represents an alternative to the continued development of our traditional sources of energy of all kinds.

I believe I should disassociate myself from some of the rather harsh language which appears on pages 3 and 4 of the report under the title of "Impoundment of Public Works Funds." Actually, the amount placed in reserve for deferred spending was quite modest when one considers the overall fiscal condition of our Government.

What the Office of Management and Budget did was to defer the amount of congressional add-ons across the board. If the deferrals had been on a pick and choose basis, I am sure that office would have been accused of favoritism. There was a rationale to what the Office of Management and Budget did, and certainly all of us do understand that we could not legally require the expenditure of these funds, and just as certainly that this is not the first nor will it be the last time that appropriated funds have been withheld from expenditure during a particular fiscal year. Indeed, I can recall a few years ago when, under another President, substantial amounts for construction were frozen in order to induce construction contractors to sharpen their pencils at a time when construction costs were sharply escalating.

So while I can share some of the concern which the report strongly expresses, there is another side to this coin. Mr. Weinberger in his appearance before our subcommittee did effectively display that side of the coin to us.

I think it is proper to mention the often-mentioned and annually debated planning funds for the Dickey-Lincoln School project. Some years such funds have been in the budget and sometimes they have not. In each year conflicting figures have been given. The Senate has included the planning funds and the House has deleted them.

A few years ago we initiated a staff investigation to attempt to resolve the conflicts in the figures, and in general the staff investigation supported the figures of the Corps of Engineers.

I joined at that time with the then acting subcommittee chairman, the gentleman from Massachusetts (Mr. BOLAND), in a rather extended examination—in fact, it might have been more properly called a cross examination, I suppose—of witnesses relating to that investigation. Up to that time both of us had opposed planning funds for Dickey-Lincoln. Since that time the gentleman from Massachusetts has supported the planning funds.

My position for several years has been that the project should be deferred, but I could not objectively oppose the project on the basis of lack of economic justification.

This year we have brought a compromise to you. I know it is not a compromise that will please the strong partisans on this issue, but to the proponents I would say this provides an opportunity for consideration of a revised and perhaps acceptable smaller project. To the opponents I would say this buys some time and avoids the possibility of defeat in relation to the larger project that would be otherwise considered before us.

So I support this compromise and urge my colleagues on both sides of the issue to accept it as the best current solution of this vexing problem.

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

Mr. ROBISON of New York. Mr. Chairman, as everyone knows by now the work assignments of several of our subcommittees were substantially shuffled around, earlier this year, and this subcommittee was one of those affected. Although we lost some of our previous budgetary jurisdiction in the water pol-

lution field, we did gain budgetary review over both the program administered by the Appalachian Regional Commission and the activities of the Federal Power Commission.

The subcommittee also gained a new chairman—the distinguished gentleman from Tennessee (Mr. EVINS), to whom I should now like to pay my respects.

JOE EVINS is one of those Congressmen who does his homework and knows his subject matter, and he insists on covering the latter in a thorough and painstaking manner. As a subcommittee chairman, he sets a fast pace. But, if he works us hard, he works himself even harder —so much so that one often wonders how he can accomplish all that he does. Nevertheless, despite a compulsion to "get on with things," he is always patient with his subcommittee members—and I think sometimes I test that patience—allowing us to pursue our own interests and to develop our record often, probably, beyond a point where he may believe it unnecessary for us to go.

It is for that kind of courtesy, and patience, and for his overall objectivity, as well, that I wish to thank him, and to tell him—as well as our colleagues—what a real pleasure it has been to serve under his chairmanship, this year, and to accept his leadership.

The marks of his leadership, along with the force of his character, can be found on this bill. It is a good bill—and is accompanied by a good report—and I recommend both to you.

Mr. Chairman, I will extend my remarks so as to cover a variety of specific matters contained, or mentioned, therein. But, in the time now allotted me, I plan to confine my thoughts—and direct the thoughts of my colleagues—to the power aspects of this bill whose title embraces, and perhaps now more properly so than in recent years, the words: "power development."

In these difficult and complex times, it is inevitable that we should face many dilemmas, and all too-frequent crises. Unfortunately, too many of those developing crises creep up on us almost unbeknownst, eventually forcing us—with their sudden seriousness—to spend our time looking for short-run remedies, in lieu of applying ourselves diligently and persistently to the more-necessary search for true, long-run solutions.

A prime example of what I have in mind is the developing crisis referred to, alternatively, as the "energy crisis" or "power crisis," to at least the brink of which we have now marched.

It is one of a piece with what other people refer to as the "environmental crisis"—the public interest in which seems almost to have developed overnight—and, though there is room for debate as to its present seriousness, it is clear that we are close to a national energy crisis.

It is equally clear that certain actions need to be taken, now, if such a crisis is to be averted.

When I first came on this subcommittee, 7 years ago, one of my earliest concerns was over what appeared to me to be a near-total lack of anything resembling a national water policy. I was shocked by the absence, particularly at the planning level, of the kind of consultation and close coordination between those Federal agencies involved in the water resource field, that came before us for funding, which would indicate that the "right hand knew what the left hand was doing" in this all-important field, and that alternatives—not to mention priorities of anything more than a purely "political" nature—were properly being considered.

In the intervening years, this situation has been largely corrected and, if we now find ourselves unhappily on the brink of a national energy crisis, we are, happily now, at least on the brink of having, at last, a national water policy worthy of the name.

Of course, progress in this latter direction has been brought about in large part by virtue of congressional action. The establishment of a high-level study group known as the National Water Commission—whose work is now about at its midpoint—will eventually give us our first accurate, long-range assessment of our water problems and requirements, and identify alternative methods for dealing with them. The still new Water Resources Council, now operating under the able directorship of Don Maughan, has already brought some order out of chaos in water resource planning, and has submitted for administrative consideration a new, multiobjective system for planning that will more accurately portray all benefits, costs and effects of proposed projects than anything we have had before, and which ought to be adopted.

Then, there is the National Environmental Policy Act of 1969, the Federal Water Quality Improvement Act of last year, the creation of the Environmental Protection Agency, and even the reimplementation of such old statutes as the 1899 Refuse Act, so-called, all of which—with other items—are moving us toward that desired national water policy.

But, in addition to these forward steps, Mr. Chairman, there has been the impact of the steady insistence by this subcommittee—in which effort this particular member would like to feel he has been instrumental—upon proper consultation and coordination between the water-resource agencies appearing before us, and upon their careful consideration of the environmental effects of their works, as well as upon their honest assessment of available alternatives and objective weighing of true priorities. The result of this effort on our part cannot be accurately measured, but I believe it has enabled us to bring you, in recent years, public works appropriation bills that are far different from the so-called "pork-barrel" bills of bygone days.

But now I suggest that it is time—indeed, past time—for this subcommittee, and the Congress, to give an equal amount of its attention to the need for establishing a national energy policy, equally worthy of the name.

We do not have such a policy now.

And we have been going along without one even in the face of repeated warnings of the need for such a policy as those portrayed by the steady mathematical progression in the national appetite for more and more electrical energy—a demand rising at an average rate of 7 percent a year, and far faster than the population, a rate which, unless somehow curbed, means that by the year 2000 Americans would be using the equivalent of 76 trillion kilowatt hours of electricity and other energy sources, or nearly four times the present usage rate—and even more dramatically portrayed by the all too frequent "brownouts" and "blackouts" of recent years.

But it is when one ties this growing scarcity of electricity, and of other energy sources, into our new understanding of the "scarcity" of our environment—that no longer infinite global envelope of air, water, and soil that sustains life on this planet—that one begins to better understand why we face a gathering crisis of alarming proportions, and to understand why I earlier said that the developing energy crisis and the environmental crisis are "of a piece" with one another.

In a series of excellent stories on the energy crisis, as appearing recently in the New York Times, John Wilford writes:

> At the beginning of the Industrial Revolution man unconsciously but decisively struck a Faustian bargain, giving up a bucolic environment for a power beyond anything his and his animals' muscles could provide. This eventually made it possible for modern man to command, at the twist of a knob on a 300-watt television set, an electrical force the equivalent of the energy output of a grown man, an unseen slave, and to harness in the Saturn 5 moon-rocket the power of 900,000 horses.
>
> Only now—now that the world is more crowded and energy is being expended at a rate more prodigous than any could have foreseen when Watt invented the steam engine—are the implications becoming sharply defined in the form of a perplexing question:
>
> Can modern man strike a *balance* where he once struck a *bargain?*

The difficult search for the answer to that question—only barely begun by any of us despite our collective responsibility—leads down many avenues: economic, technological, ecological, political, social, and philosophical.

This subcommittee—and this member thereof—would like you to know that we are fully aware of the hard choices that must be made, and made soon.

Our capacity to be instrumental in making those choices is limited by our jurisdiction. We do have oversight, of course, over the hydropower programs of such agencies as the Corps of Engineers, and the multiheaded energy program of the TVA. We also have key jurisdiction over civilian nuclear-power program of the Atomic Energy Commission—a program of increasing importance at this time because more and more people are turning toward a nuclear-powered future, not because they have learned to love the atom, but because few of them can think of any other acceptable answer to the energy crisis in the long run. And we now have oversight responsibilities for the Federal Power Commission—a quasi-judicial body grounded in the concept of adversary proceedings, whose present authority limits it from becoming anything like a national power agency.

I hope—and believe—it is our subcommittee's intention in the years ahead to use our collective influence in these areas

to help guide us toward a national energy policy in the same ways we have with regard to water. Once again, here, we can insist on coordination of policies, programs, and projects, and on full consideration of alternatives, priorities, and environmental effects, as well. We can be useful—and I believe we already have—in urging the AEC to come still further out of its former "ivory tower"; and I, for one, can say that, after hammering away at this for years, I was most pleased at the recent Commission decision to abandon its former standard of "as low as practicable" limit on radioactive effluents, in favor of a numerical limit now of only 1 percent, or less, of the amount of radiation deemed permissible under the current Federal guidelines for power reactors.

Earlier this year, our colleague, the gentleman from California (Mr. HOSMER), called the old "as low as practicable" limit a "crystal unclear phrase, if ever there was one," and then went on to say:

> The AEC has avoided putting any numerical values on this. As a result, while the industry may have an understanding of what is going on, the public still does not, and if the public does not understand, I fail to see what has been accomplished other than the wedding of already founded suspicions, fears and alarms.

If nuclear power is ever to achieve its once-bright promise, it must first achieve public acceptance. The American public, long accustomed to thinking of the atom almost solely in terms of destruction, is quite properly anxious about the radiation hazards that may accompany its constructive applications. This subcommitte shares in those concerns. This subcommittee—and this member thereof—is fully aware of our responsibilities for examining into those concerns and for insuring, as best we can, the safety of the American public, and we believe we are fulfilling those responsibilities.

But, once again, we cannot alone move this Nation toward a balanced, realistic, and responsible energy policy. Legislative action is needed, here, even as it has come in the water resource field. Other subcommittees of our parent committee must provide the necessary level of research to produce cleaner energy from other fuels, or to find other and newer sources of energy which nearly everyone concedes are available.

In addition, the appropriate legislative committees of this Congress ought to produce action this year on at least two of the President's proposals: For a new, national system of planning for powerplant and transmission line siting, in which the public would have a voice, and, most importantly, for a Department of Natural Resources which I see as a "must" if we are to quickly achieve a integrated energy program, and which I also see as something every environmentalists' organization ought to be lobbying for instead of spending their time on such "baby with the bathwater" amendments as that offered a few weeks ago to another appropriation bill calling for a 1-year moratorium on stream channelization.

In summary, then, we can have—we must have—a national energy policy, and soon.

This subcommittee will do its part in that regard, Mr. Chairman, and we call upon our colleagues for their cooperation.

In other areas, while still thinking about the programs of the AEC, this would be an appropriate time to express my regret over the resignation—although the same has been anticipated for some time—of Dr. Glenn T. Seaborg, as its Chairman. Dr. Seaborg has had to sail some unexpectedly stormy waters, of late, as will his successor, but he is a great scientist, a great nuclear pioneer, and I believe his talents will be sorely missed by the Nation he served so well.

It is under his leadership that, of late, the AEC has been coming out of its shell—a necessary thing, certainly, in light of the public concerns about nuclear power, concerns that have been whipped up too often by some less than objective critics, but concerns that can only be answered in the full light of day and, then, by the AEC, itself. In this regard, I should think the AEC would welcome, finally, the divorce between its responsibilities for developing and for guaranteeing the safety of nuclear power on the one hand, and its responsibility for promoting the use of such power on the other, as contemplated in the proposal for a Department of Natural Resources. This dual responsibility has given rise to possibly unfounded charges of a conflict of interest in which public safety might be the loser; I do not believe that has been the case up to now, certainly, but I would agree with these words from the President's departmental reorganization proposal that—

> The time has come when the need to nurture a new energy technology, which was part of the justification for the separate organization of the AEC in 1946, should give way to an organization formed around the purpose to which the technology was directed, and these further words: The benefits to be obtained from a balanced and integrated power program are the overriding consideration.

As is noted in the report, the subcommittee has accepted the new, high priority emphasis placed by the administration and the AEC on the development of the liquid metal fast breeder reactor. Although the IMFBR is considered by most scientists to be the next major step forward in nuclear technology—a view generally shared by the subcommittee—it does have its critics, among them Dr. Margaret Mead, the anthropologist, who has filed a suit in Federal court against the program in an effort, apparently, to stir a national debate on the advisability of developing the breeder. Such a debate will come, in any event, and the AEC should—and, under its new Chairman, will, one hopes—provide the public and the Congress with all the information it can as to the potential impact of breeder reactors on the environment, much of which will only become clearer, of course, as the development work progresses.

Reactor safety, too, continues to be of valid concern—both to me and to many others. Our subcommittee is recommending $42,940,000 for these purposes this year—up from $35,940,000 last year. The AEC witnesses said this was enough; whether it is or not, in light of some of the safety problems that of late have come into view and which the Commission has moved to correct, is very difficult to judge. I assume the subcommittee will continue to be very interested in this regard.

The subcommittee has lopped $8 million off the budget request for the AEC's weapons program, based more on anticipated "slippages" than anything else—a subject matter that brings to mind the dispute over the so-called Cannikin test now still tentatively scheduled for "shoot-off" at Amchitka Island in Alaska, sometime in October. This issue has been a very difficult one for me. I have listened carefully to both sides in the debate, and have weighed—as best one can—the national security "pros" against the largely unknown environmental "cons." It has been a difficult issue for me because, as the record will show, I have not been a supporter of deployment of an ABM system, but only of research and development work on such a system in the hopes that it would never have to be used. The current SALT talks have somewhat enhanced this latter possibility, though with no certainty, as yet. However, while I have been tempted to support the anticipated amendment to strike the residual testing funds for Cannikin from this bill—and note that most of such funds have already been spent from prior appropriations—it is my decision now that only the President is qualified to make the final decision as to whether or not to go on with this experiment. I hope he will decide not to go ahead, but I do not feel qualified—putting it simply—to interpose my judgment ahead of his.

One other matter in the AEC portion of our bill—the continuing development work on a nuclear-powered, fully implantable, artificial heart. I am pleased with the progress being made in this connection, the work to date indicating that no insurmountable technological problems exist against eventual success on this endeavor which can mean so much for mankind. I wish this effort—which, without intending any pun, has been something that has, for years now, been close to my heart—could go faster, but we have allowed the full, authorized amount, and hope it will be used expeditiously.

With regard to the program of the Corps of Engineers in the water-resource field, I continue to be favorably impressed with the new look this agency is developing—a "new look" we have steadily encouraged, with its proper emphasis on environmental concerns and effects. The environmental guidelines the corps has adopted at field-office levels are mentioned in our report, and are commendable if properly adhered to, which is something one expects EPA to also monitor. This is not to say that the corps is yet in a position to become the "darling" of the environmentalists' groups, but those groups—and the more-objective members thereof—ought to pay more attention to what the corps is doing now, and to how it is doing it, instead of to what the corps used to do with a some-

times heavy-handed disregard for environmental effects.

The corps is to be especially commended for its pioneer work, now, in the field of regional waste-water management procedures, as mentioned in the report and detailed in the hearings. It also has a tremendous new job on its hands in connection with the application of the newly found antipollution potential in the old 1899 Refuse Act. It is early, yet, to tell, how this endeavor will work out—nor to foresee all the administrative and enforcement problems that may ensue—but, at least, we have allowed the corps all the additional personnel that it says it will need in this regard this year.

There is, one will notice, a $375,000 "General investigations" item in the bill for the Susquehanna River—that great natural resource so important to the residents of my congressional district, as for the other residents of this river basin in New York, Pennsylvania, and Maryland. This is a follow-on item, and represents the capability of the corps this year in this regard, to enable it to begin to sort out the values of, and priorities between, the various, specific water-resource projects identified by the now-complete comprehensive restudy of our entire river basin. The report on that study—and exhaustive study, if ever there was one—is now available for public information and consideration. It presents the people of the river basin with a review of their river's problems and needs, projected many years ahead, and with a variety of "action plans" to be pursued, or not, as those people see fit, for the river's preservation, improvement, and balanced development. Let it be understood by those people—as I understand it—that this is not the corps' plan for our river, but is instead a detailed working document from which the residents of the basin can better understand their opportunities and requirements for making this a "model" river basin. As such, it needs to be attracting more public interest than it has, so far—perhaps some people have been scared away by the forbidding size of the multivolume report—and I hope that such an interest will now begin to develop, perhaps stimulated by such local groups with an interest in water-resource problems as the League of Women Voters, and so on.

In this endeavor, the newly established Susquehanna River Basin Commission will undoubtedly play a part—along with the Water Resources Council, EPA, and other interested Federal, State, and local agencies. In this regard, the bill as now before us does not contain Federal support funds for the first year's work of the new Commission, mainly because, at the time of our hearings, the Commission had not been organized and we had no firm estimate of its need for Federal support during this fiscal year. I have such a figure, now, and expect later on this afternoon to offer an amendment to add the same to this bill, which amendment I hope will be acceptable to the other members of the subcommittee.

The bill also contains—under "General investigations"—a $20,000 item to advance work by the corps with regard to the collection and removal of drift in the New York Harbor, one of the Nation's major ports. This is a tremendous problem, as the subcommittee was told at the time of our public hearings—with approximately 2,000 sunken wrecks to be dealt with, in addition to unused and deteriorating docks and abandoned shoreline appurtenances whose ownership would be difficult, if not impossible, to establish, and that constitute a hazard to navigation as well as an unsightly and unsafe public condition. The OMB has reservations—based apparently on the precedent thereby set—about going ahead with this attack on harbor blight, which attack will be on a local cost-sharing basis, but I hope those reservations can be overcome and that this necessary work will proceed since I see no other practical way of getting it done.

Mr. Chairman, there are many other matters that I could—and probably should—comment upon, but I have already taken too much of the Committee's time, so let me conclude by saying, again, that this is a most interesting and challenging work assignment, but work which I enjoy inasmuch as there is contained therein the hope, if not always the assurance, that I have a useful role to play in making this a better America for this, and future, generations.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may use to the distinguished gentleman from Maine, a member of the Committee on Appropriations (Mr. HATHAWAY).

Mr. HATHAWAY. Mr. Chairman, I want to thank the chairman and the members of the subcommittee on both sides of the aisle for the excellent bill they have brought before us and particularly thank the gentleman from Wisconsin, who recently spoke, for his comments on the Dickey-Lincoln School project.

As the Members know, since the Dickey project was authorized in 1965, its care, keeping, and legislative struggles have absorbed an enormous amount of my interest, time, and effort.

As principal proponent of the project in the House, I have become so closely identified with it, that mention of its name automatically evokes my own—among both friend and foe of the project.

I have worked diligently to advance the project, convinced of its great merit and of the substantial benefits it would provide for the people of both Maine and New England.

During the years that I have struggled to assure the construction of the project, there have been moments of victory, but they have been all too few. More often, on the floor of this House, and despite my best efforts when this issue has been tested, I have experienced the bitter taste of defeat.

On July 12, 1965, during my first year in the House, President Johnson sent to Congress his recommendation that the Dickey-Lincoln School hydroelectric power project be authorized. Shortly thereafter, following heated battles, the project was authorized, and later in that same year, an initial appropriation of $800,000 was made. In 1966, an additional $1.1 million was appropriated for further planning, but since that time all efforts to gain continued funding of the project have failed.

Yet even in defeat there was consolation in my belief and faith that eventually, compelled by the full realization of the project's merits and New England's needs, my colleagues in this House would finally endorse this project. The past history of other Federal power projects provided great encouragement in this regard, for looking back we find that struggles between private and public power interests are almost always characterized by such delays and setbacks.

In the case of the Dardenelles project in Arkansas, the Eufaula project in Oklahoma, and the Walter F. George project in Alabama and Georgia, the delay between authorization and construction of the projects was 10 years. In the case of the De Gray project in Arkansas it was 12 years; for the Lower Monumental project in Washington, 16 years; for the Cordell Hull and J. Percy Priest projects in Tennessee, 17 years; for the Little Goose in Washington, Millers Ferry in Alabama, and Robert S. Kerr in Oklahoma, 18 years; and in the case of the Jones Bluff project in Alabama and the Lower Granite in Washington, there was a delay of 21 years from the time of authorization until actual construction began.

Similarly, the U.S. Congress started giving TVA serious consideration in 1921. For a period of 12 years a battle raged over it, until it finally became law in 1933. In the case of the Grand Coulee project, 15 years of strife and argument intervened between the time it was found to be feasible and the day it was authorized by Congress.

Despite the encouragement which this past history gives me, I am faced now with a most difficult decision, given a new element in the situation. Now the Appropriations Committee has recommended that $100,000 be appropriated for a restudy of the Dickey project. A project of lesser scope and cost, limited to serving the needs of Maine is envisioned.

All of the project's electric energy would be marketed in Maine, eliminating the cost of transmission to other New England points and reducing the generating capacity of the project.

Substantial flood control and recreation benefits would accrue from the project, and an important new one—irrigation—would be added.

Maine is the second largest potato-producing State in the Nation. The economy of Aroostook County is a potato economy, subject to the whims and accidents of nature to which agriculture is always subject. As a result, true stability is not characteristic of the economy there. Rather it is a bust and boom situation, and unfortunately, the lean years have far outnumbered the prosperous ones.

While the county is designated a humid area, annual rainfall is short of the inch-per-week required for optimum conditions for good potato crops. Irrigation would assure that water is available whenever needed.

It is estimated by the Department of

Agriculture that if we had irrigation possibilities in Northern Maine for the potato crop, this would mean an additional $20 million a year in benefits to that area.

Therefore, the contemplated new, smaller project could help stabilize the Maine economy, improve crop quality and yield, and perhaps lead to some much needed agricultural diversification in the area.

There seems little doubt but that the alternative project suggested by the Appropriation Committee would be of great benefit to Maine. The Corps of Engineers has assured me that a good project serving the multiple needs of Maine can be developed.

But it is not easy to give up a dream, to compromise, to bow to the realities of legislative necessity.

Of all the times I have stood in the well of this House beseeching support for this project. I have never felt more keenly than I do today my responsibility to the people of Maine, consumers of electric power throughout New England, and the advocates of public power whose cause I have championed.

I am called upon to make a judgment affecting them all. Should I adopt the suggestion of my committee colleagues and espouse the alternative plan—or should I hold out for the Dickey project as originally conceived.

I have spent much time pondering this question, examining carefully my responsibilities and evaluating the chances of legislative success under both courses of action.

I have reluctantly decided to adopt the committee recommendation, and I urge the support of my colleagues.

While my inclination to insist upon completion of the Dickey project as originally conceived is strong, and such a course would give me a great deal of satisfaction, I have concluded that it would ill serve the people I represent.

And so I call upon you again for support, urging you to preserve this last remnant of a dream, albeit a most valuable remnant for my State.

I urge you to support the appropriation of $100,000 for the Dickey restudy, and to reject any motion to strike that modest sum from the bill.

Mr. EVINS of Tennessee. Mr. Chairman, I yield such time as he may use to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I yield to my distinguished colleague from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Chairman, I would like to have an explanation from the chairman of the subcommittee, the distinguished gentleman from Tennessee (Mr. EVINS) of this Dickey-Lincoln school project.

As I understand it, the committee has approved the sum of $100,000 with which to initiate a 3-year restudy of the feasibility for the design or a small-scale study to meet only the requirements of the State of Maine, including power.

My question is this: If this project is approved and receives the $100,000, is any of that cost going to be assessed against the users of power in, say, the Commonwealth of Massachusetts and the other New England States?

Mr. EVINS of Tennessee. Mr. Chairman, will my distinguished friend from Massachusetts yield?

Mr. BOLAND. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. The answers to the distinguished gentleman's question is no. This restudy is being requested because of the impasse which has occurred between the House and the other body. This is a compromise proposal to allow a restudy which will take 3 years. The maximum full cost is estimated to be $100,000. We assure the gentleman that it will be confined solely to the State of Maine.

As the gentleman will recall, the original project entailed the ultimate expenditure of $270 million. The estimated maximum expenditure for this project would be $40 million or less and confined to the State of Maine.

As the gentleman knows, both the Representatives from that State in both the House and the Senate favor the project. We propose the restudy and reevaluation of the project in an effort to meet the needs of Maine. It is conceivable that it might be referred to the authorizing committee for authorization of the new, smaller project when the study report is completed.

So, I assure my friend from Massachusetts that the project will be confined to the State of Maine.

Mr. BURKE of Massachusetts. With that understanding I want to serve notice on the Hosue that I will support this part of the bill. I have been strongly opposed to the Dickey-Lincoln school project as originally proposed. And, if it comes back in the same manner again I will oppose it at that time, but I will support this proposal that is made today.

Mr. EVINS of Tennessee. We thank the gentleman for his position.

Mr. BOLAND. Mr. Chairman, I support the recommendations of this subcommittee upon which I serve. I am happy that the chairman of the subcommittee brings this bill to the floor of the House today.

I might indicate to the House that this bill comes to the floor 2 days after the first anniversary of the death of the Honorable Michael J. Kirwan, of Ohio, who served for so long and so faithfully and with such dedication and spirit—not alone as the chairman of this subcommittee for some 6 years, but as a member of the Appropriations Committee for almost three decades.

I know that those of you who served with him when he chaired this subcommittee used to marvel at his presentation of the recommendations from the Subcommittee on Public Works. We were always impressed by his concern for his country and its progress. Mike Kirwan referred to this bill as does the present chairman EVINS as the All-American bill. We think it is precisely that, Mr. Chairman, because it is a well-balanced bill and in the judgment of this committee and the Members of the House it seeks to meet the needs and concerns of all sections of this Nation with respect to water resources and power and irrigation. These considerations are all contained in it in a well-balanced way.

Mr. Chairman, I want to compliment our distinguished chairman of this subcommittee, the gentleman from Tennessee (Mr. EVINS), and the very able ranking minority member, the gentleman from Arizona (Mr. RHODES), and all those who serve with us on the subcommittee as well as our fine staff for the work they have put into this bill.

Mr. Chairman, my particular concern, of course, is New England.

I am especially concerned with the current status of the Connecticut River Basin study. Although the study has been under way for several years, with expenditure of a considerable sum of money, it is now being strongly criticized in the area for failure to give full consideration to its environmental impact. The completed study was expected to be submitted to the Water Resources Council for final review and coordination this month. I have recently been advised, however, that the New England River Basin Commission, based on its review of the report, has determined that the study must be extended at a cost of $600,000 to $700,000 to give more detailed consideration to the environmental concerns that have been raised as well as to review the flood frequency data which has been utilized in the formulation of the plan.

It is most important that at the earliest possible date an adequate plan for the water resources development of the Connecticut River Basin be developed which will assure adequate flood protection, water supply, water quality, recreation, and other water resource requirements. However, this plan must at the same time assure that it will have a minimum of environmental impact on the Basin. I hope that the additional study requirements can be finalized at an early date and I am sure that our committee will fully support adequate funding of the required additional studies.

I should note that the budget proposed $110,000 for the Corps of Engineers to initiate preparation of authorization reports on proposed projects in the early action program of the Connecticut River Basin plan. The committee agreed with me that this proposal was premature as the comprehensive report had not been finalized and was being subjected to strong criticism in the area for failure to give full consideration to its environmental impact as I have indicated. The committee, therefore, at my suggestion, deleted the $110,000 for initiation of preparation of the authorization reports and redirected the use of these funds for the preparation of more adequate studies of the impact of the plan on the environment of the area. These funding recommendations of the committee are in agreement with the action which has recently been taken by the New England River Basin Commission.

I again repeat that we must have a balanced program in the Connecticut River Basin—one which will provide for essential water resource development and yet minimize and, in fact, enhance to the greatest extent possible, the valuable en-

vironmental and ecological aspects of the area.

I include in the RECORD at this point resolutions received from the county of Hampden and the city of Springfield, Mass., and a letter from the board of selectmen of the town of Ludlow, Mass., in support of more adequate consideration of the environmental impact of the Connecticut River Basin plan.

The resolutions follow:

COMMONWEALTH OF MASSACHUSETTS,
COUNTY OF HAMPDEN,
Springfield, Mass., May 12, 1971.

Whereas there has recently been completed a plan for the development of the Connecticut River Basin, entitled "Connecticut River Basin Comprehensive Water and Related Land Resource Investigation", under the auspices of the Army Corps of Engineers, which plan is being reviewed by the New England River Basins Commission; and

Whereas said plan has been evaluated by a "Citizens Review Committee" appointed by the New England River Basins Commission; and

Whereas said Citizens Review Committee has emphasized that the proposed Basin Plan contains no adequate environmental or ecological data concerning the environmental effect of individual project proposals of the plan in its entirety; and

Whereas we are gravely concerned that said plan may result in significant and irreversible environmental damage, and that said plan has not given proper consideration to such possible environmental consequences,

Now therefore be it resolved that the Hampden County Commission does hereby strongly urge that studies of the environmental impact of said plan be undertaken immediately; and that further review or implementation of said Connecticut River Basin Plan be deferred until such studies can be completed and made available for use and consideration by the People of the Valley and by all agencies responsible for reviewing and implementing said plan.

Be it further resolved that the Hampden County Commission forward a copy of this resolution to President Richard M. Nixon, Governor Francis W. Sergent, Senators Edward M. Kennedy and Edward W. Brooke, Congressmen Edward P. Boland and Silvio O. Conte, Russell E. Train, Chairman to the President's Council on Environmental Quality, and to Frank Gregg, Chairman of the New England River Basins Commission, and William D. Ruckelshaus, Administrator, Environmental Protection Agency, 1626 K St. N.W., Washington, D.C. 20464.

CITY OF SPRINGFIELD,
April 5, 1971.

Whereas, there has recently been completed a plan for the development of the Connecticut River Basin, entitled 'Connecticut River Basin Comprehensive Water and Related Land Resource Investigation" under the leadership of the Army Corps of Engineers, which plan is being reviewed by the New England River Basin Commission; and

Whereas, said plan has been evaluated by a "Citizens Review Committee" appointed by the New England River Basins Commission; and

Whereas, said Citizens Review Committee has emphasized that the proposed Basin Plan contains inadequate environmental or ecological data concerning the environmental effect of individual project proposals or of the plan in its entirety; and

Whereas, we are gravely concerned that many of the proposed programs in said plan may result in significant and irreversible environmental damage, and that said plan has not given proper consideration to such possible environmental consequences.

Now therefore be it resolved that the City Council does hereby strongly urge that studies of probable environmental impact of said plan be undertaken immedately; and that further implementation of the existing Connecticut River Basin Plan be deferred until such significant studies can be substantially completed and made available for review and consideration by the public in the Valley and by all agencies responsible for reviewing and implementing said plan.

Be it further resolved that the City Clerk, William C. Sullivan, be hereby instructed to forward a copy of this resolution to President Richard M. Nixon, Governor Francis W. Sargent, Senators Edward M. Kennedy and Edward W. Brooke, Congressmen Edward P. Boland and Silvio O. Conte, Russell E. Train, Chairman of the President's Council on Environmental Quality, and to Frank Gregg, Chairman of the New England Rivers Basins Commission.

THE TOWN OF LUDLOW, MASS.,
June 24,1971.

Hon. EDWARD P. BOLAND,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BOLAND: The Board of Selectmen of the Town of Ludlow has been alerted to the fact that the Army Corps of Engineers has advanced a plan, soon to be acted upon by Congress, calling for the construction of over 200 dams on the Connecticut River and its tributaries. We and others are concerned with this proposed plan, especially in view of the lack of environmental analysis and safeguards in the proposed development of the Connecticut River by the Corps of Engineers.

We stand in support of the Springfield City Council, the Hampden County Commissioners, and the Massachusetts House who have all recently passed resolutions asking for a halt in the advancement of any plans for the Connecticut River until proper ecological safeguards can be developed by a source independent of the Army Corps of Engineers.

We stand in support of a community-wide effort aimed at preserving the natural beauty and life of the Connecticut River.

Very truly yours,
WILLIAM D. MULLINS,
Chairman.

Mr. Chairman, I am grateful for the remarks of the gentleman from Wisconsin (Mr. DAVIS) with respect to the Dickey-Lincoln project. I do not like the $100,000 that we put in here for a restudy and reevaluation of some alternative to the authorized Dickey-Lincoln School project. As a matter of fact, in the subcommittee I offered an amendment which would have added $800,000 to continue planning on the big Dickey-Lincoln reservoir project. I have supported that project for the past several years. I still support it. But, recognizing the realities of the situation and faced with the almost imposible task of favorable action on the Dickey-Lincoln project, I support the recommendation of this subcommittee. Acting on the assurances of the gentleman from Tennessee and the gentleman from Arizona (Mr. RHODES) that this is the position of the House, I would hope when we get to conference that we will stick to this position. It is my intention to do precisely that. I do support the recommendation on the Dickey-Lincoln project as it is brought to the floor today by the subcommittee.

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

Mr. EVINS of Tennessee. Mr. Chairman, I have one additional request for time.

Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, I appreciate the concern the committee has expressed in its report language on protecting the environment. I note that there is $65 million in this bill for the Tennessee Valley Authority. I am disturbed by the fact that the Tennessee Valley Authority is the largest commercial user of strip-mined coal in this Nation, and as such, although the TVA was set up to protect the soil, it has devastated huge areas of eastern Kentucky and other regions of our Nation. I know that there are reclamation regulations set up by TVA, yet apparently those reclamation regulations are both loosely drawn and poorly enforced. The regulations themselves are shot full of a lot of loopholes. If these regulations are as tough as TVA claims they are, then reclamation of strip-mined land is a farce.

Last year, TVA bought 32 million tons of coal, approximately half of which was strip mined. The devastation caused by this strip-mining is rapidly escalating.

I would certainly hope that the committee would look into the reclamation regulations of the TVA, and what TVA is really doing to protect these areas before all of this valuable soil is completely devastated, and the streams filled with acid.

Mr. EVINS of Tennessee. Mr. Chairman, I thank the gentleman from West Virginia for his recommendation, and confidence.

Mr. HULL. Mr. Chairman, I rise in support of the public works for water and power development and Atomic Energy Commission appropriation bill for 1972.

In my opinion, this legislation is meritorious and properly places emphasis on many important civil works projects.

I cannot let this occasion pass without expressing my extreme dismay concerning the committee report's comments regarding the Pattonsburg Lake project in my congressional district.

The committee states that it does not feel it is warranted in proceeding with the advance participation in funding of an interstate highway crossing because of questions regarding the economic feasibility of the lake. The question of economic feasibility arose because the Southwestern Power Administration has thus far not recommended inclusion of power in the project.

The fact is that there is a market for power at Pattonsburg and the Southwestern Power Administration will soon be contacted along this line.

I trust that the committee is holding its participation in the project in abeyance without prejudice to the future of the desperately needed Pattonsburg Lake.

I quote here from a letter I have just received from Mr. Truman Green, general manager and member of the Central Electric Power Cooperative in Jefferson City, Mo.:

For over a year correspondence has developed on the Pattonsburg Reservoir Project concerning the power installation feature.

Our Associated group has offered to take the power from the Cannon Project in Northeast Missouri, and we can no doubt offer the same relative amount for the power at Pattonsburg.

The amount offered is equivalent to $14.40 per firm KW per year plus .2 cent per KWH including right to schedule operation to fit our load requirements.

We have scheduled a meeting with the Corps of Engineers in Kansas City on August 10 to discuss this project in greater detail as to the installation and use of power features.

Mr. WILLIAMS. Mr. Chairman, I oppose the amendment to H.R. 10090 which would strike $3.7 million for construction of the Tocks Island Dam.

It is interesting to note that the Tocks Island Dam project was authorized by the 87th Congress in 1962 under Public Law 87–874. Now, 9 years later, this amendment would be just another roadblock in getting this valuable, much-needed improvement started. Actually, this is just another example of the delay and procrastination which stems from some actions of the Congress and which results in greatly increased costs when projects are eventually started.

The purpose of the Tocks Island Dam project is to provide a water storage reservoir, a hydroelectric facility and recreation complex on the Delaware River northeast of Stroudsburg, which is in the northeastern part of Pennsylvania.

This water storage reservoir will permit a more controlled flow in the Delaware River during times of drought. On a number of occasions during drought periods, the saline line of the Delaware River in its tidal portion has come upstream almost to the city of Philadelphia, and the city of Philadelphia depends on the Delaware River for much of its water supply. The construction of the Tocks Island Dam project, with the resulting water storage facility, would prevent this from happening in the future.

Also, the Tocks Island Dam project would enable a better saline balance to be maintained in the Delaware River Bay area, thereby protecting and enhancing the oyster industry in the Delaware River Bay area.

As far as affecting the fish resources of the upper reaches of the Delaware River, which actually extend into New York State, the Tocks Island Dam project includes the construction of a fish-passage facility. This fish-passage facility will actually improve the fish resources in the upper reaches of the Delaware River and, in fact, in the entire Delaware River.

The Tocks Island Dam project would also create miles of publicly owned water front which will be used by the people of the entire region for recreational purposes.

The hydroelectric facility will produce much-needed energy for the region. We all know that we are today facing an energy crisis with demands for energy increasing at the rate of 8 percent annually. The hydroelectric facility is the only facility that can produce electrical energy without any type of pollution.

While it is true that Mr. Russell Train, Chairman of the Council on Environmental Quality, rejected the environmental impact statement of the Army Corps of Engineers and asked the Corps to undertake a study which sought viable alternatives, it is also true that as a result of Mr. Train's action, the Interior Department did make a study of the environmental impact of the Tocks Island Dam project.

The conclusions of the Department of the Interior's study are that the Tocks Island Dam project will provide benefits and that this project is the viable alternative to the present problems of the Delaware River. The fact is that this information, and additional information from the Army Corps of Engineers, will be submitted to Mr. Train and should answer any reasonable questions that Mr. Train may have about the benefits of the Tocks Island Dam project.

The Delaware River Basin Commission and its staff have thoroughly studied the Tocks Island Dam project including the downstream effect of this project, and this Commission is strongly supporting the Tocks Island Dam project. The Federal representative on the Delaware River Basin Commission is Mr. Paul VanWegen, an outstanding environmentalist.

Thus, the construction of the Tocks Island Dam project could and should begin during this fiscal year, and it would not be a responsible action for the House to delete the construction money for this project for this fiscal year. Therefore, I urge the defeat of the amendment.

Mr. ASPINALL. Mr. Chairman, I rise in support of H.R. 10090 making appropriations for public works for water and power development, including the Corps of Engineers, Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power marketing agencies of the Department of the Interior. This measure is of the utmost importance to the Nation's economic well-being. In this era when one rarely hears a voice raised in support of programs designed to strengthen our economic base and undergird our standard of living, it is a welcome and heartening sign to see the Subcommittee on Public Works Appropriation stand up and be counted in this area. I commend the subcommittee, its distinguished chairman, the gentleman from Tennessee (Mr. EVINS) and its equally distinguished ranking member, the gentleman from Arizona (Mr. RHODES); not only for the welcome increases that have been made in the President's budget throughout the program, but for the firm and vigorous stand taken by them and the full committee on behalf of the prerogatives of the Congress in public decisionmaking. I recommend to every Member that he or she read with care what has been set forth in the committee report on this measure concerning the practice of Executive withholding of legally appropriated funds. Needless to say, I fully endorse the sentiments implicit in those statements.

Mr. Chairman, I endorse the bill and express particular appreciation as well as support for the level of funding of programs of the Bureau of Reclamation in the Upper Colorado River Basin, generally, and the State of Colorado, specifically. The level recommended by the committee will enable the Animas-La Plata, the Dolores, the Dallas Creek and the San Miguel projects to proceed through advance planning at an orderly rate and permit them to enter the construction stream in an acceptable time frame. The bill also provides adequate recognition of the fund requirements of most ongoing reclamation construction programs such as Fryingpan-Arkansas and Curecanti. I am disappointed that the bill does not contain funds with which to undertake advance planning on the recently authorized Narrows Unit in northeastern Colorado. This is a badly needed program, both for flood control and water conservation. I can only say that we appreciate the problems facing the Committee on Appropriations and earnestly hope that the situation will be such that this badly needed program can be undertaken in fiscal year 1973.

In conclusion, Mr. Chairman, let me say once again that I endorse H.R. 10090 and urge all Members to vote for its passage. It is an important measure not only in terms of what it provides for the communities that will be benefited, but it is equally important that it serve as a message to those who would have water resource development take a rear seat at the budget table that the House of Representatives no longer intends to abdicate a role in establishing priorities for how this Nation conducts its business.

Mr. DORN. Mr. Chairman, the public works appropriation bill now before the House provides funding for several harbor projects in South Carolina which are vital to the economy and security of the entire Nation. These are navigation studies for Charleston Harbor and for Georgetown Harbor and funding for the Cooper River rediversion project. The entire Southeast is dependent on the large flow of goods through the facilities at Charleston Harbor and of course Charleston is one of our most important military ports. The future completion of the Charleston Harbor study and the Cooper River project will make possible the long needed improvement and deepening of Charleston Harbor and will enable the South Carolina Ports Authority to continue its dynamic program of expansion.

This bill provides $70,000 this year for work on the Charleston Harbor navigation study, the amount that was requested by the administration. This study was authorized by our House Public Works Committee. As a member of the Public Works Committee it was my pleasure to support passage of this study, which was sponsored by our beloved late colleague, Mendel Rivers. His successor, Congressman MENDEL DAVIS, is rendering outstanding service to the State in continuing to promote the full development of Charleston Harbor. I pledge Congressman DAVIS my continued cooperation in working for adequate funding for the study and the Cooper River project, so that work can be started to deepen and improve Charleston Harbor.

The Cooper River project, also authorized by our Public Works Committee, is funded by this bill at a 1972 level of $150,000, the amount that was requested by the administration. The timely completion of this project is likewise a precondition to long-range improvement of Charleston Harbor. This great and imaginative project would reduce the silting of

Charleston Harbor and would have extremely beneficial environmental effects.

Mr. Chairman, my interest in Charleston Harbor dates back to my service in the South Carolina General Assembly when I supported the creation of the South Carolina State Ports Authority so that Charleston Harbor could be an outlet for the industrial products and pulp wood of the entire State. The State of South Carolina has invested millions in Charleston Harbor, and it has become one of the Nation's most important commercial and military ports. The South Carolina State Ports Authority has developed at Charleston one of the most efficient, if not the most efficient ports in the Nation. Public minded citizens from every section of our State serve on the authority board of directors. Their contribution and the contribution of the authority to the development of the State's economy has been incalcuable, and the entire State is grateful to them. Already Charleston Harbor is a national leader in the handling of containerized freight, and the ports authority has recently announced plans for construction of a passenger terminal that will be closer to residents of 26 States than are either New York or Miami.

Mr. Chairman, I wish to commend Congresman EVINS and the entire Appropriations Committee. This committee had to contend with severe budgetary restrictions and was forced to allocate insufficient total funding among many worthwhile projects. The committee has worked tirelessly and has recommended a bill that I support.

Mr. VANIK. Mr. Chairman, while I generally support the bill before the House providing appropriations for the Atomic Energy Commission, the Corps of Engineers civil works program and other agencies, I am deeply disturbed about several aspects of the bill.

First, in the Atomic Energy Commission appropriations, $42.9 million is provided for nuclear safety, but very little stress is given in the committee's report to the absolute essential nature of research and safety guarantees in this area. The committee report calls attention to developments in the area of the liquid metal fast breeder reactor, but makes no note of the complex safety questions which have been raised about these reactors by such eminent scientists as Dr. Edward Teller. In addition, I can find no mention of the safety questions raised by recent failures involving fluid loss in scale model reactors. Absolute priority must be given to the correction of any possible danger in these reactors before further construction is undertaken.

Secondly, I am disappointed about the language in the bill which provides for further stream channelization. During the debate on the Department of Agriculture bill, I joined with other Members in offering an amendment to prevent further stream channelization by the Soil Conservation Service. Unfortunately that amendment failed, but I would hope that the Corps of Engineers would take a careful look at the environmental effects of any of their stream channelization activities.

I have been assured by the corps that they do not plan any stream channelization or straightening in their project to improve the environment of the Cuyahoga River Basin in northeastern Ohio. The entire community will be watching this important project to insure that it truly helps the Cuyahoga and does not turn it into a sterile, ugly water causeway.

We are opposed to stream and river channelization because these projects involve the cutting of all trees along the proposed watercourse and the clearing of stream bank vegetation along with the digging of long, straight, flat trenches, all for the purpose of increasing the flow of the stream and hence, the drainage and runoff on surrounding land. Needless to say, the damage to plant and wildlife systems is extensive. As an example of the harmful effects of channelization, the grading of the streambed eliminates irregularities which cause the stream to break its surface and thereby oxygenate itself. Channelization also destroys the hollows and pools which are the main breeding ground for aquatic life. As a result, it has been estimated that all of the bottom life of a stream is eradicated for a decade or more by channelization. It has also been found that even after long periods of time the variety of stream life never reaches over 50 percent of that present prior to grading or dredging. In addition, the destruction of the plantlife along the streambanks deprives wildlife of what is sometimes its only breeding ground in the midst of extensive reaches of farmland. Finally, the rapid drainage of large areas of swamp and marshland negates one of the major functions of the Nation's watercourses: the process whereby water is passed through plants and soil slowly enough to naturally filter out impurities and pollutants which would otherwise be transported downstream.

In addition, I am very disturbed at the provision of $6 million in this bill for the start of construction on the Tennessee-Tombigbee project in Mississippi and Alabama. This project, which will ultimately cost the Government $346 million has to be one of the most unnecessary boondoggles in the history of public works. It has been justifiably described as an attempt to turn the Mississippi River into a two-lane highway. Its purpose is to provide river towns on the Tennessee River with quicker access to the Gulf of Mexico by digging a canal, parallel to and east of the Mississippi—with which the Tennessee is, of course, already connected. If this 253-mile waterway is built, the Tombigbee River will be converted into a virtual barge canal and its tributary streams will have to be dredged and channeled. The project involves construction of five locks and dams, plus five separate locks, to overcome a 341-foot difference in water levels between the Tennessee and Tombigbee Rivers. At Bay Springs, Miss., an 84-foot lift will be required to carry the waterway over a natural divide. The Corps of Engineers will be faced with the disposal of over 258 million cubic yards of dirt.

If built, the Tenn-Tom would inundate 24,000 acres of prime forest and agriculture land, and partially submerge or threaten to submerge 46,000 additional acres of land. The Environmental Protection Agency's regional report has warned of the "loss of natural shallow water areas, flood plans, pools and bars and riffles with their associated aquatic vegetation conducive to stream purification," an increase in water temperature, and a change in fish species and organisms in the fish food chain in the river systems.

The program is certainly a destructive watershed project. The 170 miles of tributary systems and the 140 miles of Tombigbee River would cease to be free-flowing. Pollutants now found in the Tennessee and Ohio Rivers, as a result of heavy industrialization of these river valleys, would flow into and contaminate the relatively pure waters of the Tombigbee and its tributaries. These pollutants include pesticides, mercury and toxicants, such as DDT. Barge traffic can be expected to add oil slicks and to cause disturbances of sediments.

The regional report of the Environmental Protection Agency has declared the project to be of questionable economic value. The report urges that the project be reevaluated and indicates that even if all known antipollution measures are taken, the project will still degrade streams and rivers and the general water supply.

The canal must not be regarded as a cure-all for the area's economic needs in that benefits will go to barge shippers, not to residents. The project will not generate any electrical power, nor will it control any floods.

The only benefits appear to be from navigation—to the detriment of railroads in the area. A 1962 Corps of Engineers' study based upon these benefits showed the cost/benefit ratio to be $1.01 to $1, once it was adjusted to reflect realistic interest rates. Later the Corps started claiming benefits from recreation and wildlife conservation bringing the supposed cost/benefit ratio to $1.60 to $1 I seriously question these alledged environmental benefits.

Obviously, there is a question as to whether this project will really meet the congressional requirement that a project's benefits exceed the estimated costs. In addition, the development of the Tenn-Tom would violate the National Environmenal Policy and the Fish and Wildlife coordination Acts in that it attempts to connect two separate ecosystems. This project should be stopped before it is started.

Mr. HARRINGTON. Mr. Chairman, I rise in support of the $100,000 provision included in the public works appropriation bill to fund a restudy of the Dickey-Lincoln School project in Maine.

This is unfortunately not an appropriation for preconstruction planning of the original project. The original Dickey-Lincoln project would have provided low-cost, essentially nonpolluting power for the entire New England area. The latest estimates indicate that the project would have yielded wide-ranging benefits to New England, particularly cheaper and more adequate electric power. Each year the estimated dollar value of these benefits would have been double that of the revenues necessary to run the

project. In addition, the project would have generated enough revenue to completely repay with interest, the full Federal appropriation for Dickey-Lincoln.

But this original proposal is not what we are considering today. That project was defeated in committee by continued reluctance to fund the full scale Dickey-Lincoln project authorized in 1965.

The $100,000 included in the public works appropriations bill is to be used to study the feasibility of building a small project designed to aid the State of Maine in solving some of its own particular problems, including electric power, water quality, flood control, irrigation, and recreation. The cost of the entire program is estimated at $40 million, not the $273 million envisioned for the regional project.

It is indeed unfortunate that full scale funding for the Dickey-Lincoln project was not supported in committee. The regional project would have provided many benefits for all the people of New England. But the compromise version supporting a smaller project will also reap benefits, most particularly for the citizens of the State of Maine. I support this appropriation and only find it unfortunate that it is limited in scope.

We, in this country, are in the midst of an energy crisis. This situation is no more deeply felt than in New England with its high power costs and low energy supply. We must use every means possible to provide adequate and environmentally safe power to the people. Funding a study for a smaller project is one of these means. I urge all my colleagues to vote against any amendments designed to remove these funds from the appropriations bill.

Mr. ICHORD. Mr. Chairman, I intend to support H.R. 10090, the public works appropriations bill for 1972, but I would first like to take this opportunity to commend the Public Works Subcommittee of the House Appropriations Committee for the tremendous task of preparing this bill and the accompanying hours and hours of work. Chairman EVINS deserves utmost credit and praise for a very big job very well done, especially in this time of close priorities.

Embodied in H.R. 10090 are funds for continuing three very important flood control projects in Missouri; namely, Meramec Park Lake, Union Lake, and the study of the Gasconade River Basin in my district. H.R. 10090 would allow $2,500,000 for continuing the land acquisition program at Meramec Park Lake, $275,000 for preconstruction planning at Union Lake, $1 million for highway relocation at Union Lake; and $10,000 for continuing the feasibility study of the Gasconade River Basin.

Meramec Park Lake and Union Lake are two of the five mainstream reservoirs contained in the entire development plan of the Meramec River Basin in southern Missouri, most of which lies in my congressional district. Meramec Park Lake is the key reservoir in the development and will be a most worthwhile investment heralding many benefits to southern and mid-Missouri in the areas of flood control, recreation, water supply, water quality control, and fish and wildlife conservation.

It is generally agreed that this reservoir will be a most welcome catalyst to improving local social and economic conditions.

The $2,500,000 appropriation for fiscal year 1972 will permit the continuation of the land acquisition program at an accelerated pace as we are nearing the actual construction stage. The State of Missouri has met all the Federal requirements for local cooperation on the project, and there is sufficient support from interested residents to warrant the appropriation.

The appropriation for Union Lake is also very important and will permit the continuation of preconstruction design and planning. Union Lake is another key element in realizing full development of water resources in the Meramec River Basin. It forms an integral portion of the comprehensive plan and will serve essentially the same purposes and benefits as Meramec Park when completed. I support both the preconstruction planning appropriation of $275,000 and the $1 million for highway relocation.

Last, I am also interested in the $10,000 for continuing the feasibility study of the Gasconade River Basin in my district. This appropriation will provide the funds to update an old study of the Gasconade Basin made in 1956. There have been many changes in the area, including the construction of Fort Leonard Wood in the general area of the two primary proposed dams at Arlington and Richland. Other important changes in the area include a railroad line. The Gasconade development projects would be an important factor in stimulating the long-term growth of a primarily rural area.

Mr. SHRIVER. Mr. Chairman, as a member of the Appropriations Committee, I am well aware of the many demands for financial resources both for domestic and foreign programs. As we continue to wind down the war in Vietnam, we need to concentrate our attention more and more on domestic needs, and certainly flood control, water supply, development, conservation and recreation deserve greater attention.

The committee appropriately has taken into consideration the priority needs for water resources as well as the serious inflationary problem facing the country. This bill provides over $4.5 billion for public works programs and the Atomic Energy Commission which is approximately $40 million less than the budget request.

Approval of new planning and construction starts was given on only a very limited basis and only for projects involving a small total cost.

I wish to commend the subcommittee for including $50,000 in the appropriations bill to enable the Corps of Engineers to begin preconstruction planning of a local flood protection project in Marion, Kans. The city of Marion has experienced serious flooding problems over the years from Mud Creek which flows through the city.

Recently President Nixon helped dedicate the Port of Catoosa near Tulsa, Okla., signaling the opening of the Arkansas River to navigation up to Tulsa. The President spoke of the economic benefits which navigation could bring.

This bill includes $135,000 for a continuing multipurpose study, including navigation, of the Arkansas River from Great Bend, Kans., to Tulsa. This study, started in 1965, will determine the feasibility of navigation into the Wichita, Kans., area, which might prove to be a logical continuation of navigation on the Arkansas River that has been completed to Tulsa.

Mr. Chairman, there also is an item in the Bureau of Reclamation budget, included in this bill, for $29,000 for an irrigation study of the Kanopolis Unit, Smoky Hill Division. This is a study initiated in 1967 which is long overdue. There has been a great deal of bureaucratic footdragging on this important feasibility investigation. I have been in touch with the Commissioner of the Bureau and with the Secretary of the Interior to urge that the investigation be completed at the earliest possible time in order that this project can be reauthorized by Congress.

Finally, the committee has acted responsibly and in keeping with the concerns of the people of Kansas relative to the proposed national radioactive waste repository, planned by the Atomic Energy Commission near Lyons, Kans.

Funds for land acquisition have been deferred pending further study and review of the safety and environmental factors involved in this project. I support the allocation under the AEC operating expenses appropriation of $1.8 million for the study of public health and safety aspects of the Lyons facility.

Mr. JOHNSON of California. Mr. Chairman, I rise today in support of H.R. 10090, a bill to appropriate funds for the Atomic Energy Commission and the water resource development programs of the Bureau of Reclamation and the U.S. Corps of Engineers.

Because of the nature of the Second Congressional District, which I represent here in Congress, my principal concern is with the water resource development. I would like to congratulate the chairman of the full committee, the gentleman from Texas (Mr. MAHON), and the chairman of the subcommittee, the gentleman from Tennessee (Mr. EVINS), and the other members of the Appropriations Committee and its staff for a very thorough and comprehensive study of a very complex problem. The comments made in the House report, which accompanied this bill, certainly are well taken and I call the remarks made on the first nine pages of the report to the attention of my colleagues here on the floor for I think that they will, without question, impress upon you the importance of water resource development upon the environment of our Nation.

We hear much about the environment but I think the whole picture is summed up extremely well in two paragraphs found in the report which I would like to repeat here:

> The Committee believes that the objectives of water resource development and the enhancement of the environment need not be incompatible and indeed should be complementary. A proper balance must be maintained in the national interest and in the

public interest. The Committee rejects the position of either extreme—development no matter what the environmental impact or sacrificing all economic growth at the whim of the environmentalists.

The Committee shares the widespread concern for the environment but believes it should be realized that the agencies involved in water resource development are increasingly aware of the environment and have instituted extensive changes both in the planning process and in actual construction to minimize any adverse impact of their work on the environment.

Turning to my own State and district I want to say that the recommendations contained in this bill are realistic. We, of course, as everyone, could use more money if we were to try to meet the capabilities of the Federal agencies involved in resource development. However, the committee in screening all of these proposals has come up with a sound recommendation.

It is my hope that the construction which would be permitted during the coming 12-month period on these projects will help alleviate our critical unemployment situation in northern California. It is gratifying that in some areas the committee saw fit to move ahead at a pace somewhat faster than originally proposed by the administration.

Timely development of our water resources is like money in the bank. This is a sound investment in our future but it is one that we cannot realize the benefits from until the projects are constructed and in place.

Accordingly, I urge my colleagues to join me in support of H.R. 10090.

Mr. BEVILL. Mr. Chairman, in 1959 Congress passed legislation authorizing the Tennessee Valley Authority to issue bonds, the proceeds of which were to be used to finance capital additions to the TVA power system. The bonds issued under this authority are backed solely by revenues from the sale of electric power and are not charges on the Federal Treasury.

In addition to granting TVA authority to issue bonds the legislation required the repayment, over a period of years, of $1 billion worth of appropriation investment in the power system as well as an annual payment of a dividend or return on the appropriation investment.

This return is computed in much the same way as the interest payment is computed on a home mortgage—with one major exception. In a home mortgage the interest rate to be applied is fixed. In the case of TVA the Federal Treasury receives a payment based upon a fluctuating interest rate.

This fluctuating rate is computed by finding the average interest rate payable by the U.S. Treasury upon its total marketable public obligations at the beginning of the fiscal year in which the return is being paid.

In 1961, the first year payments under the 1959 legislation were due, TVA paid as a return on the appropriation investment about $41 million. The computed average interest rate was 3.449 percent and the appropriation investment was about $1.2 billion.

In fiscal year 1971, after TVA had repaid more than $100 million, the payment was over $65 million. As anybody who has lived through a home mortgage is aware, such payments usually decline as the principal is repaid. The reason they have not in TVA's case is the fact that the interest rate base to compute the return has risen from 3.449 to 5.986 percent.

These figures point out the fact that the U.S. Government has made a wise investment—one that has paid good dividends—in the TVA power system. A review of the experience under the 1959 amendment to the TVA Act shows that TVA has paid over $650 million into the Treasury in carrying out the provisions of that amendment.

However, these monetary returns are perhaps the least important dividends the country has received from its investment in TVA. More important is the economic growth that has been aided by the abundance of power in the TVA region. An example of this growth is the fact that in 1929 per capita personal income in the TVA region was $317. By 1933, when TVA was formed, it had fallen to $168. Both of these figures represented 45 percent of the national per capita income. By 1969 per capita income in the TVA region had grown to $2,759 or 75 percent of the national figure.

In strictly monetary terms, this rise has greatly increased the region's tax payments to the Federal Treasury. The 1967 tax collections from the region were about 1.7 percent of the national total—double the 1933 proportion. This meant $746 million more income to the Federal Treasury in 1967 from the region than if the 1933 proportion had continued.

However, the dividends from the investment in TVA should not be measured solely in a monetary way. For the improvements that TVA has helped bring about mean that population of the region can provide for itself better housing, better education, and better nutrition.

The Federal investment in the Tennessee Valley Authority has paid both monetary and human dividends to the region and the Nation.

Mr. FULTON of Tennessee. Mr. Chairman, the original Tennessee Valley Authority Act passed in 1933 contained provisions for payments to the States of Alabama and Tennessee which would be in the nature of in lieu of tax payments. However, as the TVA program gained experience Congress became convinced that the original provisions were not adequate to states and counties in which TVA projects were located.

Therefore, in 1940, Congress amended the TVA Act to remedy this situation. Under these in-lieu tax provisions of the act TVA, during the year ending June 30, 1971, paid about $20 million to State and local governments. More than half of this amount, $10.5 million, was paid to the State of Tennessee.

This amount is more than Tennessee's total general fund appropriation last year for its department of conservation, including strip mine reclamation, forestry, State parks, water resources, geology, tourist promotion, and hotel and restaurant inspection programs. In addition to the payment to the State, TVA paid almost $1 million to local governments.

Payments in excess of $1 million were also made to State and local governments in Alabama, $4.3 million, and Kentucky, $2.8 million. Other States receiving in-lieu tax payments from TVA were Georgia, Illinois, Mississippi, North Carolina, and Virginia.

This year's $19,960,863 total for TVA in-lieu-of-tax payments is based on the agency's wholesale power revenues, and represents only part of an estimated $45 million which State and local governments are receiving from wholesale and retail power operations in the region. The other $25 million is the estimated amount being paid in taxes or tax equivalents by the municipal and cooperative electric systems that distribute TVA power.

More than two-thirds of the combined total goes ultimately to local governments. Most of the TVA payments go to State governments, but several States redistribute part or all of this money to local governments. And local governments get most of the taxes paid by the local electric systems.

Last year the combined TVA-distributor payments amounted to 6.5 percent of the power bills paid by users of TVA electricity. Comparable State-local tax ratios for private power companies serving surrounding areas range from 3.5 to 9.9 percent of their customers' power bills.

These payments do not include taxes imposed directly on power users, such as the sales taxes on electric bills in several Tennessee Valley States.

As provided by law, TVA's payments this year represent 5 percent of last year's taxable power revenues—power sales to several government and military installations are exempt. These payments will total $1,121,101 to counties and $18,839,762 to States.

Under the law, counties receive fixed tax replacement payments equal to former ad valorem taxes on any electric utility property purchased by TVA, and on TVA reservoir land allocated to power purposes. States governments receive the rest of the money available under the 5-percent provision. This is allocated among the States by a formula that takes into account both the location of TVA power system property and the proportion of its power revenue from each State.

Mr. JONES of Alabama. Mr. Chairman, I want to commend my friend from Tennessee (Mr. EVINS), the distinguished chairman of the Appropriations Subcommittee on Public Works, and the members of his subcommittee for their considerable work and their perceptive action in bringing this bill to us for consideration today.

As a member of the Public Works Committee which has considered authorizations for much of the work to be financed through this bill, I can attest to the great urgency and need to increase our investment in the projects which are required for the proper advancement and well being of the people of this Nation.

The total needs far outpace the resources which are available, and each delay hinders our realization of the potentials which can be gained. This a fact which the very knowledgeable chairman and the members of his subcommittee recognize and appreciate.

I particularly want to comment on the increase which the committee has recom-

mended for the funds allocated to the fertilizer program conducted by the Tennessee Valley Authority for the benefit of the farmers and the consumers of food throughout the Nation.

The economies in food production which have resulted from the work of the National Fertilizer Development Center have significance for all Americans.

The need for additional funding of the fertilizer program at this time is the result of several factors. Foremost of these is the nature of the job assigned to TVA. In setting up TVA, Congress intended that it improve the quality, lessen the cost, and increase the supply of fertilizer available to the American farmer.

In order to carry out this assignment, TVA first had to develop laboratories and assemble a team of scientists to carry out basic research. From these laboratories has flowed a steady stream of new products and processes which have been of great benefit to the farmers and consumers of this country.

But an idea in a laboratory or a patent on paper does not improve quality, lessen cost, or increase the supply of fertilizers. To do this a production scale plant is needed to assure that the fertilizer can be produced in commercial qualities and to obtain enough of the new product to demonstrate its value to farmers and fertilizer distributors.

In deciding upon the size of production plant, TVA could have chosen one that would have competed with a commercial fertilizer industry. If this course had been selected, the $30 million which TVA paid into the U.S. Treasury in the 1950's would have been invested in new, larger facilities incorporating economies of scale.

Such a decision would also have meant continuing the production of proven products long after their demonstration value has been exhausted. TVA's decision on this point reflects their belief that the operation of a large scale commercial plant, despite its economies, would have hampered their ability to develop and introduce new and better products.

Therefore, instead of building newer, higher volume facilities TVA chose to continue operating older, less efficient ones Some of these are now being replaced—but with units scaled to production of relatively limited quantities of products.

Instead of sticking with proven and accepted fertilizers TVA is continuously bringing new products on line; products that increase farming efficiency and hold down food costs. At present TVA produces about a dozen kinds of fertilizers and has plans to phase some of these out and bring new ones into production in the next few years.

It is obvious that this type of operation is more expensive than a commercial type operation would have been. Nevertheless, TVA might have been able to maintain it without the additional funds the Appropriations Committee has recommended, had it not been for two other factors.

The first factor is the decline in purchases by the Department of Defense. As late as 1967 sales to the Department of Defense for munitions use amounted to over $2½ million. TVA estimates that it will have no sales in this area in fiscal 1972.

The second major area is the unusual decline in fertilizer prices caused by too rapid expansion of the Nation's fertilizer production capacity. The price of TVA fertilizer products is pegged to market value, therefore the decline in market prices directly affects TVA's fertilizer finances.

TVA has striven to meet its increased financial needs during the past couple of years by reducing inventory, and selling no longer needed assets. However these sources of financing are dried up. The additional funds recommended by the Appropriations Committee are needed to assure continued operation of this valuable program.

The serious effects that would result if, because of a lack of funds, TVA's fertilizer program were to shut down, would be felt beyond the Tennessee Valley area. Introduction of new technology to the American fertilizer industry would come to a virtual standstill, resulting eventually in higher fertilizer prices to the farmer and higher food prices to the consumer. Also, many of the small business firms engaged in TVA's fertilizer introduction program would face serious financial difficulties—209 of the 292 firms cooperating with TVA are classified as small businesses. These companies have invested in facilities and equipment to utilize new TVA products with the expectation that eventually they will become readily available from private industry. With TVA dropping demonstration production, these investments would be lost.

The TVA fertilizer program has been unique in concept and effectiveness. The pursuit of practical developments to the point of widespread use has paid off handsomely for the Nation. Supplemental support of this outstanding program is essential to keep it going during this particularly difficult period.

Therefore, I urge that the Appropriations Committee's addition to the TVA fertilizer financing be approved.

Mr. MIKVA. Mr. Chairman, 2 weeks ago this House debated the authorization bill for the Atomic Energy Commission. At that time, I joined my distinguished colleague, the gentlewoman from Hawaii (Mrs. MINK) in urging that the proposed underground nuclear test at Amchitka Island be canceled, for reasons of economy, for reasons of sound environmental policy, for reasons of sane nuclear policy, and because the test was considered unnecessary even to achieve the defense goals for which it was designed.

Today, we are asked to appropriate moneys to carry out that unwise, unnecessary nuclear experiment. The same reasons I gave 2 weeks ago compel me to oppose this project today. In addition, my colleague from Hawaii has just revealed another compelling reason why every Member of this House should refuse to rubberstamp these funds.

It now appears that, out of seven agencies which made recommendations to the President regarding the advisability of carrying out Project Cannikin, five recommended that the project not be continued. Yet the President, apparently feeling that Congress is not entitled to share this information before making a decision, withheld these reports from Congress and continues to refuse to provide them even though my colleague, the gentlewoman from Hawaii (Mrs. MINK) has specifically requested them.

Again, we seem prepared to lie down like sheep, and complacently relinquish our proper constitutional function of oversight, of checks and balances.

The clear lesson of the Pentagon papers, and of the current hearings before Senator ERVIN's subcommittee regarding executive privilege, is that the executive branch will not provide Congress with information which is adverse to its position unless Congress firmly asserts its proper prerogative.

I urge my colleagues to support the Mink amendment, and to refuse to provide the funds for this nuclear experiment at least until we have been given the common courtesy of having an opportunity to review the rest of the available evidence regarding the scientific, military, and environmental pros and cons of the test.

Mr. EVINS of Tennessee. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 102. No part of any appropriation herein shall be used to confer a fellowship on any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence or with respect to whom the Commission finds, upon investigation and report by the Civil Service Commission on the character, associations, and loyalty of whom, that reasonable grounds exist for belief that such person is disloyal to the Government of the United States: *Provided*, That any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence and accepts employment or a fellowship the salary, wages, stipend, grant, or expenses for which are paid from any appropriation contained herein shall be guilty of a felony, and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provision of existing law.

AMENDMENT OFFERED BY MRS. MINK

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

The Clerk read as follows:

(Amendment offered by Mrs. MINK) Page 5, after line 12, add the following new section:

"SEC. 103. None of the funds appropriated by this Act shall be obligated or expended, directly or indirectly, to pay any part of the cost of the testing by detonation of any nuclear bomb, warhead, or other similar device on, or in the vicinity of, the Aleutian Island of Amchitka, Alaska."

POINT OF ORDER

Mr. EVINS of Tennessee. Mr. Chairman, a point of order.

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

Mr. EVINS of Tennessee. Mr. Chairman, I have examined the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) and it seems that when she says in her amendment that "none of the funds appropriated by this act shall be obligated or expended, directly or indi-

rectly, to pay any part of the cost of the testing by detonation," and so forth, that this is imposing new and additional duties. It is legislation when you impose, either directly or indirectly, new or additional duties, so I think it is legislation on an appropriation bill, and I ask that my point of order be sustained.

The CHAIRMAN. Does the gentlewoman from Hawaii desire to be heard on the point of order?

Mrs. MINK. Mr. Chairman, I do.

Mr. Chairman, I simply want to say that the amendment simply restricts the spending under this act for the detonation of a bomb or device in the Aleutian Islands. That is the sole purpose of the amendment that I have offered. There are no additional responsibilities or any additional legislation intended by this amendment.

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

In the opinion of the Chair the amendment offered by the gentlewoman from Hawaii (Mrs. MINK) is solely a limitation on the funds in this bill, and the point of order is overruled.

The gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes in support of her amendment.

Mrs. MINK. Mr. Chairman, I rise to offer an amendment to H.R. 10090 to delete all funds for the Cannikin underground nuclear test proposed for this fall in Alaska's Aleutian Islands.

The House has considered this matter before, but we now have reason to believe that our fears expressed earlier have been corroborated by at least five executive agencies.

I read from the Washington Evening Star of this past Monday, July 26:

[From the Washington Star, July 26, 1971]

AGENCIES' VIEWS DIFFER ON AMCHITKA TEST BLAST

(By James Welsh)

The White House has received conflicting recommendations from various government agencies on whether to go ahead this fall with an underground nuclear test on remote Amchitka Island.

According to informed sources, two federal agencies, the Department of Defense and the Atomic Energy Commission, favor a go-ahead for the five-megaton test blast.

For a variety of reasons, five other agencies—the State Department, the Office of Science and Technology, the United States Information Agency, the Environmental Protection Agency and the Council of Environmental Quality have recommended either canceling the test or postponing it until after the SALT arms-limitations talks.

Amchitka is at the southwestern tip of the Aleutian Islands off Alaska, about 700 miles from the Soviet Union.

In October, 1969, the AEC set off a one-megaton hydrogen bomb 4,000 feet deep within the islands without causing any of the earthquakes, tidal waves or environmental damage feared by critics of the testing.

The megatonnage of this fall's planned test, which is code-named Cannikin, is five times as large. The nuclear device is scheduled to explode 6,000 feet underground. Cannikin is a test of a large Spartan warhead designated for use as a component of an ABM system protecting Minuteman missile sites.

The latest recommendations on the proposed test are a product of a departmental undersecretary committee named to investigate the controversy. The recommendations went directly to Henry Kissinger, Nixon's chief foreign policy adviser, and John Ehrlichman, chief domestic adviser.

The Defense Department and AEC, sources said yesterday, continue to favor the testing as important to national security. They minimize the chances that the test will trigger earthquakes or cause other unwanted environmental side effects.

OST, which is the President's scientific advisory arm, reportedly opposes the experiment, not primarily for environmental reasons but because the warhead to be tested has been made obsolete by recent weapons development.

The State Department, sources said, took a middle ground. It did not recommend canceling the test, but advised postponing it until the completion of the SALT talks. The Council of Environmental Quality took much the same position. The Environmental Protection Agency opposes the test, believing that even a slight possibility of earthquake is too much of a chance to take.

Since this news article I have besieged all five of these departments, plus the White House for release of these important reports. We are entitled to know the full official recommendations of these agencies. All my efforts have been unproductive. The refusal to honor my request is a clear violation of the Freedom of Information Act. In checking with the Justice Department, no Executive privilege has been claimed. At the very least, each Member of this body is entitled to have these reports.

This is another instance of the right of Congress to know all of the facts when considering legislation being shunted aside for the sake of executive secrecy.

The Council of Environmental Quality and the Environmental Protection Agency were both established to protect the public. Since they were called upon to comment on the Amchitka tests and reportedly have recommended against it, the public has a clear right to know the findings and basis for these recommendations. To deny not only a member of Congress, but the American people of this information subverts the very intent of the law which established these protective agencies.

I submit that the issues surrounding this question I present to the House today are serious ones. I urge my colleagues who are concerned about the integrity of this legislative body to weigh carefully the constitutional issues involved, and of our rights as a coequal body. I urge you to support my amendment as a clear and unequivocal signal to the President that we believe that the reports of these two public agencies belong to the American people. That unless we are all furnished these reports it is unconscionable to expect us to legislate in the public interest.

The safety of the people of my State is involved. The safety and hazard to our environment are involved. The risks have been cited by some of our country's most eminent scientists. And now we are told these risks have been concurred in by our two Government agencies mandated by law to protect and safeguard our environment, and yet we are not able to even read these reports.

If some in this Chamber regard my fears as unfounded, if some in this Chamber regard the fears expressed by leading scientists as unfounded, surely you must agree that the views of two agencies commissioned to give careful and studied review of these matters are of enormous significance and must be weighed before it is too late and irreparable harm is done.

Mr. Chairman, I therefore urge my colleagues to support my amendment, and to give this Nation the kind of Government it deserves and which is prescribed by law.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. EVINS of Tennessee. Mr. Chairman, the proposed atomic test in the Aleutian Islands has been thoroughly debated and evaluated by the Joint Committee. It was considered in the House, debated and approved. More recently there was extensive debate in the Senate on the matter and the vote of final passage of the bill was 90 to 3. The two Senators from Alaska voted against it and one Senator from Hawaii voted against it. The other Senator voted for it.

The matter is recommended by the Department of Defense. Of course, the President at any time could cancel the test if he so desired. The cost is $127 million. $100 million has already been spent. The test is in connection with the ABM and the Spartan missile warhead, which is essential for defense. It has been recommended at the highest levels, and there has been extensive debate in the House on July 15 when the gentlewoman safety are assured. Only about $5 million in the bill would be affected by this amendment. The committee has evaluated the matter thoroughly and has concluded that the test should proceed. I urge defeat of the amendment.

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 RECORD contains a great deal of information concerning the Cannikin test as a result of the debate in the House on July 15 when the Gentlewoman from Hawaii offered an amendment to strike funds for the test from the AEC authorization bill. That amendment was rejected.

Even more was placed in the RECORD on July 20 when the other body rejected two amendments offered to the authorization bill which would have delayed the test until the President's visit to mainland China in one case, or in the other case until completion of the SALT meetings or the end of fiscal year 1972 whichever occurs first. (Rollcall votes (a) 37–57 and (b) 29–64.)

I have no desire to repeat all that has been said before, but there is one area which I feel should be emphasized. And this is that any possible adverse effects have been very thoroughly studied not only by the AEC, but by expert consultants from the best sources available including other Federal agencies, universities and recognized independent experts representing a wide variety of scientific disciplines.

For Cannikin, a standing panel of consultants for the AEC has performed a review of the effects predicted on the

geology, groundwater, ecology, and natural manmade structures from ground motion and radiation hazards. In addition, because of the seismic nature of the Aleutians, the special panel for seismology has reviewed and advised upon programs which the AEC has conducted to study the seismological effects of Cannikin. For the most part, these experts were selected from candidates recommended by the National Academy of Sciences. The panel of consultants as well as the special panel for seismology was made up of individuals from the U.S. Geological Survey, University of California, University of Illinois, St. Louis University, University of Nevada, Washington State University, University of Michigan, Columbia University, California Institute of Technology, Palo Alto Medical Clinic, Scripps Institution of Oceanography, Sheppard T. Powell and Associates, and Shannon and Wilson, Inc. They represent such disciplines and subdisciplines as radiobiology, soil mechanics, structural engineering, geophysics, hydrology, radiation medicine, ecology, geology, oceanography, tsunaminology, seismology, and hydrogeology. All told the talents of some 60 recognized scientific and technical advisors and participants have been involved to varying degrees with deliberations on these subjects for the AEC's conclusions as to the safety of the Cannikin test. In addition, several hundred AEC and AEC contractor personnel have been engaged in direct performance of studies.

In addition to those already mentioned, I should like to list for you some—just some—of the very highly regarded organizations that have provided their expertise in evaluating this test. Included are:

National Oceanographic and Atmospheric Administration.
Colorado School of Mines.
University of Wisconsin.
University of Hawaii.
DELCO Electronics.
TETRA Tech Corporation.
University of California—Berkeley.
University of California—Davis.
Stanford University.
Columbia University.
Lawrence Radiation Laboratory.
Sandia Laboratories.
Los Alamos Scientific Laboratory.
Environmental Research Corporation, Nevada.
University of Washington, Seattle.
University of Alaska.
National Marine Fishery Service.
Battelle Memorial Institute, Columbus, Ohio.
Ohio State University.
University of Tennessee.
Brigham Young University.
Utah State University .
National Science Foundation.
Smithsonian Institution.

When one is fully aware of the most comprehensive study and planning which have been conducted relative to this test, you can only echo the question asked by the distinguished Chairman of the Joint Committee during debate in the other body—"* * * how much more do we have to do?"

I should like to comment briefly on one further point. It has been stressed—and correctly—that the final decision to conduct this test rests with the President. Recent press reports indicate a diversity of views among various Federal agencies similar to the diversity of views in the Congress as to whether this test should go forward and the reasons attributed for the various agency positions are the same as we have heard in the congressional debates.

The fundamental issue remains the same however. This country's Chief Executive asked the Congress for the ABM and the Congress approved that request. Our Chief Executive has again officially requested funds for the Cannikin test to develop an effective ABM system which became the policy of our Nation when Congress approved it. If he is to be able to carry out that policy, these funds should be approved. If not, then the basic policy should be repudiated. This is not the way to do it.

I urge rejection of the amendment.

Mr. GUDE. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Hawaii to strike from the Public Works Appropriation bill the funds marked for the Cannikin underground nuclear test at the Amchitka test site in Alaska. The proposed Cannikin test has stirred a great deal of controversy, and there is no doubt, as the gentlewoman from Hawaii has pointed out, that there is substantial disagreement within the Federal Government as to whether the tests should be conducted. The mere fact that the White House has publicly declined to support Cannikin is an indication that the many objections and questions raised concerning the test deserve to be taken very seriously.

It has been estimated that the blast will be in the 5-megaton range. The AEC has offered the results of the Milrow test at the Nevada test site as evidence that the risk is small. Let me say, Mr. Chairman, there is a long leap from a 1-megaton test in a seismically quiet area in Nevada to a 5-megaton test in Alaska where the earth is violently unstable.

I am not a prophet of doom, but the possibility of triggering an earthquake or a tsunami wave, commonly known as a tidal wave, and the danger of release of radioactivity are sufficient cause for concern.

Scientific predictions of the environmental consequences of previous tests have not been faultless, and the sheer magnitude of the Cannikin blast makes past experience with underground nuclear testing an uncertain measure of its potential consequences.

The experts of the AEC have long since lost their right to shroud themselves in the cloak of infallibility. Let me give three examples of this. First, in 1964 the AEC categorically claimed that underground nuclear tests would not trigger natural earthquakes except under exteremely unusual circumstances. But after the experience of six 1-megaton bomb tests at the Nevada test site, that assurance was completely reversed. Now the AEC says that large explosions invariably trigger natural earthquakes.

The Alaska test site was developed only because the planned explosions were found to be too big and too dangerous for Nevada.

The second example: Contamination of the ocean and the surface through venting of radiation is another risk that cannot be ruled out. Again, past experience is not reassuring. According to AEC Chairman Seaborg, out of 230 underground tests, each designed to be fully contained, 67 leaked.

Third. Project Longshot, the 80-kiloton test conducted at Amchitka in 1965, was not expected to leak radioactivity for hundreds of years, but only a few months after the test radioactivity surfaced in at least two small fresh-water ponds.

Nuclear tests creating the possibility of earthquakes, tsunami waves, or contamination by radiation leave precious little margin for error. The Cannikin test is a gamble with the unknown and requires compelling justification. To top it off, as the gentlewoman from Hawaii has stated, the Office of Science and Technology, which advises the President, has advised against it; not because of environmental factors, but because it will no longer provide meaningful information to presently planned defense systems.

In sum neither our defense needs nor the world situation constitute a compelling justification for taking the substantial risks posed by the Cannikin test. This justification has simply not been made. I strongly urge you then to strike the Cannikin funds from the public works appropriations bill.

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

Mr. Chairman, I speak in favor of the amendment, and I speak in favor of it, in addition to the points that have been made here, in order to support the right of this House to have the information it is entitled to have to make a decision of this type.

We have recently gone through the question of whether or not the people of America and the people in this House are entitled to know certain facts known to the executive department for many years, in the Pentagon Papers. And indeed, the chairman of the Committee on Armed Services, if I remember correctly, said that every Member of this House is entitled to have access to matter classified as "secret."

This matter, I understand, has been said to be classified as "secret", and that is the reason why the distinguished gentlewoman from Hawaii cannot have it. Now, we did not know about this material, we did not know about these reports, until last Monday, the 26th, when the newspapers indicated that vital information from agencies of Government was available with respect to this test, and that that information indicated risks in firing off the Cannikin in the Aleutian Islands.

I recall that a distinguished former President of the United States, President Truman, said, with reference to Executive decisions, "The buck stops here." I submit to you, with respect to decisions on policy of the important nature that this is with respect to that decision—the buck stops in this House and in this

Congress. It stops here. It does not stop with the AEC. It does not stop with any university research division that says this is safe. It stops here.

Unless we make the decision on the basis of our own judgment, as the Representatives of the people of the United States, we have failed in our duty.

I do not say that, ultimately, if we should receive this information, we would necessarily stop Cannikin, but I do say that a body which must make this perilous decision is entitled to have the information asked for by a distinguished Member of this body and is entitled to have it in spite of its being classified as "secret".

It has been said—and I think it has been well said—by citizens of this country, "What power do you have in Congress? What power do you have to determine issues of this type? What power do you have to get the information that is held exclusively in the hands of the executive department?"

The answer is we have the power not to act, not to appropriate until that information is given to us. We are entitled to that information as a coequal body of the Government of the United States, and unless we enforce that power, the decision on questions of policy will be denied to the body that is entitled to have it.

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

Mr. Chairman, there is very little to add to the splendid remarks of the gentlewoman from Hawaii (Mrs. MINK) and the gentleman from Texas (Mr. ECKHARDT) but I would like to add one thought; namely, that we are constantly being told here that we have already spent $100 million and most of it is spent and it would now be ridiculous for the Congress to play its proper role by canceling the tests because we would be wasting the money already spent. Every time we hear the plea that the money has been spent and the executive branch went ahead without giving us the information and the opportunity to play our proper role and therefore we should let them do it once more, it simply fortifies the practice on the part of the executive branch to withhold urgently needed information. It just maks it more difficult or even impossible for individual Members to perform according to the oath of office that we took. It encourages the practice of presenting us in the future with a fait accompli.

Mr. GIAIMO. Will the gentleman yield?

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

Mr. GIAIMO. I am intrigued by the argument of the gentleman and the gentlemen from Texas who preceded him in the well that we must have information from the executive branch when it involves activities of the Government. I quite agree, but I am also intrigued that that argument does not hold true when we seek to look into the activities of certain industries like the broadcasting industry in this Nation.

Mr. SCHEUER. I would say that any information the broadcasting industry or any other industry has that is appropriate to our function we ought to have, and we have the power under the law to do so.

Let me say even at this 11th hour it is perfectly clear there are sharp differences of opinion in the executive branch. The Department of Defense wants the test, and so does the Atomic Energy Commission. Both of them have an apparent self-interest in carrying on those tests. But the agencies of the executive branch that have the general interest of the national welfare apparently take a different view. The State Department has grave reservations, according to published reports, about the timing of it and they would like to see the test deferred. The Environmental Protection Agency and the Council of Environmental Quality both take the position that these tests should not be carried out.

Mr. GUDE. Will the gentleman yield?

Mr. SCHEUER. I am happy to.

Mr. GUDE. I would like to propose to the gentleman, in order to demonstrate the extent to which the situation is confounded that the Office of Science and Technology, which the gentlewoman from Hawaii mentioned, recommended to the administration, as we understand, not because of environmental reasons but because the military defense purposes for which this test was originally designed are now archaic, that this test is no longer either helpful or necessary. Actually this modification of the Safeguard system, once under consideration, is no longer to be developed.

Mr. SCHEUER. They characterized it as obsolete, according to published reports.

Mr. GUDE. That is exactly right.

Mr. SCHEUER. So, it seems to me, with the reservation of either the timing or the necessity or usefulness of the tests or the harmful damage that the test might cause, on the part of the Department of State and the Office of Environmental Quality and the Environmental Protection Agency and the Office of Science and Technology, that it behooves the Congress to see that we get the urgently needed information so that we can act responsibly.

Let me say, Mr. Chairman, that if the Joint Committee on the Environment, recently passed by both the House and Senate, and about to go to conference, were in existence now, it could play a vitally useful role in holding hearings, sorting out the various conflicting views held by the several executive branch agencies involved, and advising the House as to what a balancing and weighing of all the equities and competing national interests would indicate. But for now, let us delete the funds until we have the information on which to base a thoughtful, broad-gaged judgment.

Mr. EVINS of Tennessee. Mr. Chairman, I wonder if we can agree on time on this amendment.

Mr. Chairman, I ask unanimous consent that all time on this amendment conclude in 10 minutes.

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

Mr. HOLIFIELD. Mr. Chairman, I object.

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Chairman, I move that all debate on this amendment conclude in 15 minutes.

The CHAIRMAN. The question is on the motion offered by the gentleman from Tennessee (Mr. EVINS).

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Alaska (Mr. BEGICH).

Mr. BEGICH. Mr. Chairman, I am pleased to again join the gentlewoman from Hawaii (Mrs. MINK) in an effort to delay the Project Cannikin underground nuclear test by denying the funds necessary to carry out the test.

It seems completely unnecessary at this time to repeat the innumerable points which have been made regarding this test, and the many unanswered questions which remain. As far back as the Anchorage hearings on Cannikin on May 28 of this year, the AEC became aware of questions put forward by myself and a great many others in Alaska. I believe those questions were responsible and needed positive answers. For the record, I made those questions clear when H.R. 9388 was debated here only a few days ago. In my view, and the view of many who are professionally more qualified in the area of nuclear testing, the questions are still unanswered.

I think that three events which have occurred since the House last debated this question are of special interest here, and I would call your attention to them as this issue is reconsidered today.

First, on July 8, 1971, a U.S. court of appeals delivered some severe criticism to the Atomic Energy Commission for its planning and environmental impact statement relating to the Calvert Cliffs nuclear powerplant. In nearly unprecedented candor, the court said that the AEC's "crabbed interpretation of the National Environmental Policy Act makes a mockery of the act." The court also accused the AEC of a "total abdication of responsibilities," and said its judicial duty was "to see that important legislative purposes heralded in the Halls of Congress are not lost or misdirected in the vast hallways of the Federal bureaucracy."

I do not for a moment wish to confuse the Calvert Cliffs case with the Cannikin project, or to confuse the technical issues involved. I would also not make the same blanket accusations of irresponsibility toward the AEC as the Calvert Cliffs court does. On the other hand, it must be made clear that the AEC has not been without fault in this area, and it is not unreasonable to suggest that perhaps some important questions remain unanswered about Cannikin. When the unanswered questions relate to an underground nuclear test five times larger than any previously attempted by the United States, they become very critical omissions, in my view.

Second, on July 19, 1971, a report entitled "U.S. Underground Testing: Cannikin as a Case in Point" was released under the auspices of Members of Congress for Peace Through Law. This report, several months in preparation, presents a comprehensive case on Can-

nikin which challenges the need for such a test and describes the risks involved even if need could be demonstrated. The report was released by the gentleman from Maryland (Mr. GUDE) and U.S. Senator MIKE GRAVEL, of Alaska, and I commend it to all those interested in a thoroughgoing treatment of this issue, both from foreign policy and environmental viewpoints.

Third, on July 23, 1971, before the Arms Control Subcommittee of the Senate Foreign Relations Committee, chaired by Senator MUSKIE, the attorney general of Alaska, Mr. John Havelock, offered strong testimony on Cannikin and entered a letter on the record which made clear the thinking of Gov. William A. Egan of Alaska on this project as well.

I continue to believe that the concern being expressed by all these responsible groups and officials is justified. My support of the Mink amendment is based on my continuing concern that the Cannikin test should not proceed until all questions are answered. I urge you to join me in supporting this amendment.

I include both the testimony and the letter at this point as a further indication of the response of Alaska's public officials to this proposed test:

STATEMENT BY JOHN HAVELOCK, ATTORNEY GENERAL FOR THE STATE OF ALASKA

It is my understanding that this Committee is considering an extension of the treaty banning atmospheric nuclear testing to include all testing of nuclear weapons. It is probably beyond the competence of the state government of Alaska to express an opinion on the broad, theoretical issue: it is certainly beyond my personal capacity. But it might be of interest to the Committee to hear some observations on how the present American policy on testing is administered by the Executive Branch of government, under the present arrangement of only limited legislative instruction and broad executive authority as seen from the perspective of a state within which the largest test is to be conducted.

My comments will extend as such to the desirability of exploding the giant device, the last in the series currently undertaken by the Atomic Energy Commission, code named Cannikin and scheduled for Amchitka, Alaska this autumn. For reasons which I will indicate, we do not have sufficient information to offer a definitive opinion on that issue. My comments will be addressed to the method by which the decision to hold a test has been arrived at, a method which is the subject of substantial concern among the elected leadership and the people of our state.

I suppose, whatever we may view as the shortcomings of discretionary executive decision-making on nuclear testing, the situation was a lot worse before the adoption of the National Environmental Policy Act by the 91st Congress. The Atomic Energy Commission has conceded in principle the application of this act and a copy of the final environmental statement purporting to satisfy the requirements of the act was furnished us late last month.

At risk of instructing the Committee on matters it already well knows, let me briefly recite the five points which the Congress required to be covered in detail in the environmental statement: 1. The environmental impact of the proposed action, 2. Any adverse environmental effects which cannot be avoided should the proposal be implemented, 3. Alternatives to the proposed action, 4. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and 5. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

While on paper these requirements constitute a substantial step forward in exposing the grist of analysis that feeds the policy mill, as administered by the AEC, this process is little short of sham.

In saying so, I do not mean to impeach the good faith or integrity of the scientists and generals who have attempted to direct the AEC in conformity with the Environmental Policy Act. The problem is not personal, but broadly systematic; the same problem which brought the country to the brink of constitutional calamity just a few weeks ago. That problem is the persistence of unwarranted official secrecy in governmental decision making.

The National Environmental Policy Act is based on assumptions diametrically opposed to the mystique of the superior wisdom of high science or high office which nurtures secrecy in government. The act requires that an agency considering an action having a significant effect on the environment lay out the rationale of the proposed decision, including the cons as well as the pros, for public scrutiny and participation through debate, prior to making a final commitment on the proposed action.

Though in the extremes of the practical applications of the act, there are dangers of administrative chaos, in the main, the act can be used as a quiet instrument of revolution in the struggle to avoid the total isolation of the people from their government and the government from the consent of the governed.

As Mr. Justice Stewart remarked on June 30, in the *New York Times* against the United States,

"In the absence of the governmental checks and balances present in other areas of our national life, the only effective restraint upon executive policy and power in the areas of national defense and international affairs may lie in an enlightened citizenry—in an informed and critical public opinion which alone can protect the values of democratic government."

It is this ultimate bulwark of the decision making process of a democracy which the National Environmental Policy Act was designed to strengthen. The government itself, as well as the press, has a solemn obligation to quench the people's thirst for knowledge, not by assuring us of the integrity and wisdom of our leadership, not by marshalling the supporting arguments for a position taken, but by telling us in detail, the bad with the good, the impact of a proposed decision on the human environment.

The reference to the "human" environment in the National Environmental Policy Act is one of its nicer features, not "natural" environment, but "human." This distinction, among others, the Atomic Energy Commission has missed, or is perhaps incapable of sensing after a pinch of secret national security spice scents the policy stew.

The National Environmental Policy Act calls for a cost-benefit analysis, but the AEC has rung up numbers of bald eagle nests dislocated, sea otters affected and fish killed, inferring incorrectly that the standard imposed by the act is an atomic absolute such as extinction of a species or a level of "safe" radiation dosage. The AEC is in much the same position as the unfortunate oil industry spokesman after the Santa Barbara spill who asked why all the fuss over a few dead birds?

The National Environmental Policy Act envisions a relative standard: Whether, considering the costs or risks and the benefits, the action is worth it, "in balance". But the AEC shows us only half the scale with some dispensable otters and eagles on it.

The effect on the human environment of the decision to hold a test itself and the advantages and disadvantages of the testing program on this particular test are a brooding omnipresence unidentified in the impact statement. Secrecy has made a charade of the Act. But one sentence in the Environmental Impact Statement covers the point: "Cannikin is a vital part of the U.S. weapons development program."

Although the effect of the Environmental Statement is to minimize every adverse impact, these innuendos should be weighed against the warning of the report prepared for the President's Office of Science and Technology in 1968 by the ad hoc panel on the safety of underground testing:

"The need for these tests as planned should be compelling if they are to be conducted in the face of the possible risks that have been identified."

When, at the urging of Governor Egan, the Atomic Energy Commission generously agreed to hold public hearings last May under the National Environmental Policy Act, I quoted Dr. Harold Agnew, Director of the Los Alamos Scientific Laboratory to the panel as stating on April 20 in public testmony before the Senate Armed Services Committee that tests of the Spartan missile were to be carried out at Amchitka, Alaska. Since Dr. Agnew spoke, I asked the panel, has the President reviewed the need for continued national security on the general purposes of the test explosion? Though I was promised an answer, I have not yet received it.

What are the people of Alaska to think when they really do not know what the test is for, yet the press and the Congress itself debate the test question, pro and con, as if it were a fact that the test is part of the development of the first generation Spartan missile. Official secrecy has denied the general public the right to debate this issue except in a house of mirrors.

I have asked myself (and having no special access to information I do not know what the test is for) what harm would there be if this were the true purpose and the fact were officially confirmed? Since it has already been as much as stated by a number of people who have access to official secrets, then the harm is surely done already, but even then, what was the harm?

Has it caused "the death of soldiers, the destruction of alliances, a greatly increased difficulty of negotiation with our enemies, the inability of our diplomats to negotiate?" fears cited by Mr. Justice Blackmun in his dissent in the *New York Times* case, or has this secrecy, on the contrary, impaired the ability of this country, sensibly and democratically to make policy both external and internal to our boundaries?

It can be argued that the permanent officers of the AEC are today's battleship admirals at bay, their vision limited by the specialization of professional experience, protected in a last redoubt by the armorplate of official secrecy. If this is not so, let free debate determine the issue.

I hold no brief for breach of any official secrets act, but who is to bell the cat in another ten or twenty years if the government then reveals what so many now purport to know, that Cannikin tests the Spartan missile system? If it is a crime to make public the government's secrets, should it not also be a crime to make secret facts rightfully the public's? Spartan secrecy should not subvert America's Athenian democracy.

It is an irony of some poignancy that the men who, in their ways laid the foundation for the National Environmental Policy Act by introducing systematic analysis into public policy decision making have taken the brunt of the criticism of the nation's wayward course abroad the past several years. If there are lessons to be learned from the history recited in the Pentagon Papers, one is surely that secrecy is a long-term course

to public policy making is sometimes a short-term boon.

The value to the nation of shrouding the purpose of the Cannikin test of Amchitka from our enemies must be weighed against the damage done in disguising its purpose from ourselves.

In its preliminary calculus, the AEC should weigh the damage done to the quality of a public decision against the speculative values of secrecy. A debate carried on in a closed bureau of government or in the artificial atmosphere of suppositions does not produce as true a result as a public decision on the same subject publicly arrived at. Despite the semantic confusion between national security interests and national security secrets, the larger issues of national security are surely only in the rarest instance issues also for secrecy. In the sense that Congress looks for guidance to an informed public, the secrecy attaching to the test program also chills the ability of Congress to make effective decisions.

Another lesson of recent times is that moods and character of a people may be more important weapons in international relations than the hardware of war. This Committee is at the center of the exploration of this principle in its applications both home and abroad. The choice of weapons systems, the creative design of our politico-military structure in the world contest is an environmental issue of great delicacy. I do not envy this Committee its share of the responsibility for weighing the relevance of nuclear diplomacy to the needs of the world.

If that issue is to be weighed in keeping with our traditions, if we pursue the best chance of deciding these questions aright, the process must take place, in the words of the first *New York Times* case, *New York Times against Sullivan,* after "open and robust debate," having in mind, as the National Environmental Policy Act puts it, that "proposed action must be assessed from the perspective that each generation is trustee of the environment for succeeding generations."

Mr. Chairman, as an additional exhibit to my testimony, I would like to submit for the record a copy of a letter from Governor Egan to Secretary of Defense Laird urging at least a year's delay in arming the Amchitka device.

Hon. MELVIN R. LAIRD,
Secretary, Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: It is my understanding that, though the decision is ultimately the President's, the Atomic Energy Commission is still planning to go ahead this fall with the testing at Amchitka, Alaska of by far the largest underground nuclear device ever fired in North America.

The plan for an early detonation has not been disturbed despite considerable recent scientific testimony as to the environmental risks involved in such a test.

Even more disturbing has been testimony to the effect that the test is not even really necessary, but results from a definition of American security interests which has been overtaken by the march of events.

The only explanation given by the AEC for pushing ahead now is that the test is a "vital part of the U.S. weapons development program," an explanation which is years old and reveals nothing.

Mr. Secretary, Alaskans would be among the first Americans to assume any risk if it really was in the national security interest. But many Alaskans are troubled today that no current statement has been made by yourself or any member of the Executive ultimately charged with the protection of the national security. Nor has any explanation been given as to what that national interest is.

Despite the debate which has raged in the Congress and the public press on the assumption that the Amchitka test is intended to test the warhead for a first generation Spartan missile system, the Department of Defense has been officially silent on what the test is really supposed to prove.

At the environmental impact hearings held this May before the Atomic Energy Commission, in Anchorage, we quoted Dr. Harold Agnew, Director of the Los Alamos scientific laboratory as publicly stating that the Spartan test was to be carried out at Amchitka, Alaska Attorney General John Havelock then asked the Commission, "Has the President since the April 20 statement of Dr. Agnew, reviewed the need for continued national secrecy on the general purposes of this test explosion?"

Though a response was promised, to this date, Mr. Secretary, we have not received a reply, underlining the inference that neither the official secrecy surrounding the purposes of the test nor possibly even the purposes of the test itself have received a review of the highest level in recent months.

I understand why such a recent review might not have taken place. There are many other events such as the President's call on Wednesday for endorsement of a treaty banning the placing of nuclear devices under the ocean floor which might bear upon an armaments decision with as many ramifications as this nuclear explosion project. Under the circumstances, it would seem prudent to give active consideration to postponing the arming of the Amchitka device for at least one year. This would give time for a complete review of the issue, preferably a public review, in keeping with the traditions of decision making in a democracy.

Only when the government has made available information on all possible aspects of the test which do not infringe upon secrecy interests in national security can the public, including the Alaskan public and its elected representatives make an independent evaluation of the wisdom of this major governmental action. Your frank explanation of these issues would be of grant value to the American people and concerned Alaskans.

Sincerely,

WILLIAM A. EGAN,
Governor.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I want to commend the committee on an outstanding bill and particularly the augmentations which you have made. I think you have brought forth a great piece of legislation. However, Mr. Chairman, I do rise to support the position of the gentleman from Alaska (Mr. BEGICH) and the gentlewoman from Hawaii (Mrs. MINK).

I think they have some sound reservations about the tests at Cannikin, and I would like to take this time to ask either the chairman of the subcommittee or the chairman of the joint committee, the gentleman from California (Mr. HOLIFIELD), if they have any information in response to the queries that we all have about this article that appeared in the Evening Star to the effect that five of the seven Federal agencies involved have advised the President against going ahead with this project. Do you have any response or have you made any inquiries about these reports?

Mr. Chairman, the Cannikin test can fairly be described as the Mount Everest of 1971. Even though we know it is hazardous and we have little or nothing to gain by it, we are planning to go ahead with it simply because it is there. Do it and see how it feels.

I suggest that the possible environmental consequences of this test far outweigh its benefits to national security.

The environmental hazards of Cannikin can be divided into two categories—the seismic and the radioactive.

First, let us consider the seismic effects.

It is expected that the test will produce a shock wave of about 7 on the Richter scale, which is roughly halfway between the force of the Alaskan earthquake of 1964 and that of the Aleutian Islands quake of 1969. So it will be quite a bang. It will have about six times as much seismic energy as the largest Nevada underground test.

The question is: What if there are seismic stresses in the area just waiting to be released? That is, what if there is an incipient earthquake there right now? We do not know if there is or not. The fact that we were able to set off the 1-megaton Milrow test without triggering a quake gives us no assurance whatever, since earthquakes usually have thresholds. If the triggering blast is below the threshold, very little happens; if it is above the threshold, the geologic stresses resolve themselves and we have a disaster. It requires only a Richter force of 7.5—blast and quake combined—to make a tidal wave a virtual certainty.

The possible radioactive consequences are even more serious.

The blast will create a large underground cavity, which will be partly filled by a highly radioactive underground lake. The AEC predicts that the cavity will contain the radioactive water for about a thousand years. But it admits the possibility that a series of interconnected rock faults could bring some of this water to the surface within 2 or 3 years. In addition, Cannikin may create an escape passage for the radiated water from the earlier Milrow test.

If this water comes up and mixes with the ocean, we will not like the result. Much of the radioactivity in this water is due to isotopes of strontium and cesium. If you remember your chemistry, you know that these elements have similar chemical properties to calcium; that is, they become part of the structure of bone. This means that the bones of the fish and cretacean mammals exposed to this radioactivity will absorb and absorb these radioactive isotopes until they become more than a thousand times as radioactive as the surrounding ocean. This can make them unfit to eat; it can sterilize them, and it can kill them.

The AEC says these things will not happen. It says there will be no major quake, no tsunami, no water leakage. The fact is, the AEC does not know. It is making educated guesses, highly colored by the usual bureaucratic tendency to trim facts to suit existing policy.

The AEC has been wrong before. In 1964, it claimed that underground tests would not trigger natural earthquakes except under unusual circumstances. Now it admits that large explosions invariably trigger quakes. It has been wrong on other matters. It could be wrong this time.

Against these hazards, the test's benefit to national security seems slight.

We say a chain is only as strong as its

weakest link. But if we try to connect this test with our nuclear deterrent, we find a chain in which all the links are weak: First, the reliability of the warhead is not open to serious question, so the contribution of the test to the deterrent value of the standard Spartan is minimal; second, self-blackout effects make the contribution of the standard Spartan to area defense very small; third, the usefulness of an area defense system to defend hard points is minimal; fourth, the effectiveness of the entire Safeguard system against a heavy sophisticated attack is minimal; and, fifth, the fixed-based ICBM's, Safeguard is supposed to protect, are themselves obsolescent, and within the next 10 or 15 years they will probably be phased out.

In summary, we are taking significant risks for little or no gain. Our national interest requires that this test be canceled.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. ABZUG).

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

I would like to call attention to an article published in last Monday's Evening Star. The article states that according to informed sources, five of seven Federal agencies asked to submit opinions to the White House oppose going ahead with the Cannikin project at this time.

The Office of Science and Technology opposes the experiment because the warhead to be tested has been made obsolete by recent weapons development. I went into this subject during the last debate on Cannikin, and there has been much other testimony about it. I will not go into it again, except to draw attention once more to the Federation of American Scientists' report, which refers to the project as a bureaucratic oversight.

The Environmental Protection Agency opposes the project because of the environmental dangers, and the possibility of an earthquake. The State Department, the USIA, and the Council of Environmental Quality recommend postponing the test until the completion of the SALT talks. Only the Defense Department and the AEC recommend going ahead with the test. It is hard to imagine what kind of evidence it would take to persuade them not to go ahead with a project for which they already have built up momentum.

This amendment would keep the AEC from carrying out its so-called Cannikin project. The Cannikin project is the largest underground nuclear test we have ever carried out.

The AEC wants to explode a 5-megaton nuclear warhead in a hole on Amchitka Island in the Aleutians. This site is in a geologically active and earthquake-prone area. There is considerable concern about the dangers 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—the reassurances of the AEC notwithstanding.

Another cause of concern is accidental "venting"—escape of radioactive material from the test site. The AEC says this is unlikely, but they have been wrong before about such things. Before their past tests, they always reassured us that there was no danger of venting.

On April 13 of this year, I wrote to Chairman Seaborg of the AEC, asking several questions about incidents which have occurred in connection with past underground nuclear tests. I asked them how many of their past tests had caused release of radioactive matter.

They responded, on July 13, stating that from August 5, 1963, through June 30, 1971, 17 underground tests released radioactivity which was detected beyond the limits of the Nevada test site. They also told me that following the Baneberry test at Nevada, on December 18 of last year, fallout from the explosion was detected in environmental samples from most of the Western United States.

It should also be noted that any leak of radioactivity 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. Any fallout would be carried by prevailing west winds to the Vancouver and Seattle areas due east.

I would 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 thousands tons of mustard gas were dumped near Amchitka in 1946. These gases, if they are there, are sitting 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. There have also been reports that Liberty ships full of explosives and perhaps nerve gas were scuttled in the area.

We cannot conclude that because a 1-megaton test has previously been made at the Amchitka site, one five times larger can safely be carried out. We do not even know yet whether leakage will occur from the test site, next year or the year after—the concentrations of radioactive substances in the underground chamber where the test was made will be dangerously high for generations.

The only argument for this test is that it might possibly help us improve one part of the ABM system, and even this is doubtful. Unclassified testimony given in hearings and on the floor of the Senate last year and this has been demonstrated, ad nauseum, that the ABM is an Edsel—unmanageable, unworkable, and redundant. The idea that we or our enemy can be successfully defended from a 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.

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, total ban. Even the administration admits that there have been great advances in the detection of underground tests since the original test ban treaty was negotiated. William Foster, former head of the Arms Control and Disarmament Agency, knows a comprehensive treaty.

The Cannikin test is surely unnecessary and possibly extremely dangerous. The United States has no business carrying it out, and is not showing its good faith in the SALT negotiations by doing it. I urge the adoption of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

(By unanimous consent, Mr. MIKVA yielded his remaining time to Mr. FRASER).

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I think the most compelling argument is the one apparently submitted by the Department of State which suggested that at a minimum this test should be delayed until the completion of the SALT talks. It could well be that as a result of the SALT talks we would not need to proceed with the testing of a 5-megaton warhead. There is considerable evidence that the Department of Defense, even if it moves ahead with an ABM system, will be looking for a lower yield, higher velocity missile than the Spartan missile currently under design, and this would obviate the necessity for this kind of a test.

What this test suggests to me is the relentless march of technology which is compelling and accelerating an arms race in the nuclear field, which is costing this country billions of dollars, and which is steadily reducing our security year by year.

I hope that the Congress will some time take a hard look at what the Department of Defense keeps urging upon us, and begin to exercise some independent judgment. We need to put some restraint on the momentum of the Defense Department as it seeks to keep developing and deploying nuclear weapons.

This test is of international concern. The immediate impact of the test is on Canada. In a statement of February 19, 1971, the Canadian embassy requested that "the United States reconsider its plans to carry out high-yield tests on Amchitka Island." We would ignore this request at the risk of friction in our relations with Canada.

In addition, should the Amchitka test vent radiation to the degree that last year's Baneberry test in Nevada did, there is the likelihood of violations of the spirit of the Partial Nuclear Test Ban Treaty of 1963. This treaty outlaws atmospheric nuclear testing because of the dangers of fallout dispersal. Venting from the Cannikin test, depending on prevailing winds, could result in such dispersal of radioactivity, and thus could offend Canada, Japan, and the Soviet Union.

The international consequences reach global significance in the test's bearing

on the SALT talks. It would be ironic if an ABM limitation were reached at the same time we were testing a warhead allegedly designed for an ineffective and unneeded ABM system.

In addition, at a recent conference at Woods Hole, Mass., sponsored by the Advanced Research Projects Agency of the Defense Department, scientists reported that it is now possible to discern underground nuclear explosions. This technical capacity paves the way for an agreement to halt underground testing. It is in this direction that the United States should be moving. It is regrettable, though not surprising, that the Defense Department, with its official stand in support of Cannikin, withdrew from publication the report of the scientists' conference.

The State Department and other executive departments have recognized these international consequences, and in published reports have recommended postponement of the test until the SALT talks are concluded. These agencies make the point that the risk to international relations is equally a risk to our own national security.

Will our national security benefit at all from this test? Not according to the Office of Science and Technology, the President's Scientific Advisory Board. This Board has stated that the warhead to be tested has been made obsolete by recent weapons development technology.

Cannikin, a test of roughly 5 megatons, was originally required for the development of a high-yield Spartan ABM for area defense against nuclear attack by China. As of 1969, however, ABM strategy had been revised to emphasize point defense for our strategic land-based missile force. This kind of protection requires a warhead of much lower yield than 5 megatons. In fact, recent hearings held by the Senate Armed Services Committee reveal that it is now the Defense Department's stated intention to develop an "improved Spartan" with "much lower yield."

It is unreasonable to entertain grave risks to international relations on behalf of a weapons test which is very likely obsolete. Because of the need to reevaluate the impact this test would have, I urge that we adopt the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KOCH).

Mr. KOCH. Mr. Chairman, I rise in support of the amendment offered by our distinguished colleague from Hawaii (Mrs. MINK). What moves me to do so is this: Is there a Member in this House who would vote for this test if it applied to his own State? I dare say that each of you would rise up in your wrath and oppose such nuclear testing. Since the Representative and two Senators from Alaska are in opposition to the test, and since there is a serious question as to its safety, ought we not extend to them and their constituents that which we would want extended to us and our constituents?

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I made my position clear when this matter was last debated in the House, but I would like to add a footnote to the fine statements of the gentlewoman from Hawaii (Mrs. MINK) and of the gentleman from Texas (Mr. ECKHARDT). It seems to me this is a question, not only of technology on the march, but also of bureaucracy on the march. The Atomic Energy Commission not only refuses to comply with the law with respect to making information available to Members of Congress, but it refuses to comply with the law in other respects. Just this week the newspapers reported that the U.S. Court of Appeals for the District of Columbia, in a unanimous opinion, criticized the Atomic Energy Commission for making a mockery of the National Environmental Policy Act with its nuclear powerplant licensing procedures. We cannot afford the continuance of this kind of cavalier bureaucratic disregard of the law and of the rights of the public and of Members of Congress to have the information necessary to make informed and intelligent decisions on matters of great public importance.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. MYERS).

(By unanimous consent, Mr. MYERS yielded his time to Mr. RHODES.)

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Chairman, if there is anybody who doubts that the President of the United States is for this test he should just consider the fact that if the President were not for the test there would not be any test, and we would not be here trying to decide whether to appropriate the money or not. Of course he is for it.

Now, as to the SALT talks, one of the items on the table in the SALT talks happens to be the ABM system. If you do not appropriate money to test the warhead for the ABM system then we would be, at the very least, giving up a possible point of bargaining, without any quid pro quo. I cannot believe this would be very intelligent. Of course there has to be a test. This is the only warhead we have for the ABM system. The people who say that it may be obsolete, I think, are just whistling in the dark. Obviously, the warhead must be tested; there is not any substitute for it.

You do not build a warhead without testing it. It is vital to test. Otherwise, we might be relying on a weapons system that would not work if it was needed.

I think it is rather interesting that many of those who have spoken against the test have previously spoken, to my knowledge, against the ABM. I am wondering if this is a ploy on the part of people who are against the ABM to kill it collaterally when they are not able to kill it directly I certainly hope that that is not the situation.

It has been said that the House has a right to know. Of course, we have. The gentleman from Illinois (Mr. PRICE), one of the outstanding members of the Joint Committee on Atomic Energy and of the Committee on Armed Services, has taken the floor and told us he has personally gone into this matter and is satisfied that everything will be done to produce the kind of safety that we would all require.

I hope we will defeat this amendment so that we can proceed with the test, and with the development of the ABM warhead, which may some day be so essential to the preservation of this Nation.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee (Mr. FULTON).

Mr. FULTON of Tennessee. Mr. Chairman, I would like to voice my support for the amendment to be offered by the lady from Hawaii and associate myself with the position taken here in opposition to the pending AEC test at Amchitka, in the Aleutians.

There are many serious questions legitimately raised over this matter, so serious that we simply cannot afford to go forward with this test, because the answers may spell disaster.

Much has been said on this issue, but it has been brought into lucid focus no more preciously than in an editorial in the Tuesday, July 27, 1971, edition of the Nashville Banner, which was written personally and based on on-site observation by the publisher of the Banner, Mr. James G. Stahlman.

Mr. Chairman, Mr. Stahlman's editorial speaks far more forthrightly and to the point than could I. I insert the editorial in the RECORD at this point and commend it to the attention of my colleagues:

AMCHITKA ATOMIC BLAST HOLDS RISK OF CATASTROPHIC RESULTS

(By James G. Stahlman)

Alaska, the forty-ninth state, is one of the most interesting and astounding members of our Federal Union. Until recently, I had not realized its great area and I am certain that most of those who read this article will be as flabbergasted as I was to learn that Alaska is larger than Texas, California and Montana combined, or almost one-fifth the land area of the rest of the United States.

Now that's covering quiet a sizable portion of the Western Hemisphere north of the Tropic of Cancer. Alaska stretches from Attu at the westernmost tip of the Aleutians just a few miles across the Bering Sea from the Kamchatka peninsula, a part of the mainland of Asia, almost to the northwest corner of the State of Washington. And if you don't think that's some distance, just try to swim it, or fly it, for you can't walk it or drive it. Across the Bering Strait, the Alaskan shore line is just one mile from the USSR.

Uncle Sam bought Alaska from the Czars in 1867 for the sum of $7,200,000 and as every school child knows, the price was considered by most American taxpayers as exorbitant and the purchase became familiarly known as "Seward's Folly," the treaty having been negotiated with the Russians by the then Secretary of State, William Henry Seward.

Thirty-one years ago this summer, I made Pan American's first flight to Alaska and became fascinated with that fascinating territory. Three wars and the very busy intervening years have prevented my return to Alaska which became a state in 1958. The Banner and I are happy that we had some slight part in assisting in that effort to become a full-fledged part of our Federal structure.

Mrs. Stahlman and I have just returned from a three-week news and editorial-background survey to Alaska and our West Coast. As a result, both of us came home with some very positive convictions about the two most important subjects currently engaging the attention and concern of the people of Alaska and which we feel should be of immediate

and equal concern to all the people of the United States in particular, as well as to those of other countries whose interests, economically and otherwise, could be affected by one or both of these important and controversial projects.

The first of these is the Alaskan pipeline which would transport much needed oil from the Arctic Circle to the port of Valdez on the south coast at the head of the Prince William Sound, about 100 miles east of Anchorage.

The second is the proposed blast of a five-megaton nuclear bomb 6,000 feet underground on the island of Amchitka, in the Aleutians. This project is operationally known by the Atomic Energy Commission as Cannikin.

It is our firm opinion, after extensive inquiry that:

The Pipeline is a must.

The atomic blast is a must not!!!

I shall deal with the pipeline in a subsequent article.

An additional concern over the Amchitka blast stems from possible damage in other fields than the seismic or geophysical. I think Washington should be greatly apprehensive over the prospect of friction with the Soviets in relation to our joint SALT talks which have been in progress for months in an endeavor to agree on control and non-use of atomic weapons by Russia and the United States. The Cannikin test is alleged to provide additional power to the Spartan missile in our already authorized anti-ballistic-missile defense.

If we are in good faith with the Russians in the SALT talks, why should we risk the possibility of disrupting, if not actually ending these talks which have just begun to hold out some slight hope of success?

In view of President Nixon's proposed trip to Red China, why wave a red flag in the face of Mao and Chou, despite the flimsiness of our "ping-pong" diplomacy? The President should not be hampered by any such prospect, which is more real than imagined.

Because of the imminence of Cannikin and what I consider to be unwarranted risk which could involve the lives and property of millions of Americans on our West coast, in Alaska, Hawaii and possibly elsewhere, I feel compelled to sound a word of warning, a plea for cautious consideration and a final decision to abandon Cannikin outright and forthwith, regardless of its already high cost or its imagined but not totally proved "necessity."

I have reached this rigid, irrevocable conclusion after conversations with numerous citizens of Alaska and California who could be most likely affected, officials in Alaska, including its vigorous, informed, personable and concerned Governor William Egan, representatives of the Associated Press, United Press International, newspaper publishers, editors and reporters, business executives, store owners, men and women on the streets, in hotel lobbies, cab and bus drivers, trainmen on the Yukon-White Pass Railroad, waiters, barmen and sundry.

Every single person I talked with in Alaska is against that atomic blast on Amchitka, bordering from the concerned, through the quite positive to a few in the almost violent category. They are afraid. And so am I, not for myself back home in Tennessee, but for those who would be affected by what could turn out to be a catastrophic series of earth tremors of varying intensity, tidal waves of unprecedented force and coverage, and God only knows what else.

Now I don't lay any claims to divination. I am not an authority on nuclear fission, nor do I pretend to understand the technicalities in the prediction, location or calibration of intensities of seismic disturbances which are recorded on the so-called Richter Scale.

But I have read the extensive records of the Atomic Energy Commission's explanation of Cannikin, its alleged "necessity" to which I do not subscribe. I have read every word of the Congressional debate which has covered Cannikin on both sides, from A to Z.

I've studied atlases, maps, topographical and flat, I have used the encyclodepia extensively, read the reports and opinions of seismologists, geologists and physicists, including the very learned from CalTech to AEC, dealing with the seismic, geophysical aspects of the Amchitka blast.

Amchitka is located very close to the Aleutian Thrust Fault. A "fault" is a geological formation caused by a rupture in the earth's crust. Faults are the cradles of earth tremors or more severe quakes.

There are several minor "faults" within or adjacent to Tennessee, principally in the Tennessee-Virginia Appalachians.

Tennessee's most celebrated earthquake formed Reelfoot Lake in 1811.

The Aleutian Thrust Fault, closest to Amchitka, is part of the Alaskan Earthquake Belt, which, in turn, is part of the Circum-Pacific Seismic Belt. The Aleutian Thrust Fault is the deepest in the Circum-Pacific and because of its depth is exceedingly difficult to measure accurately on the Richter Scale.

Alaska is the second state in the Union most prone to earthquakes. In 1970 there were a total of 68 quakes recorded on the Richter Scale.

California had a total of 130.

Only Sunday, a quake registering 6.5 on the Richter Scale took place in the Aleutians, just 35 miles south of the western end of the island chain. It was felt by the Coast Guard on Attu Island.

Nobody in Alaska has forgotten the Good Friday earthquake of 1964 which killed 131 persons and had a magnitude of 8.3 on the Richter Scale.

A quake in Alaska took place near the island of Adak, also in the Aleutians, not too far from Amchitka, on May 2, 1971. The U.S. Naval Base there, which is part of the National Earthquake Reporting Center, recorded the tremor as measuring 7.1 on the Richter Scale.

The San Andreas Fault, also part of the Circum-Pacific Seismic Belt, is located parallel to the California coast and extends 100 miles north of San Francisco. Scientists have not yet definitely determined how far south this fault runs, but seismologists have credited to the San Andreas the San Francisco earthquake of 1906 and the devastating quake in the Los Angeles area this past spring which left 65 dead and billions of dollars in damage to property.

Two mild shocks were recorded in Los Angeles last Saturday, bringing to 438 the number of aftershocks to the Feb. 9 temblor, according to the Seismological Laboratory at the California Institute of Technology.

Nobody, not even the smart scientists of the AEC, can be certain what effect, if any, the Amchitka blast might have on the Aleutian Thrust Fault and by chain tremors consequently on the San Andreas Fault.

Remember this: The Amchitka blast would detonate a bomb 250 times the power of that which decimated Hiroshima. It is the most powerful blast yet planned by the AEC, equalling five million tons of TNT.

And remember this, too: President Eisenhower declared that Cannikin, which originated in 1966 had become "unnecessary."

And this: Only eight days ago President Nixon asked the United States Senate to ratify a treaty, already signed by 69 other nations, barring the use of atomic weapons on the ocean floor.

Now Amchitka island is not in fact "the ocean floor," but the chamber in which the AEC proposes to detonate the most powerful nuclear device yet conceived, is 6,000 feet below the surface of this island and that's about as close as anybody wants to get to "the ocean floor" anywhere.

All this is not to derogate the judgment nor minimize the careful planning by the able scientists of the AEC laboring to make certain the security of our nation in the event of nuclear attack.

No newspaper has more consistently nor more vigorously supported every reasonable proposal to maximize our nation's defense posture than The Nashville Banner. This includes the ABM which cleared the Senate by the skin of its teeth, and most of the missiles proposed or developed and successfully tested to put the United States in as invulnerable a position as possible against any attack from any quarter.

But I and many others are concerned with the collateral risks inherent in this Cannikin project, including possible radiation leakage and certain blast damage to fish and other commercially valuable sea life.

These prospects are particularly disturbing to Canada, Japan and Russia, as well as to the already stagnated commercial fishing interests in Alaska.

Not even the AEC can determine the possible damage in this category nor define its limits in sea-area or depth.

My unalterable position is that there is a "possibility" of some untoward results which could be fraught with hazard to peoples, property and nations other than our own.

The scientists themselves admit that "possibility."

A White House Commission, headed by Dr. Kenneth Pitzer, then President of Stanford University, was appointed to study the safety of underground nuclear tests.

The report from that commission says among other things:

"The panel is seriously concerned with the problem of earthquakes resulting from large-yield nuclear tests.

"Although the possibility that underground nuclear tests might initiate one or more earthquakes has been suggested in the past, new and significant evidence demonstrates that small earthquakes do actually occur both immediately after a large yield test explosion and in the following weeks. The largest of the observed associated after-shocks have been between one and two magnitudes of the explosion itself.

"However, there does not 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."

There you have it, right out of the horse's mouth, if you care to revert to the vernacular.

There are many other testimonies of a similar conviction, from authorities of varying degrees of scientific and intellectual competence. But keep in mind that the one just quoted is from a commission appointed by the White House, itself.

This, plus all the other data which I have acquired from extensive reading and research since our return from Alaska and the West Coast, lead me to address this earnest appeal to the reason and sound judgment of the one man who can prevent this catastrophic folly:

Mr. President: The lives and property of thousands, if not millions of your fellow Americans could ride on your decision.

This is no calculated risk which you should take.

Much of this nation and your place in its glorious history are part of the stakes.

In the name of the God in whom we trust, I implore you to avert this cataclysmic prospect.

The CHAIRMAN. The Chair recognizes the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mr. Chairman, I would like to urge support of my amendment

by my colleagues in this House and to ask your consideration of the deep and very serious concern that the people of my State and the people of California and the people of Alaska have about these tests, should they produce the kind of results that have been indicated and suggested by some of the country's most eminent scientists.

The executive board of the Federation of American Scientists unanimously voted recently against the test being conducted in Amchitka.

Mr. Chairman, we are not opposed to a test per se. We are opposed to the test being located at a site which is seismic, where earthquakes are a common occurrence. Recently, there was an earthquake in Alaska which caused a tidal wave and caused million of dollars of damage in my State and caused the death of 139 people.

Mr. Chairman, this is no idle concern that I am expressing. I would further advise this House that five executive agencies of this Government have concurred with the concerns expressed today and have recommended to the President that the test not be held and that the test be canceled. The State Department has taken its position, because it might jeopardize SALT talks.

The Environmental Protection Agency and the Council on Environmental Quality have both recommended to the President for environmental reasons that the test not be held.

Mr. Chairman, I submit it would have been much more preferable if these reports could have been brought to us so that each Member of the House could have had an opportunity to review and examine them and investigate the basis for those recommendations. But these reports are not available. I tried to secure the reports for the benefit of the House of Representatives, but I was not successful.

Mr. Chairman, I urge my colleagues to vote for my amendment and stop this test.

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

(By unanimous consent, Mr. PRICE of Illinois yielded his time to Mr. HOLIFIELD.)

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee (Mr. EVINS).

(By unanimous consent, Mr. EVINS of Tennessee yielded his time to Mr. HOLIFIELD.)

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, let me assure the Members of this House that the experimental device is not obsolete. It is the latest device that we have for the Spartan warhead.

In a letter dated July 19, 1971, from the Deputy Secretary of Defense, Mr. David Packard, there is this message in regard to the importance of the Cannikin nuclear test to the national defense:

> The nuclear device to be tested in the Cannikin event is for the development of a warhead for the Spartan missile of the Safeguard ballistic missile defense program, a program that Congress approved. The measurements of device performance which will be obtained from the tests are essential in my view, to the optium defensive deployments of Safeguard for protection of the Minuteman missile sites.

That ought to take care of that.

Now the next thing is about the SALT talks.

You have the President in control of this test. He ordered this test. He is also in charge of our foreign relations, including the SALT talks and if he thought that the nullification of this test would endanger the SALT talks, I am sure he would take the proper steps.

Now, we heard this same prophecy of earthquakes, tidal waves, radiation, and many other things when the test was made in the Aleutians a little over a year ago. Nothing happened. I was there. The hole was only as wide as a quarter, a 25-cent piece. There was no damage done crack in the ground at the top of the test to the ecology of the island, and the scientific results of the test were obtained. Extra precautions have been taken in this instance. The test is much deeper. There have been other precautions taken.

A multitude of scientists and agencies involved in the protection of the ecology, the environment of this country as well as the safety of this country from the military standpoint, have said that this is necessary and that it is not dangerous. I therefore ask the Members to uphold the Atomic Energy Committee, which is unanimous, and the action of the Congress in authorizing the ABM and the action of the President in ordering this test be held for the defense of the Nation.

I request a "no" vote on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

Mr. MATSUNAGA. Mr. Chairman, I rise in strong support of the amendment offered by my colleague from Hawaii (Mrs. MINK) to prohibit the use of any funds appropriated in the pending measure for the purpose of conducting the Cannikin underground nuclear test at Amchitka, in the Aleutian Islands.

I beg of my colleagues to consider seriously the dangers involved in proceeding with this planned nuclear test in October of this year. During the debate earlier this month on the AEC authorization bill, I pointed out that the original "national defense" purpose for which Cannikin was designed more than 5 years ago, was no longer applicable. Great advances in weapons technology have made the 5-megaton ABM warhead to be tested at Amchitka wholly unnecessary. Any expenditure of funds in pursuit of Cannikin would, therefore, mean the needless waste of American taxpayers' money. It would be tantamount to spending taxpayers' money for obsolete battleships for our Navy.

Furthermore, there is a strong possibility that our continued testing, especially on the scale involved in Cannikin, will jeopardize progress in the Strategic Arms Limitation Talks, in which there appears, finally, to be some forward movement toward agreement.

But, as I told the House 2 weeks ago, Mr. Chairman, the most dramatic risks we will run by exploding this 5-megaton warhead are those involved with our own environment.

An earthquake caused by the blast could well trigger a tidal wave, which could sweep across the Pacific Ocean. Since 1819, 15 such tidal waves have struck my own State of Hawaii. More than half of those originated in the Aleutians.

Even a very slight risk of such a tidal wave should be avoided. Last Sunday, Mr. Chairman, a severe earthquake hit the Solomon Islands in the Pacific; an only slightly less serious quake rattled the Aleutian Islands of Attu and Shemya. These two earthquakes set into action the tsunami warning system on the Island of Oahu. Tsunami watchers went through previously established procedures, making preliminary preparations for the warning and population evacuation that a tidal wave would necessitate.

Warning stations at Truk, Kwajalein, Guam, Yap, and Wake Island were consulted for reports on wave action.

Fortunately, Mr. Chairman, there was no tsunami last Sunday. But no one in the Atomic Energy Commission, or anywhere else in the administration, can honestly deny that Cannikin could produce an earthquake and trigger a tsunami that would bring untold disaster to Hawaii, Alaska, and California.

Finally, Mr. Chairman, press reports this week tell us that five different agencies within the executive branch of the Federal Government have expressed their reservations about the Cannikin nuclear blast. The State Department, the U.S. Information Agency, the Council on Environmental Quality, the Environmental Protection Agency, and the President's own Office of Science and Technology, have apparently all recommended that the test be either canceled or postponed.

The risk of ecological disaster is unknown but undeniable, and it is a risk not worth taking. The proposed enhancement of our national security attributable to Cannikin is, at best, arguable.

In the final analysis, there is nothing to be lost, and a great deal to be gained, from at least a postponement of the planned October 1971, blast date for Cannikin.

This can be accomplished by adopting the pending amendment, and I urge its adoption.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentlewoman from Hawaii (Mrs. MINK).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mrs. MINK. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mrs. MINK. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mrs. MINK and Messrs. RHODES, GUDE, and EVINS of Tennessee.

The Committee divided, and the tellers reported that there were—ayes 108, noes 275, not voting 51, as follows:

[Roll No. 219]

[Recorded Teller Vote]

AYES—108

Abourezk	Ford, William D.	Minish
Abzug	Forsythe	Mink
Adams	Fraser	Mitchell
Addabbo	Frenzel	Moorhead
Anderson, Calif.	Fulton, Pa.	Morse
Anderson, Tenn.	Fulton, Tenn.	Mosher
Ashley	Grasso	Obey
Aspin	Green, Oreg.	Pike
Badillo	Green, Pa.	Podell
Begich	Gude	Pucinski
Biester	Halpern	Rangel
Bingham	Hamilton	Rees
Blatnik	Hanley	Reid, N.Y.
Brademas	Harrington	Reuss
Brasco	Harsha	Riegle
Burton	Hawkins	Rodino
Carey, N.Y.	Hechler, W. Va.	Roe
Chisholm	Heckler, Mass.	Roncalio
Clausen, Don H.	Helstoski	Rosenthal
Collins, Ill.	Howard	Roy
Conte	Jacobs	Roybal
Corman	Karth	Ruppe
Coughlin	Kastenmeier	Ryan
Culver	Koch	Sarbanes
Daniels, N.J.	Kyros	Scheuer
Danielson	Leggett	Seiberling
Dellums	Link	Smith, N.Y.
Denholm	McCloskey	Steele
Dingell	McKinney	Stokes
Dow	Macdonald, Mass.	Thompson, N.J.
Drinan	Matsunaga	Tiernan
Eckhardt	Mazzoli	Vanik
Edwards, Calif.	Melcher	Waldie
Eilberg	Mikva	Whalen
Fascell	Miller, Ohio	Wolff
		Wright
		Yates

NOES—275

Abbitt	Davis, S.C.	Hogan
Abernethy	Davis, Wis.	Holifield
Albert	de la Garza	Hull
Alexander	Delaney	Hunt
Andrews, Ala.	Dellenback	Hutchinson
Andrews, N. Dak.	Dennis	Ichord
Annunzio	Derwinski	Jarman
Archer	Devine	Johnson, Calif.
Ashbrook	Dickinson	Johnson, Pa.
Aspinall	Dorn	Jonas
Baker	Downing	Jones, Ala.
Baring	Dulski	Jones, N.C.
Barrett	Duncan	Kazen
Belcher	du Pont	Keating
Bell	Dwyer	Kee
Bennett	Edmondson	Keith
Bergland	Edwards, Ala.	Kemp
Betts	Erlenborn	King
Bevill	Eshleman	Kluczynski
Biaggi	Evans, Colo.	Kuykendall
Blanton	Evins, Tenn.	Kyl
Boggs	Findley	Landgrebe
Boland	Fish	Latta
Bolling	Fisher	Lennon
Bow	Flood	Lent
Brinkley	Flowers	Long, Md.
Brooks	Flynt	Lujan
Broomfield	Foley	McCollister
Brotzman	Ford, Gerald R.	McCormack
Brown, Mich.	Fountain	McDade
Brown, Ohio	Frelinghuysen	McDonald, Mich.
Broyhill, N.C.	Frey	McEwen
Buchanan	Fuqua	McFall
Burke, Fla.	Galifianakis	McKay
Burke, Mass.	Gallagher	McKevitt
Burleson, Tex.	Gaydos	McMillan
Burlison, Mo.	Gettys	Madden
Byrne, Pa.	Giaimo	Mahon
Byrnes, Wis.	Gibbons	Mailliard
Byron	Gonzalez	Mann
Cabell	Goodling	Martin
Caffery	Griffin	Mathias, Calif.
Camp	Griffiths	Mathis, Ga.
Carney	Gross	Mayne
Casey, Tex.	Grover	Meeds
Cederberg	Hagan	Michel
Chamberlain	Haley	Mills, Md.
Chappell	Hall	Minshall
Clancy	Hammer-schmidt	Mizell
Clark	Hanna	Mollohan
Clawson, Del	Hansen, Idaho	Monagan
Cleveland	Hansen, Wash.	Montgomery
Collier	Harvey	Morgan
Collins, Tex.	Hastings	Murphy, Ill.
Colmer	Hathaway	Murphy, N.Y.
Conable	Hays	Myers
Cotter	Henderson	Natcher
Crane	Hicks, Mass.	Nedzi
Daniel, Va.	Hicks, Wash.	Nichols
Davis, Ga.	Hillis	Nix
O'Hara	St Germain	Terry
O'Konski	Sandman	Thompson, Ga.
O'Neill	Satterfield	Thomson, Wis.
Passman	Scherle	Thone
Patten	Schmitz	Udall
Pelly	Schneebeli	Ullman
Pepper	Schwengel	Vander Jagt
Perkins	Scott	Veysey
Pettis	Sebelius	Vigorito
Peyser	Shipley	Waggonner
Pickle	Shoup	Wampler
Pirnie	Shriver	Ware
Poff	Sikes	Watts
Powell	Sisk	Whalley
Preyer, N.C.	Slack	White
Price, Ill.	Smith, Calif.	Whitehurst
Price, Tex.	Smith, Iowa	Whitten
Quie	Spence	Widnall
Railsback	Springer	Wiggins
Randall	Staggers	Wilson, Bob
Rarick	Stanton, J. William	Wilson, Charles H.
Reid, Ill.	Stanton, James V.	Winn
Rhodes	Steed	Wyatt
Roberts	Steiger, Ariz.	Wydler
Robinson, Va.	Stratton	Wylie
Robison, N.Y.	Stubblefield	Wyman
Rogers	Sullivan	Young, Fla.
Rooney, N.Y.	Talcott	Young, Tex.
Rooney, Pa.	Taylor	Zablocki
Rostenkowski	Teague, Calif.	Zion
Rousselot	Teague, Tex.	Zwach
Runnels		
Ruth		

NOT VOTING—51

Anderson, Ill.	Gray	Patman
Arends	Gubser	Poage
Blackburn	Hébert	Pryor, Ark.
Bray	Horton	Purcell
Broyhill, Va.	Hosmer	Quillen
Carter	Hungate	Roush
Celler	Jones, Tenn.	Saylor
Clay	Landrum	Skubitz
Conyers	Lloyd	Snyder
Dent	Long, La.	Stafford
Diggs	McClure	Steiger, Wis.
Donohue	McCulloch	Stephens
Dowdy	Metcalfe	Stuckey
Edwards, La.	Miller, Calif.	Symington
Esch	Mills, Ark.	Van Deerlin
Garmatz	Moss	Williams
Goldwater	Nelsen	Yatron

So the amendment was rejected.

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

Mr. Chairman, I take this time primarily to ask the distinguished chairman of the subcommittee whether there is any intent in this measure to change the previous congressional authorization for the construction of the cross-Florida barge canal.

Mr. EVINS of Tennessee. I would answer my friend none whatsoever. That would come from the authorizing committee. We are only funding projects. We do not have anything to do with authorizations.

Mr. SIKES. It is my understanding that in the language of the bill and of the report all of the options that may be necessary for future consideration and action on the Cross-Florida Barge Canal are still in effect.

Mr. EVINS of Tennessee. The gentleman is correct.

Mr. SIKES. Mr. Chairman, I yield to my distinguished friend from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, the committee has soundly recommended continued funding of the Cross-Florida Barge Canal. A budgeted amount of $3,750,000 and $350,000 available from carry-over funds will provide $4,150,000 for work on the one-third complete project. It is my understanding these funds allow the Corps of Engineers flexibility in continued work on the canal. The question of whether the President has the constitutional power to stop this project without Congress repealing the existing legislation is being investigated and the Department of Justice has advised the Army—

That since the funds presently available for construction of the Canal have been appropriated without fiscal year limitation, no further legislative action would be necessary

So the amendment was rejected.

to make such funds available for a resumption of construction.

The press release of January 19, 1971, which halted the Cross-Florida Barge Canal's construction has caused great anguish among my constituents who, looking forward to the benefits of the canal, have taxed themselves to the extent of many millions of dollars of local real estate taxes, all in support of the federally authorized and appropriated for the Cross-Florida Barge Canal.

They know: That the canal was authorized in part for its defense values and that the Joint Chiefs of Staff said that the canal will provide "an additional and shorter line of communication between the gulf coast and the east coast" and would "reduce exposure of shipping to submarine attack"; that the project has a generous cost-benefit ratio, economic justification, and will have a job-producing and price reducing value to aid all citizens; and that ecologically it has been given a clean bill of health by many ecologists, recreation experts and others keenly interested in ecology.

They strongly feel, unanimously as far as I can find, that the laws which established the canal should not be set aside except by duly enacted repealing legislation after opportunity for all points of view to be heard in open public hearings. To act otherwise is to act irresponsibly.

Mr. Chairman, I call specific attention to the following congressional reports on this subject: First, the House Report No. 91-1219—June 1970, House Appropriations Committee—and second, the Senate Report No. 91-1118—August 1970, Senate Appropriations Committee. In the House Report at page 58 we read as follows:

Cross-Florida Barge Canal, Fla.—The committee has included in the bill the $6,000,000, including carryover funds, proposed in the budget to continue construction of the project. The committee has given serious consideration to the concerns that have been expressed as to the possible ecological and hydrological adverse effects that may result from the project. However, the committee does not feel that it would be warranted, in the light of the current facts available, in delaying construction of the project which was started in 1964 and is now about 30 percent complete. The reservoir and pool preparation on the project are 43 percent complete; construction of the dams, 75 percent complete; and the required locks, 50 percent complete. A total of $52.7 million has been allocated to the project to date.

The project has a very favorable benefit-to-cost ratio of 1.4 to 1. Since authorization, the project has been subject to two special studies to examine the economic justification of its construction, including an independent study by a nationally recognized consulting firm. These studies include comments from other agencies having expertise in the fields of biology, natural esthetics, and environmental matters. The design and construction of the project have been fully coordinated with Federal and State agencies to insure that the environmental aspect of the project area are preserved and enhanced. The U.S. Geological Survey has recently com-

pleted a detailed study of the geohydrology of the canal and the Ocala area, which indicated that the proposed canal would not adversely affect the quantity or quality of the water coming from Silver Springs. Its study also disclosed that the impact of the barge canal on ground water supply will be negligible.

In reference to the fish and wildlife, it is realized that with the construction of any new reservoirs, habitats change and some plants and animals are reduced but other plants and animals appear and prosper in the new environment. The new reservoirs will provide many thousands of acres of new habitat for a wide variety of sport and commercial species. The committee believes that studies that have been made support conclusions that while some short term losses will result, the overall effect will be a long term gain in the environmental quality.

Considering, therefore, the status of the construction and the need for the project, the committee recommends that the construction work continue and that every effort continue to be made to minimize any adverse effects on the environment, ecology, and fish and wildlife in the area. Any additional studies would appear to be a duplication of previous work and would delay realization of the essential project benefits.

In the Senate report at page 29 we read as follows:

CROSS-FLORIDA BARGE CANAL

The committee concurs in the findings of the House committee, as expressed on page 58 of its report, that it would not be warranted in the light of the current facts available to delay construction of the project started in 1964 and now over 30 percent complete.

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

Mr. Chairman, it is a pleasure to endorse the action of the Public Works Committee on the public works legislation, for appropriations for the fiscal year of 1972. I believe that this is a well-balanced bill and provides much needed action by the Federal Government for projects that are necessary for the security and progress of the country.

I want to point out my strong support and the urgent need for two flood control projects in western Pennsylvania: Chartiers Creek construction and Saw Mill Run, Pittsburgh.

The committee bill contains $2,915,000 for construction for Chartiers Creek for fiscal year 1972. This figure is exactly what the U.S. Army Engineers have recommended, and is the amount needed by the Engineers to continue construction on the Chartiers Valley flood control program.

There is also $20,000 included for investigative funds to continue the survey of Saw Mill Run in the west end area of Pittsburgh. I am urging the House to accept this amount for general investigation which has been recommended by the Committee on Appropriations for the flood control project for Saw Mill Run, Pittsburgh, Pa. This project involves the south part of the city of Pittsburgh and 13 communities which are drained by Saw Mill Run.

Both the words "creek" and "run" in our part of the country are used to designate what would be called small rivers in some States. These watersheds contain tens and hundreds of square miles of territory and tens of thousands of people who live and work in towns, villages, factories, and businesses along the banks of these streams.

Having been a life-long resident of my district, I know personally of the many recurring floods of major importance causing extensive damage in the Chartiers Valley area and the Saw Mill Run section of Allegheny County.

I recommend prompt action and full funds as recommended by the Bureau of the Budget and the House Appropriations Committee for the two flood control projects in western Pennsylvania—$20,000 for the purpose of study and general investigation for Saw Mill Run and $2,915,000 for construction for Chartiers Valley.

I am reading status reports which I have prepared on the two flood control projects into the CONGRESSIONAL RECORD, so that the Congress will know of the action that has been taken and of the action that needs to be taken to protect the people living in the Chartiers Valley Basin and the Saw Milll Run area.

The status reports follow:

CHARTIERS CREEK, CARNEGIE-BRIDGEVILLE REACH

Corps of Engineers progress on this long-awaited project continues apace.

Unit #1, which comprises 3.1 miles of streambed through the Thornburg-Crafton-Rosslyn Farms area, was completed in September 1970 and has already proved its effectiveness by containing flash flood flows in May this year.

Unit #2 is a 2.5 mile stretch through Carnegie and East Carnegie. This unit is well underway with 52% of the work accomplished. The Corps expects to complete this unit in September 1972.

Unit #3 is a 2.3 mile stretch through Glendale, Heidelberg and Woodville. A contract in the amount of $6,646,116.60 was awarded for this work on 28 June 1971 to Irvin T. Miller Co., Inc. and Frank Irey, Jr., Inc.

Unit #4 is a 1.4 mile reach form Woodville to Presto. The Corps of Engineers expects to advertise for bids for this work in the spring of 1972.

Unit #5 is the upper 1.9 miles of the project extending from Presto upstream through Bridgeville. The Corps of Engineers has scheduled this work to be advertised in the fall of 1972.

Federal funds expended on the project through FY 1971 (which ended 30 June 71) totalled about $5,500,000 covering all the work in #1 and all the work to date on Unit #2. FY 1972 expenditures will total an estimated $4,900,000 to essentially complete Unit #2, continue Unit #3 and to start Unit #4. Of this amount, $2,800,000 are budgeted funds and $2,100,000 are carry over funds.

As the work goes on, Chartiers Valley residents will witness the continued transformation of Chartiers Creek from a meandering hazard into an efficient water course that will contain flood flows within its banks. Inconvenience in the form of detours, dirt and noise will be as short lived proportionally as the benefits will be long lasting.

SAW MILL RUN

The Saw Mill Run, Pa. study, which was for consideration of the entire basin, was initiated in FY 1962 and was suspended in 1964. The study was suspended when it was learned that the Pennsylvania Department of Highways (now PennDot) was planning a highway system for the Saw Mill Run Valley that would substantially change the configuration of the valley. $75,000 in Federally appropriated funds were spent on the study during this period. Upon confirmation that the proposed expressway would not extend downstream of the Ft. Pitt Tunnel, into and through the West End area, funds were requested and obtained for resumption of the study. Therefore, during FY 1971 work on the West End portion of the Saw Mill Run study was resumed.

A FY 1971 allocation of $30,000 permitted re-opening of the West End portion of the study inasmuch as the PennDot study indicated the majority of the developed Valley would be required for the proposed highway. A complete re-evaluation of the work accomplished prior to suspension of the study has been completed and a public meeting was held on 26 May 1971 to gather additional information and data.

The $20,000 budgeted for FY 1972 will permit hydrologic, hydraulic and design studies necessary to determine channel alterations required to contain and control flood flows with a preliminary report of findings possible by January 1972.

An additional study to be initiated in the near future is to be funded jointly by the state and the county in an amount estimated at $325,000. This study will investigate impact of the proposed Saw Mill Run expressway upon valley environment and will generate solutions to problems revealed with special emphasis placed on sewer overflow which is the environmental aspect which mostly afflicts the Saw Mill Run Valley. The Corps of Engineers will have access to the data developed in this investigation as the Corps study progresses.

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

Mr. Chairman, Montana's largest city, Billings, is now rationing water and must develop a larger supply. The only possible source is the Yellowstone River.

The Bureau of Reclamation is now studying water resources in eastern Montana. It is charged with developing water for irrigation, municipal, and industrial uses. Among other things, it is currently studying where water can be obtained in the Missouri and Yellowstone Basins for massive coal, coal gassification, and thermal power projects in the area.

Coordinated development of the water resources in the area requires unified planning. Billings' requirements would be substantial, and it has asked the Bureau of Reclamation to assist in planning to provide the city's requirements.

If the Bureau does not do so, conflicts could arise so it is to everyone's best interest that the Bureau move in to assist. Initial information leads Billings' officials to believe $50,000 is needed for a feasibility study by the Bureau of Reclamation. The requests from the city of Billings came too late for the subcommittee to conduct hearings and approve the proposal for inclusion in this bill. The chairman assures me that if the Senate can secure sufficient information from the city of Billings and the Bureau of Reclamation while they are considering the bill, he would accept their amendment in conference.

The need for the study is of great urgency.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, GENERAL

For the prosecution of river and harbor flood control, shore protection, and related

projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction): $889,188,000, to remain available until expended: *Provided*, That no part of this appropriation shall be used for projects not authorized by law or which are authorized by law limiting the amount to be appropriated therefor, except as may be within the limits of the amount now or hereafter authorized to be appropriated: *Provided further*, That in connection with the rehabilitation of the Snake Creek Embankment of the Garrison Dam and Reservoir Project, North Dakota, the Corps of Engineers is authorized to participate with the State of North Dakota to the extent of one-half the cost of widening the present embankment to provide a four-lane right-of-way for U.S. Highway 83 in lieu of the present two-lane highway: *Provided further*, That $625,000 of this appropriation shall be transferred to the Bureau of Sport Fisheries and Wildlife for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army.

AMENDMENT OFFERED BY MR. CLARK

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

The Clerk read as follows:

Amendment offered by Mr. CLARK: On page 6, lines 17 and 18, after "commitment of the government to construction;" strike out "$889,188,000" and insert in lieu thereof "$889,088,000".

Mr. CLARK. Mr. Chairman, the purpose of this motion is to amend the bill at title II "Construction, general" and once again to eliminate construction planning funds for the Dickey-Lincoln project.

Mr. Speaker, once again we find ourselves on the banks of the St. John River in the far reaches of northern Maine and we are here to talk again about a power project that has been consistently rejected for 6 years in a row. On record votes of this body—because it is a half billion dollar effort which would be wasteful of the taxpayers money.

In the past we have referred to the project as the Dickey-Lincoln Federal hydroelectric project. I am somewhat concerned today over just what name we will give to the project—because we have seen no formal plan for it. We have never seen a request for Public Works authorization for it. We have not heard of either public or private hearings on it and our distinguished colleagues in the other body are now talking about $800,000 for another study of—Dickey-Lincoln.

In short, I am somewhat exercised that this Chamber has been selected to sign a blank check, the details for which will be filled in at some later date—while the U.S. Senate still deliberates on original request for $800,000 for Dickey-Lincoln planning money that has been turned down year after year by my colleagues in this House—and that was not even funded for fiscal 1971. Senate-House Conference Committees are continually handed the most difficult problems for negotiation, but I submit that this one could be a darling.

Over the years we may have here established some sort of a record for stating the "will of the House." When after listening to the voluminous testimony of the pros and cons of this prospective dam in Maine. We have consistently rejected it in theory and in fact. Someone is finally listening to us and concluded that if indeed there is a "will," there must be a way.

Here is the "way." We are now told that $100,000 will solve the dilemma. This insignificant amount of the taxpayers money would be used to redesign a smaller project, presumably to better fit the power needs of the State of Maine. The language of the bill itself, however, suggests otherwise, for on page 6, beginning at line 11, it says that this money is—

For the prosecution of detailed studies and plans and specifications of projects—(including the Dickey-Lincoln project) as authorized by law.

Ostensibly the old Dickey has been discarded—in the "House" version, but there are two fundamental reasons why the situation they have created for the House, is unacceptable.

First, if the language of the bill were followed, the engineers would have to resume construction planning of Dickey—substantially in accordance with the design authorized by the 1965 Flood Control Act—and that design is 800 megawatts of power and a huge, destructive reservoir costing half a billion dollars. This, my colleagues, you have rejected, so my amendment should be adopted to preclude resumption of planning for this project.

On the other hand, if the committee intends that the clear language of the new bill they have drafted not be followed and that the money be used to design a completely new project, then the committee is appropriating for a 3-year study—for which there is no authorization. If a new project for Maine can be justified, then the rules require that Maine first get a resolution authorizing a study for a small project, then come before the Appropriations Committee and describe the scope and purpose of their study and justify any request for appropriations for it, before we appropriate money for it.

I agreed to a study in 1965—page 24658 of the CONGRESSIONAL RECORD, September 22, 1965—and it was reported back in March of 1966. That study proved nothing that was not already known and supported our contention that the Dickey-Lincoln project was hopeless. I will not now support still another study that has no apparent purpose. The entire context of which is obscure to say the least, and which seems to serve no purpose other than to keep the old Passamaquoddy, then Dickey, and now—what, alive.

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

Mr. Chairman, I take this time only to say that within the committee I reserved on this item. I am opposed to further work on this project. It seems to me all we are doing here is appropriating $100,000 and simply sweeping something under the rug that has come out again.

Mr. Chairman, I hope the amendment offered by the gentleman from Pennsylvania (Mr. CLARK) will prevail.

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

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

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

Mr. HATHAWAY. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Chairman, I want to state that I am in favor of the Dickey-Lincoln project as it is now in the bill. I hope that the amendment offered by the gentleman from Pennsylvania (Mr. CLARK) will not succeed.

Mr. HATHAWAY. Mr. Chairman, I thank the gentleman from Arizona for his support, and I thank the other Members on that side of the aisle for their support, and I appreciate their remarks made during general debate.

Mr. Chairman, I will be very brief. I know the hour is late. But I want to refute any inference that has been made that this is a continuation of the original Dickey-Lincoln School hydroelectric project. This is not—not, I repeat—preconstruction planning money that was asked for last year, or the year before, or the year before that. This is for a restudy. It is not the only restudy in this bill. There are four other restudies under "Construction, general" for various projects throughout the country. This is a restudy of the Dickey-Lincoln School project with the view to limiting it to the State of Maine for power purposes, for irrigation purposes, for flood control, for recreation, and for water quality. All of these purposes would be limited to the State of Maine, unlike the original Dickey-Lincoln School project, which was a gigantic New England project.

I think that there has been some misapprehension that this is just a ruse, or a trick, or some mischief, in order to get preconstruction planning funds. It is not that at all. It is to restudy the Dickey-Lincoln School project, and to come up with another project in the $40 million area that would serve just the people in the State of Maine.

There are many other comparable projects throughout the United States, in fact, three comparable projects right in this bill you are going to vote on today: one in Georgia, for about $50 million, and a couple of others that are in that same cost neighborhood. They are multiple-purpose projects for power and for other purposes.

I have talked with the Corps of Engineers. They think they can come up with a project in the area of $40 million that would serve the needs of the people of the State of Maine. It will be a multiple-purpose project. It will cover, as I say, power, recreation, water quality, and above all at this time there will be a study of the irrigation possibilities of this smaller project.

Irrigation is very badly needed for the potato farmers in northern Maine.

We have had studies over past years. Although many people thought that

Maine had enough annual rainfall to take care of its water needs, it does not have enough water. We need an inch a week to produce a good potato.

We have not had the yield that other States throughout the country have had although we are the second largest producers of potatoes in the country, we lag behind every other major potato producing area in the amount of yield we get per acre. The irrigation benefits that we could get from a smaller project would be extremely beneficial and would put us in a position of having a yield comparable to other potato producing areas of the Nation.

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

Mr. HATHAWAY. I yield to the gentleman.

Mr. BOLAND. Mr. Chairman, I wish to commend the gentleman from Maine on his statement.

I would direct the attention of the Members of this House to the language of this report. There is no intention here of trying to get the nose under the tent. The language of the report specifically calls for $100,000 for a restudy. In 3 years I am sure there will be a recommendation for a project totally different from the Dickey-Lincoln School Reservoir project.

I might also indicate that as a member of this committee, and serving as a member of this subcommittee, I disagreed in the subcommittee with the $100,000 restudy for this project.

I offered an amendment in the subcommittee to put in $800,000 for the Dickey-Lincoln School Reservoir project itself and that amendment was defeated.

I am willing now to go along with the recommendation of this committee. I can assure those who are opposed to the large project that I will stick with this position in the conference. I ask the Members of this House to reject the amendment offered by the gentleman from Pennsylvania.

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

Mr. Chairman and members of the committee, I never thought that this House would be asked to participate in today's current fad of nostalgia. And surely, nostalgia is about the only plausible explanation for the House once again going through a trying debate and struggle on the proposed Dickey-Lincoln project in Maine. Dickey has come around so often now that I am sure some Members feel something is missing until we debate this uneconomic Federal power project again. Time after time funds for Dickey have been defeated. And nothing new has been added to change the situation this year.

Dickey-Lincoln has been rejected on rollcall votes by this body 6 times in the past 5 years. It was authorized originally only because of some well-known nefarious dealings with the conference papers.

Now, again this year, the proponents of this project are attempting a new ploy to keep this antique alive. They want it restudied, they say, to determine if a smaller project would be feasible.

The gentleman from Maine says he heard from the Corps of Engineers by telephone—that they could do something for $40 million. They will not give it to you in writing. The last thing I have seen from the Corps of Engineers in writing—was to the effect that we could not build anything on the Upper John River for less than $100 million. What we are talking about here is something completely different from what was originally authorized in this particular legislation. I feel certain it will be used as a point to squeeze additional construction money out of the conference. This House has stood firm throughout the years against this project and should continue to do so. Furthermore, a new study is simply a means to keep a flicker of life in a project that has long since been proven uneconomic.

First, Dickey was a part of Passamaquoddy. When that died a peaceful death, Dickey was brought back as a multimillion dollar separate project to produce power for only 2 hours a day. Yet it would destroy 100,000 acres of the Maine wilderness. Again proven uneconomical and rejected by the House, Dickey became an irrigation project, to irrigate any crops that might be raised in the Maine wilderness where average annual rainfall is 38 inches for heaven's sake. Now it is the restudy of an alleged smaller project. The corps studied a smaller project years ago and it proved equally destructive to the environment.

In the current maneuver, $100,000 has been placed in this appropriations bill under "construction, general" for detailed studies, and plans and specifications of the Dickey-Lincoln project "as authorized by law"—that is, substantially in accordance with the Dickey-Lincoln plans authorized by the Flood Control Act of 1965.

I am sorry that we have to impose upon your time so late in the evening but Members should be informed of what really is at stake in what appears to be a simple little $100,000 item. We have killed this thing time and time again, and if you do not do it today, you will be back here for the next 5 years being asked to vote for amounts of $30, $40, $60, or $100 million. Now, just set your mind to that. This business of gently slipping it under the rug to have a little restudy and another restudy of the cost level is strictly for the birds. You might as well accept it for what it is today.

This project was originally conceived as a multidam project which would cost $278 or $279 million. That was what the authorizing legislation provided.

When the author of this amendment, Mr. CLARK, comes up and says, "What you are trying to do is undo the authorizing legislation," I would concur. We do not want to authorize in an appropriation bill. We can appropriate only for that which was properly and duly authorized.

Mr. Chairman, the object of this game we are playing today is to squeeze something—anything—out of the House, so that the heat can really be put on our conferees to agree to Dickey-Lincoln without coming back to this House for instructions.

The continued attempts to secure funding for this project fly in the face of many concerned conservationists. They oppose the present project as they would oppose any pared down version resulting from this sham of a study because it would destroy a portion of Maine's wilderness heritage. Conservation groups opposed to this project include the Friends of the Earth, Appalachian Mountain Club, Associated Sportsmen's Club of Cumberland County, Maine, Maine Audubon Society, Maine Fish and Game Clubs, Massachusetts Audubon Society, National Audubon Society, National Wildlife Federation, Natural Resources Council of Maine, New England Advisory Board on Fish and Game Problems, Portland Society of Natural History, Sierra Club, State Biologists Association of Maine, and Wilderness Society.

I wish there was some way we could stop this project from being brought back year after year, time after time. The strategy of doing so is clear—to get us tired, bored, worn down to the point where we say "Pass it" just to get it out of our hair. The only way to stop this project is to "Kill it." The appropriation we are talking about today will just insure another 5 or 10 years of annual controversy.

I hope that we can put an end to Dickey. And the best way to make certain to do this is to support this amendment today.

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

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

Mr. HATHAWAY. There are other comparable restudies provided in the bill. Is the gentleman going to move to strike those, also?

Mr. MICHEL. I am not aware of what those restudies are, but would apply the same rule to any of them. I do know that on this one we have gone over the hump so many times that it is time we came to a final resolution of the matter.

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

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

Mr. BOLAND. I would like to point out to my friend from Illinois, who is very learned and knowledgeable about this bill, that Oakley Lake, Ill., is precisely the same kind of project with respect to being restudied that this one is. It is recommended that there be a restudy of the Oakley Lake Reservoir, and I suppose under the same argument the gentleman is using now with respect to the authorization I could oppose that restudy, but I am not going to do so because I think your argument is wrong.

Mr. VANDER JAGT. Mr. Chairman, I rise in opposition to the Dickey-Lincoln School project, northern Maine, and endorse the contents of a letter all of us have received from our colleague (Mr. SAYLOR). At this point, Mr. Chairman, I wish to include Mr. SAYLOR's communication:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 28, 1971.

Re Dickey-Lincoln School project.

DEAR COLLEAGUE: Once again, as on so many occasions over the past five years, the

House will be called upon to amend the Public Works Appropriation Bill, which comes before us tomorrow afternoon, to delete the $100,000 included for the destructive Dickey-Lincoln School Project, Northern Maine. We have now rejected this destructive project by six (6) separate record votes over the past five years.

This proposed project—*or any project at the Dickey-Lincoln School site*—would utterly destroy the free-flowing Upper St. John River and Great Maine Woods wilderness area, and inflict "severe, large and permanent damage" to fish and wildlife (S. Doc. 85–14, Vol III, St. John River Basin). Any proposed project at this site is categorically *opposed* by numerous outstanding national and regional conservation organizations, including:

Appalachian Mountain Club, Associated Sportmen's Club of Cumberland County, Maine, Maine Audubon Society, Maine Fish and Game Clubs, Massachusetts Audubon Society, National Audubon Society, National Wildlife Federation, Natural Resources Council of Maine, New England Advisory Board on Fish and Game Problems, Portland Society of Natural History, Sierra Club, State Biologists Association of Maine, and Wilderness Society.

This year, the few remaining supporters of this destructive project have tried to camouflage their efforts to obtain appropriations for it by claiming that this $100,000 would be used to redesign Dickey-Lincoln as a smaller project. This is to inform you that the Bill provides exactly to the contrary:

H.R. 10090 states at Title II, "Construction General," that this $100,000 is for preparation of "detailed studies plans and specifications" of Dickey-Lincoln "as authorized by law." As you know, existing law prohibits appropriations, or the expenditure of appropriations, on studies or redesigns not previously, and separately, authorized by law.

Unless this appropriation is deleted, the House will only be repeating the same disastrous environmental mistake the Appropriations Committees' conferees made in 1962 in funding their own "restudy" of the Florida Ship Canal, "with different dimensions", and with a new name, "the Cross Florida Barge Canal." It also involved a famous river, the Saint Johns River in Florida. All now know the costly outcome of that procedural irregularity.

I will appreciate your support in this important conservation matter.

Sincerely,

JOHN P. SAYLOR,
Member of Congress.

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

Mr. Chairman, this reminds me of Cicero's First Catiline Oration. He said:

How many times, oh Catiline, will you abuse our patience?

Six years later we are here again. Let me say this. I am troubled about this proposal. I have consistently opposed Dickey-Lincoln. I think it is a $500 million boondoggle. I am not going to say anything further in that vein because I do not think it is necessary to do so today. I am not opposed to a legitimate, proper public works project for Maine. I wish both of my colleagues from Maine well. I would like to see us have a $40 million project for the State of Maine. The problem today, quite frankly, is a technical one. The technical problem is, What do we have before us today?

Let me say this, that what we have before us today legally and technically is Dickey-Lincoln. The language of the bill deals with general construction. You are authorizing $100,000 for general construction. For what? For authorized programs. What is the authorized program? Dickey-Lincoln. If it is not that, it is nothing. And that is what the Corps of Engineers goes by.

Fortunately—and I am gratified to hear it—we have the word of two of the most eminent men in the House of Representatives, Mr. EVINS of Tennessee and Mr. BOLAND of Massachusetts, who say that they want a restudy, not of Dickey, as I understand it—and the gentlemen may correct me if I am wrong—they want a restudy not of Dickey but of that area in order for the Engineers to come up with suggestions for this $40 million project, limited to the State of Maine.

I would like to see that. I would be happy, and if the project is a good one, I would be delighted to vote for it.

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

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

Mr. BOLAND. I might say that is my position on it, and it is the position of the subcommittee. The language of the report clearly indicates that. It says the committee has approved $100,000 to initiate a 3-year restudy of the feasibility of the design of a small scale project adequate to meet only the requirements of the State of Maine.

And not alone that—that language appeared on page 50—but also in the tabulation with respect to the projects of the various States, on page 37, with respect to the Dickey-Lincoln project it says, this is a "restudy"—so I agree on that.

Mr. GIAIMO. But as I said earlier, this is a technical problem, and the problem is that there is no authorization for a study for a project for the State of Maine unless it is the Dickey-Lincoln project which can be restudied. The gentleman made reference to several other items of restudy in the bill. I am not as familiar with them frankly as I am with Dickey-Lincoln, but I would suspect they are restudies of the same originally authorized projects. This is not. It is a restudy of something that frankly we know nothing about.

The proper way for us in the Appropriations Committee is not to legislate new projects. They should go to the Public Works Committee, get their authorization for a preliminary study, in which case they would have come in this bill not on page 6 under construction, but on page 5 under general investigations. Then we would be on all squares with proper procedure. Then we would also eliminate the pitfall we have fallen into with the Florida barge canal which was restudied, and now we are going to have a hassle over that.

Properly we should abide by the proper procedure, which is to go through the Public Works Committee. If we look at the newspaper writings, the Portland Press Herald for July 16 has this to say, "Quiet Move Afoot to Revive Dickey."

This disturbs me if we revive the concept that we are sanctioning Dickey-Lincoln. We have to rely on this committee in conference and I have the utmost confidence in this subcommittee, that this money is really not going to be for Dickey-Lincoln, because otherwise we have fallen into a trap, and we will find ourselves appropriating for Dickey after 6 years.

Mr. EVINS of Tennessee. Mr. Chairman, I rise in opposition to the amendment. It is with reluctance that I trespass upon the time of the committee at this late hour, but I think it should be pointed out that the President's budget contains restudy funds for three projects: Hudson River, Fla.; Dry Fork and East Fort Lakes, Mo.; and Miles City, Mont. These are funded in the bill in the same manner as is proposed for the Dickey-Lincoln project. The committee has directed the Corps of Engineers to restudy and scale down the project to meet only the needs of Maine. The study will take 3 years and if a favorable report is made it may be necessary to then seek a reauthorization.

When a restudy involves a project that has already been authorized, as in this case, is properly funded under the construction, general section of the bill. This has been the standard practice for years and is in order under the bill language. As the proposed study is confined to the State of Maine, it seems to me no one should be opposed to making a study to get the facts for further considerations by the Congress.

PARLIAMENTARY INQUIRY

Mr. KYL. Mr. Chairman, a parliamentary inquiry: On this vote a "yea" vote is a vote to remove this Maine project from the bill. Is that correct?

The CHAIRMAN. The gentleman is correct—in favor of the amendment.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. CLARK).

The question was taken; and on a division (demanded by Mr. Bow) there were—ayes 99, noes 100.

TELLER VOTE WITH CLERKS

Mr. BOW. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. BOW. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. CLARK, RHODES, MICHEL, and HATHAWAY.

The Committee divided, and the tellers reported that there were—ayes 199, noes 181, answered "present" 1, not voting 53, as follows:

[Roll No. 220]

[Recorded Teller Vote]

AYES—199

Abbitt	Cederberg	Dingell
Abernethy	Chamberlain	Dorn
Archer	Clancy	Downing
Ashbrook	Clark	Dulski
Barrett	Clausen, Don H.	Duncan
Belcher	Clawson, Del	du Pont
Bell	Cleveland	Dwyer
Bennett	Collier	Edwards, Ala.
Betts	Collins, Tex.	Erlenborn
Bevill	Colmer	Eshleman
Biester	Conable	Findley
Bow	Conte	Fish
Broomfield	Coughlin	Fisher
Brotzman	Crane	Flood
Brown, Mich.	Daniel, Va.	Flowers
Brown, Ohio	Davis, S.C.	Flynt
Broyhill, N.C.	de la Garza	Ford, Gerald R.
Broyhill, Va.	Delaney	Forsythe
Buchanan	Dellenback	Fountain
Burke, Fla.	Dennis	Frenzel
Burleson, Tex.	Derwinski	Frey
Byrnes, Wis.	Devine	Fuqua
Byron	Dickinson	Galifianakis
Camp		Gaydos

Gettys	McKinney	Schneebeli
Giaimo	McMillan	Schwengel
Goldwater	Mailliard	Scott
Goodling	Martin	Sebelius
Green, Oreg.	Mann	Shipley
Griffin	Mathias, Calif.	Shoup
Gross	Mathis, Ga.	Shriver
Grover	Mayne	Skubitz
Gubser	Mazzoli	Slack
Gude	Michel	Smith, Calif.
Haley	Miller, Ohio	Smith, N.Y.
Hall	Mills, Md.	Spence
Hammer-schmidt	Minshall	Springer
Hansen, Idaho	Mizell	Stanton, J. William
Harvey	Monagan	Steele
Hastings	Moorhead	Steiger, Ariz.
Henderson	Morgan	Talcott
Hillis	Murphy, Ill.	Taylor
Hogan	Nichols	Teague, Calif.
Hunt	Nix	Terry
Hutchinson	Pelly	Thompson, Ga.
Jarman	Pettis	Thomson, Wis.
Johnson, Pa.	Peyser	Thone
Jonas	Pirnie	Vander Jagt
Keating	Poff	Veysey
Kee	Price, Tex.	Waggonner
Keith	Quie	Wampler
Kemp	Railsback	Ware
King	Randall	Whalen
Kyl	Rarick	Whalley
Landgrebe	Reid, Ill.	Whitehurst
Latta	Riegle	Widnall
Lennon	Robinson, Va.	Wiggins
Long, Md.	Rogers	Wilson, Bob
Lujan	Rooney, Pa.	Wilson, Charles H.
McClory	Rostenkowski	Winn
McCloskey	Rousselot	Wydler
McCollister	Runnels	Wylie
McDade	Ruppe	Young, Fla.
McDonald, Mich.	Ruth	Zablocki
McEwen	Sandman	Zion
McKevitt	Satterfield	Zwach
	Scherle	
	Schmitz	

NOES—181

Abourezk	Eilberg	Mink
Abzug	Evans, Colo.	Mitchell
Adams	Evins, Tenn.	Mollohan
Addabbo	Fascell	Morse
Albert	Foley	Mosher
Alexander	Ford, William D.	Murphy, N.Y.
Anderson, Calif.	Fraser	Myers
Anderson, Tenn.	Fulton, Tenn.	Natcher
Andrews, Ala.	Gallagher	Nedzi
Andrews, N. Dak.	Gibbons	Obey
Annunzio	Gonzalez	O'Hara
Ashley	Grasso	O'Konski
Aspin	Gray	O'Neill
Aspinall	Green, Pa.	Passman
Badillo	Griffiths	Patten
Baker	Hagan	Pepper
Baring	Halpern	Perkins
Begich	Hamilton	Pickle
Bergland	Hanley	Pike
Biaggi	Hanna	Podell
Bingham	Harrington	Preyer, N.C.
Blatnik	Hathaway	Price, Ill.
Boggs	Hawkins	Pucinski
Boland	Hays	Rangel
Bolling	Hechler, W. Va.	Rees
Brademas	Heckler, Mass.	Reid, N.Y.
Brasco	Helstoski	Reuss
Brinkley	Hicks, Mass.	Rhodes
Brooks	Hicks, Wash.	Roberts
Burke, Mass.	Holifield	Robison, N.Y.
Burlison, Mo.	Howard	Rodino
Burton	Hull	Roe
Byrne, Pa.	Ichord	Roncalio
Cabell	Jacobs	Rosenthal
Caffery	Johnson, Calif.	Roy
Carey, N.Y.	Jones, Ala.	Roybal
Carney	Jones, N.C.	Ryan
Casey, Tex.	Karth	St Germain
Chappell	Kastenmeier	Sarbanes
Chisholm	Kazen	Scheuer
Collins, Ill.	Koch	Seiberling
Conyers	Kuykendall	Sikes
Corman	Kyros	Sisk
Cotter	Leggett	Smith, Iowa
Culver	Lent	Stanton, James V.
Daniels, N.J.	Link	Steed
Danielson	McCormack	Stephens
Davis, Ga.	McFall	Stokes
Davis, Wis.	McKay	Stratton
Dellums	Macdonald, Mass.	Stubblefield
Denholm	Madden	Sullivan
Dow	Mahon	Teague, Tex.
Drinan	Matsunaga	Thompson, N.J.
Eckhardt	Meeds	Tiernan
Edmondson	Melcher	Udall
Edwards, Calif.	Mikva	Ullman
	Minish	Vanik
		Vigorito
		Waldie
		Watts
		White
		Whitten
		Wolff
		Wright
		Wyatt
		Wyman
		Yates
		Young, Tex.

ANSWERED "PRESENT"—1

Fulton, Pa.

NOT VOTING—53

Anderson, Ill.	Hébert	Poage
Arends	Horton	Powell
Blackburn	Hosmer	Pryor, Ark.
Blanton	Hungate	Purcell
Bray	Jones, Tenn.	Quillen
Carter	Kluczynski	Rooney, N.Y.
Celler	Landrum	Roush
Clay	Lloyd	Saylor
Dent	Long, La.	Snyder
Diggs	McClure	Stafford
Donohue	McCulloch	Staggers
Dowdy	Metcalfe	Steiger, Wis.
Edwards, La.	Miller, Calif.	Stuckey
Esch	Mills, Ark.	Symington
Frelinghuysen	Montgomery	Van Deerlin
Garmatz	Moss	Williams
Hansen, Wash.	Nelsen	Yatron
Harsha	Patman	

Mr. HENDERSON. Mr. Chairman, I ask unanimous consent to change my vote from "no" to "aye."

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

There was no objection.

So the amendment was agreed to.

PERSONAL EXPLANATION

Mr. FULTON of Pennsylvania. Mr. Chairman, I was here before the voting closed, but I had walked over here so fast I could not walk up the aisle. Had I been able I would have voted "aye."

The CHAIRMAN. The gentleman's statement will appear in the RECORD.

Mr. RANDALL. Mr. Chairman, I take this time to refer to an item in the report, page 50, paragraph 3, entitled "Harry S. Truman Dam and Reservoir, Missouri."

This project is in our congressional district and until last year was known as the Kaysinger project. Out of long habit and usage it is now referred to by both names is frequently called either the Truman-Kaysinger or else the Kaysinger-Truman Dam and Reservoir, with no disrespect ever intended for our beloved 32d President.

I have asked for this time, Mr. Chairman, in order to clarify my position on the fiscal year 1972 appropriation for this line item. Hopefully, the byproduct of our remarks may provide some legislative history about $600,000 which has been added by the committee over the budget request.

Several weeks ago I prepared a letter addressed and delivered to the chairman and members of the Public Works Subcommittee requesting an appropriation over the budget recommendations in order that the Corps of Engineers might have some additional funding to commence work on the replacement of a bridge across the Osage River, known as the Brown-Ford Bridge, and which is conceded by all observers as being very hazardous for use.

In my letter to committee members I pointed out this bridge carries a large volume of traffic to and from the Osceola Boy Scout Camp that serves a large area in west central Missouri. Throughout the summertime there is continual rotation of different groups of Boy Scouts and their leaders. The total runs to about 6,000 yearly. It is true I tried to make a strong case for the early construction of this bridge. I am not now lessening my appeal to the committee. However, I was hopeful that the additional funding could be made available without tying the hands of the Corps of Engineers by any language in the report. My reason for this desire was there are so many present or existing priorities it was my conclusion the corps should be left with enough flexibility and latitude to select the several priorities within their capability and within existing funding.

Mr. Chairman, when I learned that the committee had considered adding to the appropriation figure for Truman-Kaysinger Reservoir for fiscal year 1972, I specifically and especially requested that I did not want to be cast in the role of one who had chosen or picked a preference for any one of the three or four most pressing priorities of this project. I had hoped the committee might see fit to add some funding without the specification that the funding be for some enumerated allocation within the project. It was my intention when I wrote to the committee that they could increase the funds to the corps' capability which would permit the corps to proceed with more than one priority at the same time without being limited by committee language.

Apparently, my entreaty for the urgency of this bridge must have impressed the committee because even after our second discussion with members of the staff requesting that no limiting language be written in the report, notwithstanding, the final draft of the report does contain certain language that would seem to be preferential.

Knowing of the difficult choices that must be made by the Corps of Engineers each fiscal year I have always believed that priorities are not a matter for a member who represents a district to try to arrive at a decision as to which work shall be done first by the Corps of Engineers. Of course, the offices of all Members who have engineering projects under construction in their districts are urged repeatedly that this or that item should outrank or take precedence over some other work within the overall project whether it be land acquisition, relocation of roads or relocation of residences from inundated areas, or perhaps provision for sewage and water systems. Whatever the reason for final judgment as to which work should receive the earliest attention, it is my considered judgment this should be left to the engineers who are charged with the completion of the entire project.

As it is, I want to make it plain and clear at this time that while the additional funding was needed it was not and is not my purpose or intention to elevate any one item of urgently needed construction over and above all of the rest.

Now that the committee has acted, let me express my gratitude for this additional funding. I did write to the committee pointing out the need for early replacement of the bridge. I did ask for an overall increase in funding. Notwithstanding these two foregoing considerations, Mr. Chairman, the particular lan-

guage contained in the report pertaining to the bridge was an action or decision by the committee alone and the language contained was the language of the committee itself.

AMENDMENT OFFERED BY MR. DU PONT

Mr. DU PONT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DU PONT: Page 7, line 13, after the period add the following:

"No part of the appropriation made by this paragraph shall be used for any part of the construction, other than land acquisition, supervision, design and related administrative expenses, of the Tocks Island Lake Dam project, Pennsylvania, New Jersey, and New York."

Mr. DU PONT. Mr. Chairman, the distinguished gentleman from Tennessee, the chairman of the subcommittee (Mr. EVINS), spent considerable time in his presentation in the debate on the main bill evidencing his concern for the environment, and that this bill fully protects the environment. I applaud that concern, and I hope that he will show equal concern by upholding the integrity of our environmental laws, and upholding the role of the Congress in insisting on high environmental standards and, above all, upholding both sides of this Congress in dealing with environmental questions.

Mr. Chairman, my amendment makes sure that none of the funds in this bill can be used to begin the construction of the Tocks Island Dam project.

The amendment does not affect funds for planning or for engineering or for real estate acquisition. My objective is not to stop the project. My objective is to see that the construction is not funded until we get full compliance with the Federal environmental law and until we know what effect this project is going to have on the environment of the area.

There are three reasons in my view why this amendment ought to be upheld and these funds denied for construction.

First of all, as a matter of policy the Congress should not appropriate funds for projects affecting the environment until satisfactory environmental impact statements have been filed with the Council on Environmental Quality as required by law.

This has not been done in this case.

Second, the Army Corps of Engineers has promised not to proceed with construction until those studies are completed and, if they are not going to proceed with construction, then they do not need funds for construction.

Third, I do not believe the Congress should make an initial commitment on a $259 million project without first knowing—and not just studying, now—but without first knowing what the effect of that project is going to be on the environment.

Earlier this year the Army Corps of Engineers filed an environmental impact statement under section 102 of the Environmental Protection Act. The Council on Environmental Quality and Russell Train, its chairman, rejected those statements on five separate grounds and said that they were inadequate.

I might add the statement filed by the Corps was seven pages long. They treated the entire environmental question of the Delaware Valley in seven pages.

Following weeks of negotiations and considerable pressure by the CEQ the Army Corps of Engineers agreed to do a new study and that new study is underway and will not be completed for some time.

I am sure that the distinguished gentleman from Tennessee will rise in opposition to this amendment and he will say that this project has been studied to death. Well, it has been studied to death—but none of the studies have been any good.

Russell Train looked at those studies and said that they were too brief and needed strengthening in five specific areas. So the situation we have today is that no studies have been completed. No questions have been answered and that while those studies are being undertaken in compliance with the law, the Army Corps asked us for construction money and I think that is wrong as a matter of policy.

I do not believe that we should appropriate money until we have the law complied with.

Finally, let there be no mistake about the real issue in this case. It is not the Tocks Island Dam, it is not the Delaware River. The real issue here is whether we are going to have any teeth in our environment laws. As Members very well know, section 102 of the act does not give the Council on Environmental Quality the authority to stop a project. All it can do is recommend. Only the Congress has the authority to stop a project. The Council on Environmenal Quality can recommend, but it is up to the Congress to make good sound environmental policy a reality. Congress should not appropriate construction funds for the Tocks Island Dam without knowing the consequences.

We cannot say to the Council on Environmental Quality—You go ahead and study it, but while you are studying it, we are going to build it. This is particularly important when we are talking about a $260 million project.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment of the gentleman from Delaware. I have great respect for the gentleman's sincerity, but in this instance, I feel his zeal exceeds his information.

Many of us have lived with the Tocks Island project since its authorization by the Congress in 1962. The reasons which underlay that authorization are no less pertinent today than they were then. This is a multipurpose project designed to provide flood control for a major portion of the Delaware Valley. The reservoir that would be created by the Tocks Island Dam will be a major source of water supply for the next quarter century for millions of people in the northern portion of my home State of New Jersey. The reservoir will also comprise the focal point of a major national recreation area that will accommodate millions of our fellow citizens in the basin area. And as the gentlemen should have reason to know, the water impounded by the reservoir will make it possible to maintain a steady streamflow in the lower reaches of the Delaware River, thereby providing added protection against saline intrusion and agents of pollution.

The gentleman has expressed concern as to the integrity of the Environmental Policy Act of 1969. As a coponsor and supporter of that act, I share his desire that it be made to work effectively for the purposes for which it was designed. What were those purposes? Section 101 of the act sets forth its basic policy: that the Federal Government use all "practical means and measures" to protect environmental values. I think it important to note that Congress did not establish environmental protection as an exclusive goal as the U.S. Court of Appeals of the District of Columbia has recently reminded us. But rather it sought to place environmental considerations on a co-equal level with other purposes for which public works projects are designed, and it placed an explicit duty on Federal agencies to use all practical considerations of "national policy" to avoid environmental degradation.

I am pleased to report that in connection with the Tocks Island project, the Federal agencies involved are working closely with the President's Council on Environmental Quality to carry out the letter and spirit of the Environmental Policy Act. That act, as you will recall, requires each Federal agency with a share of responsibility in a Federal public works project to prepare and file with CEQ an environmental impact report. That process is proceeding apace with the Tocks Island project.

The gentleman has stated in a letter to Members of the House that CEQ has "rejected," and I use his word, the environmental impact report prepared by the Corps of Engineers. I am not aware that CEQ has ever used any such language. What the agency did after receipt of a draft environmental statement from the corps was to suggest that a multidisciplinary report be prepared that would correlate the separate environmental reports which the respective agencies must file under the law. I think this is an eminently sound approach with respect to a multipurpose project, and I am pleased that the corps has agreed to supply CEQ with such an overview of the Tocks Island project. Moreover, the corps, consistent with the intent of the act, has agreed to delay a construction start until all relevant environmental impact reports, including the multidisciplinary report, are reviewed by CEQ.

The gentleman suggests that construction funds for the Tocks Island Dam can be provided in a supplemental appropriation. I would suggest to him that the supplemental appropriation bill was never meant to displace our normal appropriation procedures. In the event, and I believe it to be an unlikely event, that the various environmental studies now underway find that the Tocks Island Dam, as presently designed, poses the prospect of significant environmental harm, surely the executive branch is not without authority to take appropriate action through the Office of Management and

Budget. Certainly, the record amply demonstrates that that Office has not been reluctant to withhold funds appropriated by this House for other purposes.

I realize the gentleman comes to the issue at a late date, and as he candidly testified before the Subcommittee on Public Works, with little information; but surely he cannot be unaware of the announced support of Governor Peterson of Delaware for the full Tocks appropriation and the support expressed by the Governors of New York, New Jersey, and Pennsylvania. Moreover, the White House, through the Office of Management and Budget, has recently demonstrated its concern lest this project be further delayed by sending a representative to the project area to examine at firsthand the need for accelerated land acquisition.

Mr. Chairman, I urge my colleagues to approve the Tocks Island appropriation in its entirety as recommended by the subcommittee and the full commiittee.

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

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. BROWN of Michigan. Mr. Chairman and colleagues, I do not intend to speak in favor or in opposition to the amendment, but I think the gentleman's amendment raises a question that has ramifications in my district which I would like to clarify. We all recognize, I believe, that an appropriation is not a mandate to spend, but at the same time I would like assurances from someone on the committee that the appropriation in this bill of, for instance, the $150,000 for the Kalamazoo River flood control project will not be available for expenditure or for utilization on the project until several conditions have been met, one of which is that there is a local sponsor; second, that the local sponsor gives the necessary assurances that they will support the project, which includes financial assurances, and that the environmental impact study which is required on these projects now will at least be reconciled among the project's sponsors.

Am I not correct that the recitation in the appropriation bill of the $150,000 specifically for the Kalamazoo River flood control project will not be available for utilization by the Corps of Engineers until such time as the local sponsor has renewed and formally indicated its interest and, secondly, has provided the necessary local assurances, financial assurances to go along with the project? Am I correct in those assumptions?

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

Mr. BROWN of Michigan. I yield to the gentleman from Arizona.

Mr. RHODES. The gentleman is correct. The $150,000 that the gentleman mentions is in the bill. It is in the construction general portion thereof. The committee never apppropriates money for construction unless it is reasonably satisfied and has been informed that the local participation will be forthcoming and that the local sponsors are assured.

The gentleman has given us some information tonight that I had not possessed prior to this time, and I am not sure any other member of the committee did, but I can assure the gentleman the Corps of Engineers will not use this money for construction until all the local participation is in hand.

I am not sure it is in this case but in anticipation of such assurances being received and local participation agreed upon, the appropriation is included in the bill.

Mr. EVINS of Tennessee. Mr. Chairman, the gentleman is speaking out of order. He is not speaking on a germane amendment.

The CHAIRMAN. The gentleman is proceeding in order. No one objected when he began to speak.

Mr. BROWN of Michigan. Mr. Chairman, I might suggest my comments have direct application to the amendment the gentleman has offered, because he has suggested appropriation of funds in this bill means a mandatory expenditure. That is why he is seeking to strike it.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, the project in the gentleman's discussion is in the bill. Is he for or against it? Does he wish it taken out?

Mr. BROWN of Michigan. I do not know whether it should be kept in or out; that is the very point of my inquiry. I do not wish to have it taken out if I can have my understanding confirmed, that the assurances of the local sponsors must be obtained before the corps can proceed. I believe the corps must obtain the same.

Mr. EVINS of Tennessee. The gentleman from Arizona (Mr. RHODES) has already answered the gentleman's question: It is necessary to have local participation and assurances.

Mr. BROWN of Michigan. I thank the gentleman.

Mr. WRIGHT. Mr. Chairman, I rise in opposition to the amendment. Ordinarily I would not seek time to speak to an amendment in connection with an appropriation bill of this type, but this involves a matter that was studied very carefully, very critically, and very analytically by the Public Works Committee and approved by the Congress as long ago as 1962.

I think also that the danger inherent in this particular amendment poses a threat to the entire civil works program of the Corps of Army Engineers throughout the United States. If this amendment were adopted at this time, halting a project that has been subjected to the painstaking analytical scrutiny of the Legislative Committee of the Appropriations Committee, of the Corps of Army Engineers over a period of many years, a project on which $24,600,000 already has been spent—if this kind of amendment at this date could come in and prevail—then every single ongoing project of water resources development throughout the entire United States could be in jeopardy.

It is suggested that we have further study. This reminds me of Kipling's description of old men. He said—

They peck out, dissect, and extrude to the mind
The flaccid tissues of long-dead issues
Offensive to God and mankind
Like vultures over an ox
That the Army has left behind

This project has been studied and restudied. It has been analyzed, evaluated, adopted and begun. It has been formally approved by the Governors of the four States involved. I am advised that of all the Members of Congress representing the four States which this project affects, all those Members save one support the project. Could we for a moment think that those Members do not reflect the wishes of their constituencies? Do we think for a moment that those Members are impervious to the interests of the environment—the environment of their own States?

It is suggested that perhaps we ought to restudy it again and stop the Army Corps of Engineers in its tracks until someone is satisfied that it will not have an adverse effect upon the birdlife and fishlife. That question has been carefully studied in the past, and in its proper perspective. How about people-life? The only way to preserve the absolute pristine beauty of nature is to have no people.

Surely nobody who has seen the human wreckage that lies in the wake of a davastating flood such as has occurred on this Delaware River can sublimate and ignore this human anguish which a torrential tide could again visit upon this great inhabited valley unless this project is completed.

Nature is a marvelous thing. So is the human body. Both were created and engineered by the divine intelligence to perform and function efficiently and effectively. But just as the human body can get out of balance and require corrective surgery to perform its functions properly, so also nature itself can get out of balance and require the corrective, healing surgery of man to perform its functions effectively, efficiently, and beneficially in the interests of both nature and man.

Nature exists for man, and man is expected to exercise beneficent dominion. Former Senator Josh Lee of Oklahoma once defined "virgin territory" as "where the hand of man has never set foot."

There is no irreconcilable gulf between a sound ecology and a sound economy. To be a wise conservationist or an intelligent environmentalist does not mean to halt our development and harnessing of the water resources of our planet. To greater or lesser degree this has been necessary since man first intruded upon the earth, and it is more necessary today than ever, because there are more people.

We cannot keep people from intruding upon the earth. And the interests of people must come first. Nature sometimes, as in this case, needs the corrective surgery of intelligent man, under the injunction given to us in the Book of Genesis, to subdue the earth and husband its resources.

It seems to me, my colleagues, that we ought to vote down this amendment by a sound and emphatic vote and give a ringing assurance that we intend for the de-

velopment of the Nation's water resources to go forward.

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

Mr. Chairman, in addition to what has been said let me point out that under date of July 5, Russell Train, Chairman of the Council on Environmental Quality, wrote a letter which is in the public record indicating that this dam would not be built until all the environmental questions involved were satisfied. I talked to Mr. Train this morning on the telephone and asked him if he supported and if the Council supported this $3.6 million appropriation which is being made in this bill, and his answer is, "Of course."

I urge the defeat of this destructive amendment.

Mr. ROONEY of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment offered by the distinguished gentleman from Delaware.

I have no argument whatever with his concern that the Tocks Island project be subjected to a thorough environmental review before construction begins. That is precisely what is being done at the present time, under an agreement reached by the Council on Environmental Quality with the Corps of Engineers and the several other agencies involved in the planning and development of this huge, multipurpose project.

It was I who contacted Chairman Russell Train of the Council on Environmental Quality on this very matter in January of this year and asked that CEQ take steps to initiate and expedite a broad, comprehensive environmental impact study in the hope that study could be completed before today.

CEQ responded that it did not have the resources- staff or funds—to make the broad study I proposed. But it assured me that it would subject the project to thorough review. Subsequently, Chairman Train met with representatives of all of the agencies involved and reached agreement whereby each agency is now preparing its own environmental impact statement. The preparation of these individual impact statements is being coordinated by the Corps of Engineers which will develop an "overview statement" tying together the various separate statements by individual agencies.

I venture to say Mr. Chairman that no public works project in our history has been subjected to such a comprehensive examination in the search for environmental flaws. I know for a fact that my efforts, in conjunction with several of our colleagues, Mr. Dow of New York, Mr. McDADE of Pennsylvania, and Mr. THOMPSON of New Jersey, to establish greater cooperation and coordination between all of the agencies involved in this project produced unprecedented results.

On March 1 and again on April 6 of this year we met with representatives of every conceivable agency and bureau having some legitimate interest or responsibility in the Tocks Island Dam project. Both the Council on Environmental Quality and the Environmental Protection Agency participated. These meetings led to a greater exchange of information and views than had ever been achieved previously. And the environmental impact of this project was the chief subject of our discussions during both of these conferences, as well as during ad hoc public hearings on Tocks chaired by Congressman THOMPSON of New Jersey here in Washington on March 22 of this year.

I don't want an environmental disaster built in my District, any more than any of my colleagues want an environmental disaster built in theirs. This is precisely why we, as the representatives in Congress of the citizens and communities located in the Tocks Island region, have taken these extraordinary steps to assure ourselves that what is developed there is sound from an environmental standpoint.

Our citizens, our communities and our States need adequate water supply, those along the main stem of the Delaware need adequate flood protection, and all need the recreational facilities which are being developed in conjunction with the Tocks project.

The important reason why the amendment to delete funds for construction of Tocks Island Dam from the bill before us is simply that it will cause further delay of the project's development and further hardship for the individual citizens and communities of the Tocks region. Baring any serious problems, the environmental review will be completed sometime this fall. If funds are not provided in this bill, the start of construction will be stalled. Critical personal hardships already have resulted because funding has not kept pace with original timetables for land acquisition and development. Local governments which are losing tax base as the result of property acquisition are experiencing financial hardships because funding has not kept pace with original timetables.

Mr. Chairman, the Delaware River Basin has lived with doubt about when and where and how this project will be developed for more than 40 years.

I challenge the claim by the distinguished gentleman from Delaware that the Council on Environmental Quality has rejected the Corps' environmental impact statement on this project. No impact statement has yet been submitted to CEQ.

What has taken place is that last November the Corps prepared a seven-page "preliminary draft" of an impact statement and circulated it to various interested agencies for comment.

On the basis of some comments and further consideration by the Corps, that original seven-page statement had been expanded to 56 pages by the time of the Second Inter-Agency Conference on Tocks Island which was held in the Cannon building on April 6, 1971. It was not until the following day, April 7, 1971, that the Council on Environmental Quality sent a letter to the general counsel for the Corps of Engineers suggesting "several areas where the analysis in the Corps draft environmental impact statement needs strengthening." I remind you, CEQ's letter referred to the seven-page preliminary draft, and not to the 56-page revision which had already been drafted before the CEQ letter was sent.

But neither of those drafts is of any consequence now, because in the interim CEQ, the Corps and other responsible agencies have developed a plan whereby a broad, coordinated, interagency environmental impact statement is being developed. The agreement provides specifically that construction will not begin until the CEQ review is completed. I contacted the Office of the Chief of Engineers only yesterday to confirm that the Corps will not begin construction of Tocks Island Dam until that review is completed.

But it is essential this money be appropriated so that construction can begin without further needless delay as soon as the Council on Environmental Quality has satisfied itself the project is environmentally sound.

Mr. Chairman, I have a copy of a telegram which was sent by Governor Peterson to the Senate and House Appropriations Committees on May 18, 1971, regarding Tocks Island.

Urge favorable action by your Committee on the President's request for full funding of Tocks Island dam. This project is a part of the Comprehensive Plan of the Delaware River Basin Commission and is vitally necessary for the full and logical development of the water needs of the Delaware River Valley.

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

Mr. Chairman, I rise in opposition to the proposed amendment. For 17 years I have represented the district in New Jersey that has a part of that district going into the great recreation area envisaged up in that area. Congressman FRANK THOMPSON, who just spoke against the amendment, succeeded me in that district. I fully subscribe to what he has said. This is an area that is needed.

It can be a great advantage to the people of the four States involved and many other States. It is estimated that over 10 million people a year will use this national recreation area. It is also estimated that the lake that will be filled as a result of the dam will be the second largest man-made lake in the United States.

I think it would be a horrible shame not to go through with the plans and continue with the appropriations and at this time to abandon the construction of that great national recreation area.

Mr. Chairman, I fully support knocking out the amendments proposed by the gentleman from Delaware. I hope the House will take appropriate action.

(Mr. VANDER JAGT, at the request of Mr. RHODES, was granted permission to extend his remarks at this point in the RECORD.)

Mr. VANDER JAGT. Mr. Chairman, I would like to associate myself with the remarks of my good friend from Delaware. As he has so effectively stated, the Tocks Island Dam project on the Delaware River should not proceed unless its environmental effects are fully explored and found acceptable. The Council on Environmental Quality and its Chairman, Russell Train, are to be highly commended for rejecting a deficient environmental impact statement. We can

no longer afford to charge ahead on such projects and overlook damage they may cause for future generations.

Mr. EVINS of Tennessee. Mr. Chairman, because of the late hour, I do not wish to take up the time of the House, but I want to briefly express the committee's opposition to the amendment.

Our committee heard testimony on this matter at length. The gentleman from Delaware did come before our committee and opposed it for environmental reasons, but the overwhelming number of witnesses who appeared before our committee were in support of the project. This project was approved in 1962 and it is now about 10 years old; $24 million has already been spent on it. The governors of the four States involved endorse it.

I believe enough has been said on the matter, Mr. Chairman, and I urge that the amendment be defeated.

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

Mr. DU PONT. Will the gentleman yield?

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

Mr. DU PONT. Mr. Chairman, I do not want to take up any time, but I merely want to set the record straight.

On April 7 Russell Train did reject the environmental impact statement submitted by the Corps of Engineers, and on June 9 Governor Cahill of New Jersey withdrew his support of the project pending further study.

I thank the gentleman for yielding.

Mr. FISH. Mr. Chairman, I do not propose to take time of the committee.

Mr. Chairman, I rise to support the amendment to the Public Works Appropriation Bill offered by my colleague, Mr. DU PONT of Delaware, to strike from the budget of the Army Corps of Engineers, funds for a construction start on the Tocks Island Dam project on the Delaware River. This is the first installment for a project which has a current cost estimate of $259 million.

The questionable nature of this proposed project has raised a storm of controversy since its first authorization in 1962. There are many profound and still unanswered questions of impact on an entire region should this project continue. We are told the adverse environmental consequences are minimal. Mr. Chairman, this is exactly what we do not know.

The issue upon which I base my opposition is whether the National Environmental Policy Act of 1969 has meaning, and whether decisions reached by the Council on Environmental Quality established by that act have substance.

Section 102(C) of that act specifically requires that any Federal action which would significantly affect the quality of our human environment must contain a detailed statement on the environmental impact of the proposed project by the responsible officials and agencies.

Section 204(3) of the act specifically charges the Council on Environmental Quality to review and appraise the various programs and activities of the Federal Government in light of the policy set forth in title I of the act.

It is a fact that the Corps of Engineers, the responsible Federal agency in this instance, did submit such an impact statement in draft form to the Council on Environmental Quality. The Council did review this statement as required under the law. Following this review the environmental impact statement was rejected by Russell Train, chairman of the Council on Environmental Quality.

This statement was rejected on the basis that the impact statement was inadequate, in that it was less a study of viable alternatives, than it was a mere justification for continuing with existing plans. The question of the solution with the very least environmental impact of all—no project at all—was not dealt with in any way.

It was agreed at subsequent meetings that the Department of the Interior, the Federal Power Commission, and the Delaware River Basin Commission would all submit statements in their special areas of competence, while the Corps of Engineers would submit a similar study on the dam itself. The corps has agreed to also prepare an overview study coordinating all of these studies.

According to the Corps of Engineers this has not been done. The studies by the Department of the Interior, the Federal Power Commission, and the Delaware River Basin Commission have not been received, and the corps' own impact evaluation of the dam has not been completed. Clearly, we are still a long way from completion of the overview study. Certainly no new impact study has been completed, submitted, reviewed, or approved.

Yet Congress is asked to appropriate construction funds for this project which to date has failed to meet a basic requirement of the Environmental Quality Act of 1969. We are asked, in effect, to approve the starting of a project when the Council on Environmental Quality has not approved or even considered an impact study which the law calls for. This is the issue, Mr. Chairman, not whether the project is meritorious.

To my mind, approval of these funds—or even the request for these particular funds—places this body in a peculiar and compromising position. If we approve this money, we will be stating, in effect, that the requirements we ourselves made into law may be ignored at will. We will be saying that a negative judgment by the Council on Environmental Quality is a meaningless gesture. We will be ignoring the very safeguards we wrote into the law.

I feel this is a critical issue. The people of this country are aware of the damaging effect on the human environment that certain actions by government can have. It is because of this awakening of the people to the massive damage which has been done already through approval of projects which are initiated through ignorance or disregard of potential environmental damage that Congress enacted the Environmental Policy Act of 1969. I feel we should not betray either our own consciences or the people's faith in the effectiveness of that law.

By approving this amendment we will uphold that act, and will be endorsing, by such a vote, the judgment of the Council. We will be strengthening both the law and the Council for the environmental challenges that are bound to arise in the years ahead.

We should not be a party to ignoring our own statutes. This is a bad policy and bad precedent.

MOTION OFFERED BY MR. EVINS OF TENNESSEE

Mr. EVINS of Tennessee. Mr. Chairman, I move that all debate on this amendment now cease and that we vote on it.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware (Mr. DU PONT).

The amendment was rejected.

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

Mr. Chairman, I had intended to introduce an amendment at this point. However, I have talked with members of the committee, and I will forego the introduction of that amendment.

Mr. Chairman, I urge the restoration of $2,425,000 requested by the administration for the continuation of a project involving a detailed study of the Chesapeake Bay basin and the construction of a hydraulic model and technical center. The Chesapeake Bay is one of the Nation's richest natural resources. It is a little more than a stone's throw from our Nation's Capital. The pressures of man, the changes we have seen as a result of growth, and the intrusion of foreign elements into the bay itself threaten the very life of this majestic body of water.

In 1965 this House passed an authorizatior bill for the project under discussion. In 1967 that bill was amended to increase the authorization to cover the estimated amount needed as given by the U.S. Army Corps of Engineers. The project has been funded since the original authorization at the rate of about $300,000 per year for a total of $959,000. These moneys have been used by the Corps of Engineers to make the detailed study and prepare the blueprint for the project itself. The purpose of the model and technical center is to give direction for the salvation of the Chesapeake Bay. The problems involving the bay include pollution, dredging, shoreline stabilization, control of noxious aquatic weeds, recreational use, the commercial fishery, commercial navigation, the control of fresh water diversion and in general the very life of the bay itself. How can we in good conscience abrogate our national responsibility and allow this fantastic asset at the doorstep of the Nation's Capital to retrogress for the lack of adequate funding?

The report with the bill indicated the project was too large and I submit to you, Mr. Chairman, the size of the proposed model was thoroughly discussed and investigated at the time of the authorization. Engineers advised the 1,000-to-1 horizontal ratio and the 1-to-100 vertical ratio is the smallest possible scale where tides, currents, salinity and other aspects of the resource could be studied.

The legislation clearly indicates the National Government, the State governments, and local governments will have use of this effective tool for the purposes of giving overall planning to the future use of the bay itself. But in addition to all of this, the Chesapeake Bay supports thousands of jobs and other thousands are indirectly supported by the harvest from the bay. We have hardware stores, boat dealers, marina operators, banks, and so forth. At a time when unemployment is of national concern we must face up to every opportunity to assure that the future generations, as well as our present generation, will have this great national resource to work on. We cannot afford further delay. Storm drainage from the rains which amount to an accumulation of high bacteria runoff from the Capital itself ends up in the bays as does sewage and other human waste.

I speak not only for the First Congressional District of Maryland but for the entire Nation in my plea that you support this amendment which is directed toward saving the Chesapeake Bay.

Mr. GUDE. Mr. Chairman, I share the deep concern of my colleague from Maryland, Mr. MILLS, in regard to the reduction of the appropriation for the Chesapeake Bay model and study. I believe the merits of the need of the model as it relates to the preservation of the bay will well justify the restoration of the deleted money before this appropriation bill finally passes both Houses of Congress.

If anything, the need for the bay study and model is even more evident today than it has been in the past. I have carefully studied this type of hydraulic model. I have seen the San Francisco Bay hydraulic model in operation and am aware of its value in studying the complexities of currents, saline levels, tides, and all of the other variables which makes a large estuary, so difficult to analyze by any other means.

The committee has expressed its concern over the size of the model and let me say it will be a large one, but its scale is exactly the same as the San Francisco Bay model. Scientists and engineers affirm that such a scale is necessary to receive beneficial results from the tests which they would carry out.

In testifying before the Public Works Committee. I have pointed out the urgency of the completion of the bay model and study in order that the adverse environmental impact of man-made changes be detected and stopped before serious and irreversible harm is done to the bay's finfish, shellfish, wildlife, and recreational resources.

The model would be invaluable to study the fresh water flow from the Chesapeake to the Delaware Bay is now on the increase due to the enlargement which is being made in the Chesapeake and Delaware Canal.

I share the concern of marine biologists that the reduction of fresh water flow down to the lower bay can create havoc to our resources. Reduction of freshwater flow down the bay will reduce the rate of both outflow of surface waters and inflow of bottom waters at the mouth of the bay.

The overall increased salinity can damage shellfish. But the harm to finfish can be even greater. A reduction in rate of inflowing ocean water which occurs along the bottom will probably result in fewer of the larvae of ocean-spawned fish reaching the important productive estuary finfish nursery grounds. This can mean smaller catches of some varieties of fish up and down the whole eastern seaboard.

If diversions of fresh water were severely reduced in any one of the rivers feeding into the Chesapeake Bay the benefits of fish nursery areas could be even further curtailed. We need the bay model to analyze any such problem before they start. If productive, low salinity finfish nursery areas would be displaced up the Susquehanna or Potomac beyond the cordgrass marshes toward the head of the tide, fish yield would be severely curtailed. The fish would lose much of the benefit from the high food productivity of cordgrass and the low salinity zones would occupy a far smaller volume of water and far less productive stretches of the rivers. If freshwater inflow were reduced to the extent that salt water penetrated to the fall line, the spawning and nursery area of anadromous shad and striped bass would be eliminated altogether.

This bit of marine biology that I have accounted, demonstrates the complexities of estuaries—and the need for the tools to understand the problems of estuarine areas and how to deal with them.

When we speak of investing money into a Chesapeake Bay model and study we are speaking in terms of a tool to save one of the middle Atlantic's greatest economic and recreation areas.

It is with this in mind that I support my colleague from the First District of Maryland in efforts to restore the full amount of money which the administration has requested for the Chesapeake Bay study and model.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. EVINS of Tennessee (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, beyond this point, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any further amendments to the remainder of the bill?

AMENDMENT OFFERED BY MR. ROBISON OF NEW YORK

Mr. ROBISON of New York. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

WATER RESOURCES COUNCIL

WATER RESOURCES PLANNING

For expenses necessary in carrying out the provisions of the Water Resources Planning Act of 1965 (42 U.S.C. 1962–1962d–5), including services as authorized by 5 U.S.C. 3109, but at rates not to exceed $100 per diem for individuals, and hire of passenger motor vehicles, $5,960,000, to remain available until expended, including $1,381,000 for carrying out the provisions of title I and administering the provisions of titles II, III, and IV of the Act, $979,000 for expenses of river basin commissions under title II of the Act, and $3,600,000 for grants to States under title III of the Act: *Provided*, That the share of the expenses of any river basin commission borne by the Federal Government pursuant to title II of the Act shall not exceed $250,000 annually for recurring operating expenses, including the salary and expenses of the chairman.

The Clerk read as follows:

Amendment offered by Mr. ROBISON of New York: Page 26, after line 6, insert:

SUSQUEHANNA RIVER BASIN COMMISSION

Salaries and Expenses

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1541), $50,000.

Contribution to Susquehanna River Basin Commission

For payment of the United States share of the current expenses of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $75,000.

Mr. ROBISON of New York. Mr. Chairman, I believe this is a noncontroversial amendment, and I believe I can explain its purpose in about a minute.

The last Congress approved the creation of an interstate compact between the States of New York, Pennsylvania, and Maryland, to be known as the Susquehanna River Basin compact. The water-resource planning and coordination work envisioned under the compact is to be carried out by a commission, the members of which are the Governors of the three basin States and a Federal member, in this instance the Secretary of the Interior. But the commission requires a working staff and will have certain operating expenses.

As authorized in the compact legislation, $64,000 a year is to be available for purposes of paying the salary of the alternate—or working—Federal member and his administrative assistant. Since, however, the commission is just getting organized and the alternate Federal member not yet selected, I believe the $50,000 carried in the first part of my amendment will suffice for these purposes for the rest of this fiscal year.

The second half of the amendment provides—again as authorized last year—a Federal contribution of $75,000 this year toward the other operating expenses of the commission, and each of the three basin States, I understand, is prepared to contribute a matching $75,000.

The compact was approved too late last year to get these amounts in the budget, but I believe OMB has no objection to their inclusion, and it is important, Mr. Chairman, that the work of this new body get underway as soon as possible, for it, like the familiar Delaware River Basin Commission, can be of great value to the citizens of the Susquehanna River Basin.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. ROBISON of New York. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, this Compact has been authorized and a budget request for the funding of the Commission has been presented.

Mr. Chairman, the amendment will be accepted by the subcommittee.

Mr. ROBISON of New York. I thank the gentleman from Tennessee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ROBISON).

The amendment was agreed to.

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise in support of H.R. 10090.

I would like to pay tribute to the full committee and the subcommittee for their work on this bill. My special thanks to my distinguished colleague from Massachusetts (Mr. BOLAND) and the distinguished gentleman from Arizona (Mr. RHODES), for their understanding and concern.

They were particularly sympathetic to my effort to win support for the item of $625,000 for an early start on the Fall River Harbor modernization project as well as the $20,000 for continued feasibility studies on the Westport River navigation project.

In the case of the Fall River project, it is rare when a city's destiny is so closely tied to one development like this. It is safe to say that this project could be the vital ingredient in the economic future of the city and all of southeastern Massachusetts.

It represents 13 years of effort among literally dozens of Federal, State and municipal agencies and industrial and civic organizations. It also represents a number of studies which have gathered dust over the years. I have made it my special project since I have been in Congress and we have begun to show real progress.

This is not just another harbor project involving the dredging of a deeper shipping channel. It is the city's untapped resource. It means jobs in Fall River. It is the keystone to a range of other waterfront improvements that will have sociological and psychological as well as economic and employment impact on the entire area.

The city of Fall River, despite financial problems, has committed funds for this project, and the Commonwealth of Massachusetts has also set aside money for contribution.

For these reasons, the benefits go far beyond the scope of the project. Officially the cost-benefit ratio is 3.5–1, but the long-term good that will flow from it is inestimable.

Approval of these funds will permit work to begin in May of next year after ecological studies have been completed.

That will mean a port that will be able to lead the area to a new era of growth and development. And, just as important, it will strike a note of hope and optimism that is curative in itself.

I urge the approval of this bill.

Mr. EVINS of Tennessee. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair (Mr. ASPINALL), Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10090) making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. EVINS of Tennessee. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were 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.

Mr. EVINS of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 386, nays 4, not voting 43, as follows:

[Roll No. 221]

YEAS—386

Abbitt	Burke, Mass.	Dow
Abernethy	Burleson, Tex.	Downing
Abourezk	Burlison, Mo.	Drinan
Abzug	Burton	Dulski
Adams	Byrne, Pa.	Duncan
Addabbo	Byrnes, Wis.	du Pont
Alexander	Byron	Dwyer
Anderson, Calif.	Cabell	Eckhardt
	Caffery	Edmondson
Anderson, Tenn.	Camp	Edwards, Ala.
	Carey, N.Y.	Edwards, Calif.
Andrews, Ala.	Carney	Eilberg
Andrews, N. Dak.	Casey, Tex.	Erlenborn
	Cederberg	Eshleman
Annunzio	Celler	Evans, Colo.
Archer	Chappell	Evins, Tenn.
Ashbrook	Chisholm	Fascell
Aspin	Clancy	Findley
Aspinall	Clark	Fish
Badillo	Clausen, Don H.	Fisher
Baker		Flood
Baring	Clawson, Del	Flowers
Barrett	Collier	Flynt
Begich	Collins, Ill.	Foley
Belcher	Collins, Tex.	Ford, Gerald R.
Bell	Colmer	Ford, William D.
Bennett	Conable	
Bergland	Conte	Forsythe
Betts	Conyers	Fountain
Bevill	Corman	Fraser
Biaggi	Cotter	Frelinghuysen
Biester	Coughlin	Frenzel
Bingham	Crane	Frey
Blanton	Culver	Fulton, Pa.
Blatnik	Daniel, Va.	Fulton, Tenn.
Boggs	Daniels, N.J.	Fuqua
Boland	Danielson	Galifianakis
Bolling	Davis, Ga.	Gallagher
Bow	Davis, S.C.	Gaydos
Brademas	Davis, Wis.	Gettys
Brasco	de la Garza	Giaimo
Brinkley	Delaney	Gibbons
Brooks	Dellenback	Goldwater
Broomfield	Dellums	Gonzalez
Brotzman	Denholm	Goodling
Brown, Mich.	Dennis	Grasso
Brown, Ohio	Derwinski	Gray
Broyhill, N.C.	Devine	Green, Oreg.
Broyhill, Va.	Dickinson	Green, Pa.
Buchanan	Dingell	Griffin
Burke, Fla.	Dorn	Griffiths
Gross	Mann	St Germain
Grover	Martin	Sandman
Gubser	Mathias, Calif.	Sarbanes
Gude	Mathis, Ga.	Satterfield
Hagan	Matsunaga	Scherle
Haley	Mayne	Scheuer
Hall	Mazzoli	Schmitz
Halpern	Meeds	Schneebeli
Hamilton	Melcher	Schwengel
Hammer-schmidt	Michel	Scott
	Mikva	Sebelius
Hanley	Miller, Ohio	Seiberling
Hanna	Mills, Ark.	Shipley
Hansen, Idaho	Mills, Md.	Shoup
Hansen, Wash.	Minish	Shriver
Harrington	Mink	Sikes
Harsha	Minshall	Sisk
Harvey	Mitchell	Skubitz
Hastings	Mizell	Slack
Hathaway	Mollohan	Smith, Calif.
Hawkins	Monagan	Smith, Iowa
Hays	Montgomery	Smith, N.Y.
Hechler, W. Va.	Moorhead	Spence
Heckler, Mass.	Morgan	Springer
Helstoski	Morse	Staggers
Henderson	Mosher	Stanton, J. William
Hicks, Mass.	Murphy, Ill.	
Hicks, Wash.	Murphy, N.Y.	Stanton, James V.
Hillis	Myers	
Hogan	Natcher	Steed
Holifield	Nedzi	Steele
Howard	Nichols	Steiger, Ariz.
Hull	Nix	Stokes
Hunt	Obey	Stratton
Hutchinson	O'Hara	Stubblefield
Ichord	O'Konski	Sullivan
Jacobs	O'Neill	Talcott
Jarman	Passman	Taylor
Johnson, Calif.	Patten	Teague, Calif.
Johnson, Pa.	Pelly	Teague, Tex.
Jonas	Pepper	Terry
Jones, Ala.	Perkins	Thompson, Ga.
Jones, N.C.	Pettis	Thompson, N.J.
Karth	Peyser	Thomson, Wis.
Kastenmeier	Pickle	Thone
Kazen	Pike	Tiernan
Keating	Pirnie	Udall
Kee	Podell	Ullman
Keith	Poff	Vander Jagt
Kemp	Powell	Vanik
King	Preyer, N.C.	Veysey
Kluczynski	Price, Ill.	Vigorito
Koch	Price, Tex.	Waggonner
Kuykendall	Pucinski	Waldie
Kyl	Quie	Wampler
Landgrebe	Railsback	Ware
Landrum	Randall	Watts
Latta	Rangel	Whalen
Lennon	Rarick	Whalley
Lent	Rees	White
Link	Reid, Ill.	Whitehurst
Lloyd	Reuss	Whitten
Long, Md.	Rhodes	Widnall
Lujan	Riegle	Wiggins
McClory	Roberts	Wilson, Bob
McCloskey	Robinson, Va.	Wilson, Charles H.
McCollister	Robison, N.Y.	
McCormack	Rodino	Winn
McDade	Roe	Wolff
McDonald, Mich.	Rogers	Wright
	Roncalio	Wyatt
McEwen	Rooney, N.Y.	Wydler
McFall	Rooney, Pa.	Wylie
McKay	Rosenthal	Wyman
McKevitt	Rostenkowski	Yates
McKinney	Roush	Young, Fla.
McMillan	Rousselot	Young, Tex.
Macdonald, Mass.	Roy	Zablocki
	Roybal	Zion
Madden	Runnels	Zwach
Mahon	Ruppe	
Mailliard	Ruth	

NAYS—4

Cleveland	Reid, N.Y.	Ryan
Kyros		

NOT VOTING—43

Anderson, Ill.	Hébert	Pryor, Ark.
Arends	Horton	Purcell
Ashley	Hosmer	Quillen
Blackburn	Hungate	Saylor
Bray	Jones, Tenn.	Snyder
Carter	Leggett	Stafford
Chamberlain	Long, La.	Steiger, Wis.
Clay	McClure	Stephens
Dent	McCulloch	Stuckey
Diggs	Metcalfe	Symington
Donohue	Miller, Calif.	Van Deerlin
Dowdy	Moss	Williams
Edwards, La.	Nelsen	Yatron
Esch	Patman	
Garmatz	Poage	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Arends.
Mr. Dent with Mr. Anderson of Illinois.
Mr. Garmatz with Mr. Bray.
Mr. Pryor of Arkansas with Mr. McClure.
Mr. Purcell with Mr. Carter.
Mr. Miller of California with Mr. Hosmer.
Mr. Jones of Tennessee with Mr. Nelsen.
Mr. Stuckey with Mr. Blackburn.
Mr. Stephens with Mr. Quillen.
Mr. Ashley with Mr. Esch.
Mr. Dowdy with Mr. Chamberlain.
Mr. Moss with Mr. Horton.
Mr. Leggett with Mr. Stafford.
Mr. Symington with Mr. Snyder.
Mr. Yatron with Mr. Saylor.
Mr. Patman with Mr. Steiger of Wisconsin.
Mr. Hungate with Mr. Williams.
Mr. Van Deerlin with Mr. Clay.
Mr. Edwards of Louisiana with Mr. Metcalfe.
Mr. Donohue with Mr. Diggs.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EVINS of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

RANCHING AND CONSERVATION

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

Mr. RONCALIO. Mr. Speaker, one of the regrettable legacies of a decade of violence has been an erosion of the legitimate employment of consensus in decisionmaking.

With an accent on the policies of dialectic and the rhetoric of adversaries, the requisite arena of common ground has been overshadowed.

Accompanying this adversary approach has been a tendency to polarize and categorize, resulting in stereotypes of exaggerated proportions.

I am pleased, therefore, to single out an example where the stereotype has been disproved and where the old fashioned process of seeking mutual interests and a common goal has realized progress.

In the pursuit of environmental objectives, there are categories of occupations which are automatically presumed to be insensitive.

When proposals for new wilderness areas are put forward, the assumption puts ranchers and timbering interests in the opposition camp, as if those who live off the land cannot appreciate efforts to preserve it.

A man who defies the stereotype is cattleman Art Fawcett, who has been waging a long struggle to designate as wilderness an area north of Laramie Peak in Wyoming.

Fawcett has a direct interest in the issue, since the headquarters of his ranching operation lie on the Roaring Fork at the edge of the desired wilderness area. As a former sawmill operator, he is not insensitive to the claims of those who prefer multiple use to wilderness restrictions.

Nonetheless, he has toured Wyoming, showing slides of the magnificent Ponderosa pines and has enlisted the support of the Wyo-Braska Boy Scout Council.

One of my first actions upon being sworn in was to introduce H.R. 1551 to designate Laramie Peak Wilderness Area.

This initial support was broadened on March 22, when the distinguished ranking minority member on the Interior Committee (Mr. SAYLOR) introduced H.R. 6496 to designate certain lands as wilderness, including Laramie Peak.

I know the committee members will share my gratification on the healthy introduction of a new kind of consistency in the ranks of the wilderness proponents and will join me in congratulating Art Fawcett for his public spirit and his energetic service to this worthy cause.

I direct the attention of all my colleagues to an editorial which appeared in the July 25 issue of the Casper, Wyo., Star-Tribune:

RANCHER-CONSERVATIONIST

The long uphill fight to create a "pocket wilderness" area on the north side of Laramie Peak has been won, largely through the efforts of a persistent rancher in the area.

Cattleman Art Fawcett, whose headquarters is on Roaring Fork at the edge of the scenic area, enlisted the support of conservationists in Casper, Laramie, Scottsbuff and other cities and towns in a campaign of several years to carve out the wilderness area.

The Wyo-Braska Boy Scout Council, with headquarters in Scottsbuff, joined the movement with vigorous support.

Despite opposition of the Forest Service from the start, and some business interest in his home community of Douglas, Fawcett enlisted the aid of Congressman Teno Roncalio, who introduced the bill creating the wilderness area.

The Forest Service pointed out that the area was too small to qualify for a wilderness area under the federal law, and pushed its own plan to open the area to roads and campsites so that the maximum number of people would benefit. The plan included building a $100,000 road to harvest $25,000 worth of Ponderosa Pine.

Fawcett countered that the Ashenfelder Basin north of Laramie Peak is one of the few unspoiled, untrampled areas in eastern Wyoming and should be left in its natural state for Boy Scouts, hikers and nature lovers. It's only a short hike from the perimeter into the heart of the area.

Providing roads and campgrounds would create the usual problem of policing the area for tin cans, garbage and other litter.

Few residents of the area can take advantage of the big wilderness areas in western Wyoming, so the Laramie Peak area is a "natural."

The tall, lanky rancher took color slides of the Ponderosa Pines, the flora and the fauna of the area, and showed them to outdoor groups; he took newspapermen and Sierra Club members on hiking tours, he talked on the radio and kept up a one-man crusade in the face of opposition from the Forest Service and logging interests in his own community. He had been a small sawmill operator at one time, but realized that the cost of harvesting Ponderosa Pine in this area was not justified.

As a rancher, he runs cattle in the area. But his rustic drift fences do not detract from the scenic and recreation values. And there is no overgrazing.

The story of Art Fawcett points up the fact that some of our best conservationists and ecologists are ranchers, and also realists.

FOOD STAMPS FOR DRUG TREATMENT PROGRAMS

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

Mr. BADILLO. Mr. Speaker, I am pleased to introduce for myself and for the gentleman from California (Mr. HAWKINS), the gentleman from Hawaii (Mr. MATSUNAGA), the gentleman from Massachusetts (Mr. MORSE), and the gentleman from Illinois (Mr. RAILSBACK) a bill to amend the Food Stamp Act to extend its benefits to narcotics addicts participating in drug treatment and rehabilitation programs run by private, nonprofit organizations.

It is our plan to circulate this bill among our colleagues on both sides of the aisle with the hope of obtaining enough broad, bipartisan support to gain enactment during this Congress.

It is not my intention here to reiterate the tremendous costs our society is paying because of the scourge of drug abuse and drug addiction. We have learned, all too painfully, that addiction knows no neighborhood lines, no county or State boundaries, and no racial or ethnic distinctions. We see every day the toll the drug culture is taking in ravaged lives and terrorized communities.

In my city of New York alone, the experts say, there are more than 100,000 addicts. More than 1,000 of them were killed by drugs last year alone. One out of five of those were teenagers.

Efforts are being made to treat these addicts and to rehabilitate them. Not nearly enough is being done, although there are about 20,000 addicts involved in publicly supported programs in New York City. Cutbacks imposed on these programs by the State legislature and the inadequacy of efforts at the Federal level continue to inhibit the war against addiction.

The bill we are introducing today is a small, but significant step toward sustaining the drug treatment programs now underway in American communities. Not one of those programs is being adequately funded and all are staggering to make ends meet. Our bill provides assistance by making available to these groups and to their participants nutritious and varied foods at moderate cost. Both residential and nonresidential type programs would benefit since, while the main provision of our bill provides for a redefinition of the term "household" to include carefully defined therapeutic communities, it also allows addicts who are members of eligible households to use their stamps to purchase food prepared for them while they are participating in ambulatory programs.

I commend my colleagues from California, Hawaii, Massachusetts, and Illinois for their initiative and foresight in pressing for enactment of this legislation. I strongly urge our colleagues in the House to join this effort.

H.R. —

A bill to amend the Food Stamp Act of 1964 to provide food stamps to certain narcotics addicts and certain organizations and institutions conducting drug treatment and rehabilitation programs for narcotics addicts, and to authorize certain narcotics addicts to purchase meals with food stamps

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3(e) of the Food Stamp Act of 1964 (7 U.S.C. 2011 et seq.) is amended by inserting "(1)" immediately after "(e)", and by adding at the end thereof the following new paragraph:

"(2) The term 'household' shall include a group of narcotics addicts who live together under the supervision of a private nonprofit organization or institution for the purpose of regular participation in a drug treatment and rehabilitation program."

(b) Section 3 of the Food Stamp Act of 1964 is amended by adding at the end thereof the following new subsection:

"(n) The term 'drug addiction treatment and rehabilitation program' means any drug addiction treatment and rehabilitation program conducted by a private nonprofit organization or institution and approved pursuant to regulations prescribed by the Secretary of Health, Education, and Welfare."

(c) Section 5 of the Food Stamp Act of 1964 is amended by adding at the end thereof the following:

"(d) The Secretary shall establish uniform national standards of eligibility for households described in section 3(e)(2) of this Act."

(d) Section 5(c) of the Food Stamp Act of 1964 is amended by adding at the end thereof the following: "For the purposes of this section, the term 'able-bodied adult person' shall not include any narcotics addict who regularly participates, as a resident or nonresident, in any drug addiction treatment and rehabilitation program."

(e) Section 9 of the Food Stamp Act of 1964 is amended by adding at the end thereof the following: "Regulations issued pursuant to this Act shall provide for the redemption, through approved wholesale food concerns or through banks, of coupons accepted by any drug treatment or rehabilitation program pursuant to section 10(i) of this Act."

(f) Section 10 of the Food Stamp Act of 1964 is amended by inserting at the end thereof the following new subsection:

"(i) Members of an eligible household who are narcotics addicts and regularly participate in any drug addiction treatment and rehabilitation program may use coupons issued to them to purchase food prepared for or served to them during the course of such program."

UNEMPLOYMENT IN MASSACHUSETTS

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

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to preface my remarks delivered to a luncheon sponsored by the AFL–CIO Maritime Trades Department yesterday by underlining the seriousness and timeliness of the discussion involved. Yesterday's speech happened to coincide with newspaper accounts of the unemployment situation in Massachusetts. According to the latest figures for my State, the Commonwealth of Massachusetts, the number of unemployed in June was 211,900, up 28,600 from the previous month. This constitutes a 20-year high-watermark in unemployment in Massachusetts. Eight percent of the work force today is jobless. Engineers, scientists, and technical workers continue to search for jobs. In my own district, the city of Brockton now has unemployment rate of 9.7 percent. It is my contention that many of the lost jobs behind these unemployment figures have been lost, never to be regained again unless this country reexamines its foreign trade policies. This is a contention which is reinforced by an article on the front page of yesterday's edition of the New York Times which in bold type indicates that the United States may experience its first trade deficit since 1893. This is not a forecast by a spokesman for the party in opposition, but rather the prediction of a key spokesman for the administration in such matters, none other than the Secretary of Commerce, Maurice H. Stans. Already we have experienced the phenomenon of back to back trading deficits for the months of April and May.

This morning, the June figures made depressing breakfast table reading, indeed. Now, we have the phenomena of 3 months in succession with trading deficits. June registered a bigger trading deficit even than April or May, reaching $363.6 million. For the second quarter as a whole, there was an excess of imports over exports for the first time since the days immediately following World War II. The deficit for the second quarter stood at $803 million. This combined with a first quarter deficit of $372.3 million gives this Congressman little reason to believe that Secretary Stans' prediction will be borne out, based as it is on the hard fact of a trading deficit for the first half of this calendar year of $1,175 million. Meanwhile it is interesting to note that the same page in the New York Times reporting these dismal figures reported that U.S. multi-national corporations "borrowed a record $3 billion abroad last year to permit continuation of a record level of direct investment in foreign countries despite government control." There is definitely, in my opinion, a link between these two sets of figures. Action is needed and needed soon, as the following remarks argue most strongly:

UNEMPLOYMENT IN MASSACHUSETTS

American history is a proud history.

It's a proud history because so much has happened in so short a time.

From the settlement of thirteen colonies to the federation of 50 states, the process of growth—out of which history is made—has left us with a whole treasury of enduring principles, colorful stories, and subjects of pride—peculiarly American subjects.

Town meetings, for example.

We still have town meetings in Massachusetts.

And they're still as spicy, and colorful, and important as they've always been.

And baseball.

We're still packing them into Fenway Park.

And nobody needs reminding that the World Series is an *American* series, born and bred as a product of the American character.

But as Americans, we don't stop there, unfortunately.

We engrave other subjects . . . and other ideas onto the national consciousness or national memory, so to speak.

And once engraved, they become more and more difficult to smooth out, and polish down to their original lustre.

In fact, we let them become sacred cows.

Fat sacred cows, like "the right to a profit," and "freedom of competition."

Because, in many cases, right to a profit has become *unlimited* right to profit.

And freedom of competition has become *uncontrolled* freedom of competition.

I question, frankly, *their* so-called sacred nature.

And so-called untouchable quality.

And I *affirm* my right—and the right of every citizen—to question just what's happening today to the American economy, particularly in the all-important area of foreign trade.

Because of such sacred cows, we are becoming a nation whose principal export is the jobs of American workers.

The *jobs* get exported.

The workers stay home—and read in the morning paper about the corporate overseas transfer of their industry.

And the displacement of *their* jobs to another land.

Historically, the United States was a principal exporter of *goods,* not jobs.

Only seven years ago—in 1964—we exported almost 26 billion dollars worth of goods, and imported almost 19 billion dollars.

That left us with a favorable balance of trade of over 7 billion dollars.

By 1969, however, the decline in our balance of trade was incredible.

In that year, the United States exported over 37 billion dollars in merchandise, and *imported* 36 billion dollars worth—leaving us a favorable balance of only a little over *one* billion dollars.

And it's getting worse.

In both May and June of this year, America encountered trading *deficits* for the first time since before the Korean war.

I have to ask why?

And I have to question official policy that permits the situation to get worse.

That permits the addition every week of thousands more to the jobless lists.

That permits the elimination—each year—of thousands of American jobs.

Jobs that won't suddenly reappear when—or if—the United States economy picks up again.

They won't reappear because they're gone forever—filled by foreign workers who are working in many, many cases for American firms.

American firms as far as their headquarters is concerned . . . as far as distribution is concerned . . . or product servicing.

But *not* product *manufacturing.*

United States manufacturing has become the 8th wonder of the world—literally—since so-called multi-national firms are operating in more than 40 nations around the globe.

And the corporate *profits* of multi-national firms are the 9th wonder of the world—aided as they are by cheap wage costs, lack of effective—labor unions, extremely low foreign taxes, and an army of eager American consumers.

And what are the results?

The first and most obvious result is loss of American jobs.

The second result is higher prices for consumers, since the American manufacturer abroad—faced with little or no competition in the United States—may raise his prices, and up his profit margin with impunity.

The third result is only beginning to manifest itself, as more and more American workers—blue collar *and* white collar—lose their jobs, as they and their families drop largely out of the consumer market.

And when that happens in sufficient numbers—we will have set the stage for a far *worse* recession at home, and a full-blown trade war between competing nations and ourselves.

But we're *still* deluding ourselves.

Every day, more plants close down and transfer overseas.

Every day, more American workers lose their jobs.

Every month, prices continue to rise.

Every year the "free trade" lobby succeeds in placing blinders over the eyes of the Congress and the American people.

Nothing succeeds like success—and the perpetration of the free trade *myth* has been most successful.

And until we expose *that* myth for what it is, those of us who believe in a policy of *Fair* trade will continue to cry alone in the wilderness.

Because—while the idealism implicit in the free trade philosophy is commendable—the fact is, it doesn't work.

And it *can't* work in a world of fiercely competing political systems, cultures, and economies.

Consider, for a moment, what has happened since the close of World War II, after the incredible success of the United States' Marshall Plan in rebuilding the ruined economies and industries of the war-torn nations.

The success of the Marshall Plan was not only due to the vast amounts of money expended by the United States, but also to the development of certain economic stabilizing and protective devices which the Plan encouraged.

In other words, the United States fostered the development of *managed* economies aboard.

Managed economies, modeled after the most successful managed economy on the face of the earth—our own.

With one important difference.

The United States indirectly fostered the erection of certain barriers *against* free trade, within the nations receiving assistance.

No such encouragement was provided at home.

No such protection was afforded to *American* industry, and *American* labor.

No guarantees of *reciprocal* free trade were open to the United States.

In fact, we found ourselves in the position of freely opening our shores to foreign goods, and in many instances, being shut out of the export markets of countries which had accepted our assistance.

And so, beginning in the middle to late fifties and continuing to the present day, America has been flooded with a bewildering array of cheap foreign imports . . . forcing a reduction in the quality of many home-produced goods . . . forcing a drastic decline in the number of many historic American industries . . . forcing an unprecedented disappearance of American jobs associated with those industries.

The leather and shoe industries, for example, which are so important to my home state—we've seen the loss of 12,200 workers in shoe manufacturing alone in Massachusetts between 1960 and 1969.

And the list goes on.

The textile industry.

The automobile industry.

The clothing industry.

The electronics industry.

And, needless to say, those who have borne some of the greatest loss . . . the men of the American merchant marine.

For it's the maritime industry which suffers the most from the drowning of every additional industry under the high tide of foreign imports.

And it's the maritime industry which suffers the most from multi-national, "runaway" American plants.

And "runaway" shipping. And it's your industry and it's your union which suffers the most from "runaway" shipping and foreign-flag fleets.

So I think it's about time to lay the myth of free trade to rest.

It's about time to attack some sacred cows.

Like unlimited right to profits, and uncontrolled freedom of competition.

And let's return to a consciousness of our history.

Let's return to the principles which led to an orderly, progressive economy, and an orderly progressive foreign trade.

We have the ability, and we have the resources.

What we need now is the will.

The will to keep *our* citizens employed, and *our* industries producing.

And the will to restore the United States to her historic role as the leading exponent in the world of the principle of fair trade among nations.

FOREIGN TRADE ACT OF 1971

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

Mr. BETTS. Mr. Speaker, on my own behalf and that of the distinguished gentlemen who are joining me as cosponsors, I am today introducing a new, basic, effective foreign trade bill that I feel is very reasonable in its approach to the import problem. Consponsoring the bill are: Mr. BAKER, Mr. CONTE, Mr. DENT, Mr. MIZELL, Mr. SCHNEEBELI, Mr. SIKES, Mr. SLACK, Mr. WAGGONNER, and Mr. WYMAN. Briefly, the bill would repeal what appears to be meaningless remedies contained in the Trade Expansion Act of 1962. It would reinstate the peril point and escape clause procedures which existed and worked with reasonable effectiveness until they were repealed by the 1962 act. Because every President in power during the long history of the trade agreements legislation has demonstrated his reluctance to execute the policy of the Congress in safeguarding domestic industry and workers from import injury, the bill I am sponsoring today would make the findings of the Tariff Commission in escape clause cases binding upon the President.

I have modeled the escape clause closely after the language of the escape clause contained in GATT. The United States has an absolute right to escape from import injury under the conditions specified in article XIX of GATT. Accordingly, the escape clause which would be reinstated by the bill being introduced today is entirely consistent with the GATT escape clause so that its invocation could not provide the basis for any honest complaint by any trading nation.

In simplest essence, the escape clause which would be reinstated by this bill provides that upon the application of any industry or group of workers, the Tariff Commission must investigate and determine whether increased imports due in whole or in part to past tariff concessions have been a substantial cause of serious injury to a domestic industry or its workers. If the Commission finds such injury, it is required to determine the amount of increase in duties or other import restriction required to correct the injury. Its finding of injury and determination of relief would be final and binding upon the President. In other words, they must be placed into effect.

At present, under the escape clause, the Tariff Commission is charged with the duty of recommending the increase in duty or the imposition of quotas which it believes necessary to remedy serious injury caused a domestic industry by increased imports. Thus, the escape clause procedure, if adequately reformed as to its criteria for relief, constitutes an avenue for the imposition of quotas in those instances in which a domestic industry proves its entitlement to such relief in a full investigation by the Tariff Commission.

The current escape clause now provides at section 352 of the Trade Expansion Act authority for the President to negotiate international agreements providing for the limitation of imports in lieu of raising the duties or imposing quotas as found necessary by the Tariff Commission. If that provision were modified so that the President would be authorized to negotiate agreements for the limitation of imports whose provisions would supersede increases in duty or the imposition of quotas found necessary by the Tariff Commission after such remedies had been placed into effect, appropriate bargaining power for effective negotiations would be conferred upon the President.

Mr. Speaker, I am in favor of providing relief for any American industry or its workers that have been seriously injured by excessive imports. I feel that a general remedy as provided in this legislation will provide reasonable access to relief for our domestic industries and workers. This comprehensive or omnibus approach should meet with bipartisan support since commodities in virtually every section of the country have been affected by excessive imports.

In my State of Ohio in 1969, we had 41 industries with employment in Ohio in excess of 1,000 workers who suffered an absolute deficit in their balance of trade. In all, these industries employed in Ohio 325,000 workers. The aggregate balance-of-trade deficit experienced by the United States in products competitive with the output of these industries was in excess of $8.1 billion. Ohio is a great industrial State. If its home industries can be so severely impacted by imports, so, too, can the industries of the other States in our Union.

Proof of the adverse effect that cheap, low-wage foreign imports is having in my congressional district was dramatically pointed out earlier this year in my annual congressional questionnaire in which over 25,000 Eighth District residents responded. Of this amount almost 86 percent said that the time has come for restrictions on imports that are hurting American jobs and industries.

Mr. Speaker, at this point in my remarks I would like to supply some background which may be of interest to those who have occasion to study the bill.

The trade agreement authority was originally enacted into law in 1934 to enable the President to stimulate our acutely depressed economy through selective and reciprocal reductions in duty with our principal trading partners. The idea was that we could bargain for the reduction of tariff walls imposed by other countries on products which we had the ability to export, in

exchange for a reduction of our tariff wall on products which those countries had the ability to export to the United States. Basically, it was believed that the products selected for negotiation would be those which would supplement the supply available to the nations in the negotiation without disrupting their domestic industries and commerce.

This authority was carefully used in bilateral negotiations until the advent of World War II disrupted world trade. In the aftermath of the war, we found that the legacy of victory included the responsibility to resurrect the ravaged economies of Japan and the European nations. As a nation, we spared no effort in discharging this responsibility. We combined massive infusions of foreign aid to rebuild the industries of these war-ravaged countries with repeated and deep reductions in U.S. import duties to provide markets for the recreated foreign industries.

By the late 1950's the nations of Europe and Japan had recovered their strength, their economies had been restored, and their people were busy in productive enterprise. In 1957, the six nations of the Common Market signed the Treaty of Rome, to be followed soon after by the entry of seven other European nations into the European Free Trade Association.

The nations of Europe turned to regional trading arrangements to exclude U.S. exports from free access to the strengthening European markets. They systematically erected barriers against Japanese exports. The United States fell back upon a heavy dependence upon the growth of its own market to sustain its economic vitality. Japan turned its foreign trade energies almost exclusively upon the United States.

The handwriting was on the wall when the Congress considered the Trade Expansion Act of 1962. There were already established clearcut trends which projected a steady loss of America's export position and a deep penetration of the American market by imports, especially from low-wage Asian nations.

Back in 1962, I noted these trends and sounded a warning in my additional views to the Ways and Means Committee report on the Trade Expansion Act of 1962. I stated that my concern was for the strength of our domestic economy. I warned that we could not afford to dismantle our tariffs and add trade deficits to the burden of our foreign military and economic aid and the cost of defending Europe. I warned that the deep tariff reductions authorized by the Trade Expansion Act of 1962 would lead to more unemployment.

In the floor debate on the Trade Expansion Act, I called attention to a basic problem of the bill; namely, the absence of effective safeguards. I recited the history of the escape clause and stated that I voted against the committee bill because it diluted, weakened, and emasculated the peril point and escape clause procedures at a time when, above all, effective safeguards would be more urgently needed than ever before. I stated categorically that the new procedures that were substituted by the Trade Expansion Act of 1962 for the tried and true escape clause which had been agreed to in discussions between President Truman and Senator Vandenberg would not lead to any helpful findings of serious injury from increased imports. I warned that we were breaking with our tradition of selective negotiations which would avoid injury to our domestic industries and that we were throwing overboard the means to correct mistakes which resulted in serious injury.

I think it would be useful to the many Members of this body who have been subjected to deep frustration in their inability and the inability of their constituents to get relief from job-destroying excessive volumes of imports. To quote from my remarks during the debate on the 1962 bill:

> Let the Members realize that if this bill is enacted, we are placing unprecedented power in the hands of the President while freeing him of any limitation designed to protect our domestic employment and industries from damage by imports. The state of our economy and the level of our unemployment is such that I, for one, have no confidence at all that a scheme of power such as represented by the bill before this House can lead to any benefits to the United States which will outweigh the widespread distress which is certain to occur to our domestic industries and their employees. [CONGRESSIONAL RECORD, Vol. 108, pt. 9, p. 12008.]

Mr. Speaker, I believe my remarks in 1962 have proven to be prophetic. Today the United States is running an absolute deficit in its balance of trade even when measured by the misleading accounting practiced by our Government in reporting foreign trade statistics. For several years we have been running a deficit in excess of $2 billion a year when foreign trade is valued in the same manner as practiced by most of the other trading nations of the world, and when we exclude from our exports our give-away shipments of agricultural products.

The Trade Expansion Act of 1962 has provided no relief for industries severly injured by excessive import competition. The list of the injured industries is too extensive to cite here, but just an enumeration of the basic industries which have been badly damaged by imports and whose workers have suffered deep job erosion should give pause to the Members of this body: ceramic tile; electronic products such as radios, televisions, and components; china and earthenware; flat glass; textiles and apparel; basic steel; specialty and tool steel; footwear; motor vehicles; motorcycles and bicycles; toys; sporting goods; and a host of other industries. These industries have been deeply hurt and are clamoring for relief without practical avail.

Mr. Speaker, I believe it is time for Congress to face up to its responsibility under the Constitution to regulate our foreign commerce in the interest of the general welfare of the people of the United States. For too long investors and managers of domestic industries and their workers have been excluded from the concept of "the general welfare." For too long we have been more concerned about the general welfare of investors, managers, and workers in other countries and not sufficiently concerned about their counterparts in this Nation.

Mr. Speaker, I urge the Members of this body to give the bill which I am introducing today their careful and prompt attention. I am hopeful that the chairman of the Ways and Means Committee will give this matter the highest priority for committee consideration and that the administration will see fit to lend its support to this undertaking.

Mr. Speaker, in order that the text of this bill may be made available as promptly as possible to those who have an interest in foreign trade, I include the bill in full text following my remarks:

H.R. 10192

A bill to continue the expansion of international trade and thereby promote the general welfare of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Trade Act of 1971."

TITLE I—EXTENSION OF THE PRESIDENT'S TRADE AGREEMENT AUTHORITY

SEC. 101. (a) Section 201(a)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)(1)) is amended by striking out "July 1 1967" and inserting in lieu thereof "July 1, 1974."

(b) Section 201(b)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(b)(1)) is amended to read as follows:

"(1) decreasing any rate of duty—

"(A) in order to carry out a trade agreement entered into before July 1, 1967, to a rate below 50 percent of the rate existing on July 1, 1962; or

"(B) in order to carry out a trade agreement entered into after June 30, 1967, and before July 1, 1974, to a rate below the lower of—

"(i) the rate 20 percent below the rate existing on July 1, 1967; or

"(ii) the rate 2 percent ad valorem (or ad valorem equivalent) below the rate existing on July 1, 1967."

(c) Title II of the Trade Expansion Act of 1962 is amended by striking out "201(b)(1)" in section 202. 211 (a) and (e), 212, 213(a), and 221, and inserting in lieu thereof "201(b)(1)(A)."

(d) Section 256 of the Trade Expansion Act of 1962 (19 U.S.C. 1886) is amended by adding immediately after subparagraph (7) the following new subparagraph:

"(8) The term 'existing on July 1, 1967', as applied to a rate of duty, refers to the lowest nonpreferential rate of duty (however established, and even though temporarily suspended by Act of Congress or otherwise) existing on such date or (if lower) the lowest nonpreferential rate to which the United States is committed on such date."

(e) Section 253 of the Trade Expansion Act of 1962 (19 U.S.C. 1883) is amended by adding immediately after subsection (d) the following two new subsections.

"(e) In the case of a trade agreement entered into after June 30, 1967, and before July 1, 1974, 'one-half' shall apply in place of 'one-fifth' and 'four-fifths', and '1 year' shall apply in place of 'in four equal installments at 1-year intervals', in subsection (a) of this section.

"(f) Subsection (c) shall not apply to reductions pursuant to a trade agreement entered into after June 30, 1967, and before July 1, 1974."

TITLE II—REFORM OF TRADE AGREEMENT PROCEDURES

SEC. 201. Section 221 of the Trade Expansion Act of 1962 (19 U.S.C. 1841) is amended

by striking it out in its entirety and inserting in lieu thereof the following:

"(a) Before entering into negotiations concerning any proposed foreign trade agreement under section 201 of the Trade Expansion Act of 1962, as amended, the President shall furnish the United States Tariff Commission (hereinafter in this Act referred to as the 'Commission') with a list of all articles imported into the United States to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or continuance of existing customs or excise treatment. Upon receipt of such list the Commission shall make an investigation and report to the President the findings of the Commission with respect to each such article as to (1) the limit to which such modification, imposition, or continuance may be extended in order to carry out the purpose of such section 201 without causing or threatening serious injury to the domestic industry producing like or directly competitive articles; and (2) if increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry producing like or directly competitive articles the minimum increases in duties or additional import restrictions required. Such report shall be made by the Commission to the President not later than six months after the receipt of such list by the Commission. No such foreign trade agreement shall be entered into until the Commission has made its report to the President or until the expiration of the six-month period.

"(b) (1) In the course of any investigation pursuant to this section the Commission shall hold hearings and give reasonable public notice thereof, and shall afford reasonable opportunity for parties interested to be present, to produce evidence, and to be heard at such hearings. If in the course of any such investigation the Commission shall find with respect to any article on the list upon which a tariff concession has been granted that an increase in duty or additional import restriction is required to avoid serious injury to the domestic industry producing like or directly competitive articles, the Commission shall promptly institute an investigation with respect to that article pursuant to section 301 of the Trade Expansion Act of 1962, as amended.

"(2) In each such investigation the Commission shall, to the extent practicable and without excluding other factors, ascertain for the last calender year preceding the investigation the average invoice price on a country-of-origin basis (converted into currency of the United States in accordance with the provisions of section 522 of the Tariff Act of 1930, as amended) at which the foreign article was sold for export to the United States, and the average prices at which the like or directly competitive domestic articles were sold at wholesale in the principal markets of the United States. The Commission shall also, to the extent practicable, estimate for each article on the list the maximum increase in annual imports which may occur without causing serious injury to the domestic industry producing like or directly competitive articles. The Commission shall request the executive departments and agencies for information in their possession concerning prices and other economic data from the principal supplier foreign country of each such article.

"(c) (1) Within thirty days after any trade agreement under section 201 of the Trade Expansion Act of 1962, as amended, has been entered into which, when effective, will (i) require or make appropriate any modification of duties or other import restrictions, the imposition of additional import restrictions, or the continuance of existing customs or excise treatment, which modification, imposition, or continuance will exceed the limit to which such modification, imposition, or continuance may be extended without causing or threatening serious injury to the domestic industry producing like or directly competitive articles as found and reported by the Tariff Commission under subsection (a), or (ii) fail to require or make appropriate the minimum increase in duty or additional import restrictions required to avoid such injury, the President shall transmit to Congress a copy of such agreement together with a message accurately identifying the article with respect to which such limits or minimum requirements are not complied with, and stating his reasons for the action taken with respect to such article. If either the Senate or the House of Representatives, or both, are not in session at the time of such transmission, such agreement and message shall be filed with the Secretary of the Senate or the Clerk of the House of Representatives, or both, as the case may be.

"(2) Promptly after the President has transmitted such foreign trade agreement to Congress the Commission shall deposit with the Committee on Ways and Means of the House of Rperesentatives, and the Committee on Finance of the Senate, a copy of the portions of its report to the President dealing with the articles with respect to which such limits or minimum requirements are not complied with."

SEC. 202. Section 223 of the Trade Expansion Act of 1962 (19 U.S.C. 1843) is amended to read as follows:

"In connection with any proposed trade agreement under this title, the President shall afford an opportunity for any interested person to present his views concerning any article on a list published pursuant to section 221, any article which should be so listed, any concession which should be sought by the United States, or any other matter relevant to such proposed trade agreement. For this purpose, the President shall designate an agency or an interagency committee which shall, after reasonable notice, hold public hearings, shall prescribe regulations governing the conduct of such hearings, and shall furnish the President with a summary of such hearings. The members of such agency or interagency committee holding such hearings shall include the persons charged by the President with the responsibility of recommending to him the articles which should be the subject of offers referred to in section 224 of this Act, and those persons who shall comprise the United States delegation for the conduct of the negotiations for such proposed trade agreement."

SEC. 203. Section 241(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1871(b)) is amended to read as follows:

"(b) The Special Representative for Trade Negotiations shall, in the performance of his functions under subsection (a), seek information and advice with respect to each negotiation from representatives of industry, agriculture, and labor, and from such agencies as he deems appropriate. In addition, the Special Representative shall accredit representatives selected by each industry whose products are like or competitive with the imported articles which are the subject of trade agreement negotiations and from the labor organizations representing the workers in such industries, as advisers to the United States delegation for such trade agreement negotiations. The Special Representative shall accord such accredited representatives full opportunity to advise and consult with the United States negotiators during the course of such negotiations. The Special Representative and his delegates, including the United States negotiators of such trade agreements, shall give full consideration and due weight to the advice of such accredited representatives."

TITLE III—REFORM OF THE IMPORT ADJUSTMENT AND ADJUSTMENT ASSISTANCE PROCEDURES

SEC. 301. Section 301 of the Trade Expansion Act of 1962 (19 U.S.C. 1901) is amended by striking it out in its entirety and inserting in lieu thereof the following:

"(a) No reduction in any rate of duty, or binding of any existing customs or excise treatment, or other concession hereafter proclaimed under trade agreements shall be permitted to continue in effect when the product on which the concession has been granted is, as a result, in whole or in part, of the duty or other customs treatment reflecting such concession, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

"(b) (1) Upon the request of the President, upon resolution of either House of Congress, upon resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, upon its own motion, or upon application of any interested party (including any organization or group of employees), the United States Tariff Commission shall promptly make an investigation and make a report thereon not later than six months after the application is made to determine whether any product upon which a concession has been granted under a trade agreement is, as a result, in whole or in part, of the duty or other customs treatment reflecting such concession, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry, firm, or group of workers producing like or directly competitive products.

"In the course of any such investigation, whenever it finds evidence of serious injury or whenever so directed by resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, the Tariff Commission shall hold hearings giving reasonable public notice thereof and shall afford reasonable opportunity for interested parties to be present, to produce evidence, and to be heard at such hearings.

"Should the Tariff Commission find, as the result of its investigation and hearings, that a product on which a concession has been granted is, as a result, in whole or in part, of the duty or other customs treatment reflecting such concession, being imported in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products, it shall recommend to the President the withdrawal or modification of the concession, its suspension in whole or in part, or the establishment of import quotas, to the extent and for the time necessary to prevent or remedy such injury. The Tariff Commission shall immediately make public its findings and recommendations to the President, including any dissenting or separate findings and recommendations, and shall cause a summary thereof to be published in the Federal Register.

"Should the Tariff Commission find, as the result of its investigation and hearings, that a product on which a concession has been granted is, as a result, in whole or in part, of the duty or other customs treatment reflecting such concession, being imported in such increased quantities, either actual or relative, as to cause or threaten serious injury to the firm or group of workers producing like or directly competitive products, it shall report that fact to the President. The Tariff Commission shall immediately make

public its findings and report to the President, including any dissenting or separate findings and recommendations, and shall cause a summary thereof to be published in the Federal Register.

"(2) In arriving at a determination in the foregoing procedure the Tariff Commission, without excluding other factors, shall take into consideration a downward trend of production, employment, prices, profits, or wages in the domestic industry concerned, or a decline in sales, an increase in imports, either actual or relative to domestic production, a higher or growing inventory, or a decline in the proportion of the domestic market supplied by domestic producers.

"Increased imports, either actual or relative, shall be considered as the cause or threat of serious injury to the domestic industry, firm, or group of workers producing like or directly competitive products when the Commission finds that such increased imports have contributed substantially towards causing or threatening serious injury to such industry, firm, or group of workers.

"(3) When in the judgment of the Tariff Commission no sufficient reason exists for a recommendation to the President that a concession should be withdrawn or modified or a quota established, it shall make and publish a report stating its findings and conclusions.

"(4) As used in this Act, the terms 'domestic industry producing like or directly competitive products' and 'domestic industry producing like or directly competitive articles' mean that portion or subdivision of the producing organizations manufacturing, assembling, processing, extracting, growing, or otherwise producing like or directly competitive products or articles in commercial quantities. In applying the preceding sentence, the Commission shall (so far as practicable) distinguish or separate the operations of the producing organizations involving the like or directly competitive products or articles referred to in such sentence from the operations of such organizations involving other products or articles.

"(5) In carrying out the provisions of this section the President may, notwithstanding section 201(b) of the Trade Expansion Act of 1962, as amended, impose a duty not in excess of 50 per centum ad valorem on any article not otherwise subject to duty."

SEC. 302. (a) Section 351(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1901(a)) is amended by striking it out in its entirety and inserting in lieu thereof the following:

"(a) Upon receipt of the Tariff Commission's report of its investigation and hearings, the President shall proclaim such increase in, or imposition of, any duty or other import restriction on the article causing or threatening to cause serious injury to such industry as found and reported by the Commission to be necessary to prevent or remedy serious injury to the respective domestic industry; unless within 180 days of the date of the publication of the Tariff Commission's report the President completes the actions specified in section 352 of this Act."

(b) Section 351(c) of the Trade Expansion Act of 1962 (19 U.S.C. 1901(c)) is amended by striking it out in its entirety and inserting in lieu thereof the following:

"(c) So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section or pursuant to section 7 of the Trade Agreements Extension Act of 1951 remains in effect, the Tariff Commission shall keep under review developments with respect to the industry concerned, and shall make annual reports to the President concerning such developments."

SEC. 303. Section 352(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1982(a)) is amended to read as follows:

"(a) After receiving an affirmative finding of the Tariff Commission under section 301(b) with respect to an industry, the President may, as provided in section 351(a), negotiate international agreements with foreign countries limiting the export from such countries and the import into the United States of the article causing or threatening to cause serious injury to such industry, whenever he determines that such action would be more appropriate to prevent or remedy serious injury to such industry than action under section 351(a)."

SEC. 304. Section 330(a) of the Tariff Act of 1930, as amended, (19 U.S.C. 1330(a)) is amended by striking out "shall be composed of six commissioners" and inserting in lieu thereof "shall be composed of seven commissioners"; and by striking out "Not more than three of the commissioners shall be members of the same political party" and inserting in lieu thereof "Not more than four of the commissioners shall be members of the same political party".

EQUAL RIGHTS AMENDMENT

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

Mr. EDWARDS of California. Mr. Speaker, it is always a pleasure and a delight to be able to support legislation which has as its basic ingredient the purpose of eliminating inequities and discrimination, as is the case in supporting House Joint Resolution 208 the equal rights amendment. The equal rights amendment having been designed to eliminate inequities and discrimination against women and men on the basis of sex.

It is even more pleasurable and a greater delight when the opportunity for this support is presented on a bipartisan basis.

So I am, indeed, pleased to announce that the Republican National Committee, meeting in Denver, Colo., on July 24, adopted a resolution urging passage of the equal rights amendment. This resolution also opposed any crippling amendments damaging to the wording or intent of House Joint Resolution 208 as it was introduced in this House last January, and as it was passed by Subcommittee No. 4 of the House Judiciary Committee.

I am grateful to Mrs. Gladys O'Donnell, president of the National Federation of Republican Women and to Mrs. Anne Armstrong, cochairman of the Republican National Committee, who were instrumental in initiating this resolution.

I am sure that this kind of support bodes well for near unanimous passage of the equal rights amendment in its, if you will pardon the expression, unemasculated and original form.

The resolution follows:

GOP URGES PASSAGE OF ERA

The Republican National Committee, meeting in Denver, Colorado, July 24, adopted a resolution urging passage of the Equal Rights Amendment.

In a move initiated by Mrs. Gladys O'Donnell, President of the National Federation of Republican Women, and Mrs. Anne Armstrong, Co-Chairman of the Republican National Committee, the GOP went on record approving the Amendment.

The resolution also opposed any crippling amendments damaging to the wording or intent of H.J. Res. 208 as introduced in the House in January of this year. The Amendment was also introduced in the Senate at the same time.

Action by the Committee was hailed by Mrs. Armstrong and Mrs. O'Donnell as a long stride forward in marshalling Republican support for the Amendment.

The ERA is designed to eliminate inequities and discrimination against women on the basis of sex. On April 29, 1971, it was favorably reported out of the Subcommittee of the Judiciary Committee * * *. In 1970 the amendment was forced out of Celler's committee by Congresswoman Martha W. Griffiths (D., Mich.) and supported by Congressman Gerald R. Ford (R., Mich.). It passed the House 350 to 15, but was withdrawn from the Senate when it was emasculated by amendments added by Senator Sam J. Ervin, Jr., (D., N.C.).

This year the House Judiciary Committee added 2 amendments which women's organizations claim destroyed the purpose of the bill.

Shortly after the August recess the bill is scheduled for debate and action in the House.

ONCE AGAIN THE WAR DRUMS ARE THROBBING AGAINST TOBACCO

The SPEAKER. Under a previous order of the House the gentleman from North Carolina (Mr. PREYER) is recognized for 10 minutes.

Mr. PREYER of North Carolina. Mr. Speaker, once again the war drums are throbbing against tobacco. The crusade against cigarettes is building in intensity. And the crusaders are again feeling the warm glow of self-righteousness as they plan how to do good for us by prescribing our personal conduct by Federal law, whether we like it or not.

I feel a growing sense of uneasiness as I contemplate the mood and implications of much of the smoking and health debate as it is being manifested in the Congress and in the mass media.

The Department of Health, Education, and Welfare is searching Madison Avenue for an advertising agency to mount a national antismoking campaign on radio, television, and the other mass media. Some legislators are developing bills to ban smoking in public places. Others are moving to remove price supports from tobacco. Ralph Nader has sought to ban smoking on interstate buses. Regulatory agencies are testing new restraints.

Some antismoking advocates are telling us that there are a lot of people who want to stop smoking but cannot, and therefore the Government should help them by setting tar and nicotine limits leading to prohibition by decimal point. Never mind that we have no idea what the limit should be; or that the Federal Trade Commission has prohibited low tar and nicotine cigarettes from calling themselves safer than high tar and nicotine cigarettes; or that some people may want high tar and nicotine cigarettes even if they believed them to be dangerous.

All of this crusading zeal is bringing pressure on Congress in an effort to get us to override the individual's freedom of choice. Truly, we are witnessing the work of a dictatorship of the self-righteous.

The temper and tone of this activity is more like a crusade rather than a dispassionate analysis of a difficult and complex problem about which there remains incomplete and even conflicting evidence from highly reputable sources.

Justice Brandeis said that "in every extension of governmental functions lurks a new danger to civil liberty." We need to weigh this danger against the value of the extension, even when the extension is well-intentioned as something "good for us." Our general anxieties in our new scientific age cause us to be fearful of all kinds of lurking scientific dangers. In "protecting" ourselves against these dangers let us remember that each new restriction takes away one more personal freedom. As an English newspaper said of the Royal College of Physicians' sweeping antismoking recommendations:

> All actions should be based on the concept that the Government is the servant, rather than the master, or the nanny, of its people. It can inform, warn, exhort, and set an example. In restricting and prohibiting it should move more cautiously.

Mr. Speaker, Congress needs more objective, impartial facts to hold the line of rationality against this flood of pressure.

The Public Health Cigarette Smoking Act of 1969 has not resolved the controversy surrounding smoking and health. It is important that Congress have the facts before it passes on any more legislation revolving around the cigarette controversy. The Surgeon General's report of 1964 and the subsequent annual reports to the Congress of the Surgeon General have not met this need. These reports are based on a "review of the literature" and not original research. While they include much statistical evidence linking cigarette smoking to health, this evidence is subject to differing interpretations. Many outstanding researchers of unassailable credentials believe it is a case of inconclusive evidence piled on top of inconclusive evidence to convince people that something they would like to believe is true.

We need a new, unbiased, completely scientific study of the relationship between tobacco and health, a study which will explore the great gaps in our knowledge in this field and which will take into account the new research evidence developed since 1964. Only in this way can we settle this controversy, satisfy all sides that they have been heard fairly, and have a basis on which to legislate intelligently in this field.

The need for such a study has been recognized by Robert Finch, former Secretary of HEW. He suggested such a study in April of 1969 and said:

> I believe that industry and government working together offers great promise of *finding the answers we need* (emphasis supplied). I am confident our joint effort will yield a cooperative research program which strongly promotes the public interest.

Yet nothing was done.

The House report to the 1969 act found that—

> On the basis of these hearings the committee concludes that nothing new has been determined with respect to the relationship between cigarette smoking and human health since its hearings in 1964 and 1965. The arguments pro and con with respect to cigarettes are the same now as then, though supported by a larger statistical base.

The implication is that the 1964 Surgeon General report needs updating.

The President's request for a $100 million program to conquer cancer also makes a new study timely.

Today I am introducing a bill to meet this recognized need and to carry out the intent of Congress. It would set up a commission to examine all available scientific data concerning the relationship between cigarette smoking and personal health in order to indicate areas in which further research and study are necessary. The Commission's mandate is to identify the gaps in our knowledge. The Commission is not asked to conduct research in these areas. In other words, the bill does not propose a massive research program costing a lot of taxpayers' money. Rather, it sets up an independent commission to identify those areas where our knowledge is inadequate. It would make a logical addition to the Conquest of Cancer Act.

The Scientific Commission on Smoking and Health would consist of seven members—each from private life and each a scientist. Three would be named by the President's Scientific Advisor and three by the tobacco industry. Because the legislation would require that the three nominated by one group be acceptable to the other, we will insure a commission of scientists respected by both sides of this controversy. A seventh member would be a scientist nominated by the six members mentioned above.

This group of respected experts in science would hear all the evidence, would subject research and those who do it to the scrutiny of their peers and, I am confident, answer the questions that bother so many of us today.

It, and its staff, would be independent of HEW or of any Federal agency.

It is an intelligent and a fair way to protect the interests not of any one group of people but of all the people.

I cannot easily suppress the misgiving that more intense denunciations of smoking and its alleged evils stem from deeply held moral and religious convictions that antedate by decades the recent scientific and statistical studies of smoking and health. But traditional religious views that hold the use of tobacco and alcohol to be intrinsically wrong are not the stuff of which our laws should be made. The history of the ill-fated prohibition amendment strongly suggests that our democratic process is not well served by national legislation designed to make the American people conform to some group's religious and moral convictions.

During the first session of the 91st Congress I spoke to the Congress concerning the gaps in our knowledge which disturbed me about the Surgeon General's reports, and also listed some of the new evidence which had been developed and which cast doubts on the Surgeon General's report of 1964. I attach an updated list of some of these still unanswered questions.

First. Why is cancer of the windpipe almost unknown when smoke passes through it to and from the lungs and it has the same lining as the lungs?

Second. What are we to accept as fact when expert witnesses testified regarding nicotine that, first, it constricts blood vessels; second, it expands blood vessels; and third, it has no effect on blood vessels?

Third. Why is the lung cancer rate in England twice as high as in the United States although Englishmen smoke about one-half as much per capita as Americans?

Fourth. Why does the Public Health Service blame cirrhosis of the liver on alcohol, and heart disease on smoking although their own 1964 study shows that the statistical association between cirrhosis of the liver and smoking is higher than that between smoking and heart disease?

Fifth. Why did the overwhelming number of witnesses who testified on the basis of their own research question any relationship between smoking and health while almost all of the contrary testimony came from people who based their statements on the opinions of others?

Sixth. Why is it that the raw data on which one of the most serious charges—that heavy smoking will shorten your life 8 years—is not released for independent evaluation?

Seventh. Why is it that, according to a Public Health Service study, smokers who have stopped smoking have more ill health than those who presently smoke?

Eighth. Though smoking by women has increased enormously in the last 40 years, why has lung cancer remained predominantly a disease of men, who contract it six times as frequently as women?

Ninth. Why does lung cancer occur primarily in the fifth, sixth and seventh decades of life, and does so in the smoker and nonsmoker alike, and does so whether you start smoking at six or whether you start smoking at 46?

Tenth. Has the Surgeon General considered the recent study in Europe of identical twins which shows that the death rate among smoking twins is no greater than that of the twins who do not smoke?

Eleventh. Has the Surgeon General considered the recent study by Dr. Ancel Keys of the University of Minnesota and partially funded by the American Heart Association, of more than 12,000 men from seven different countries that concluded that cigarette smoking cannot be involved as an explanation of the incidence of coronary artery disease among these people?

Twelfth. Why has the "dog study" of the American Cancer Society, trumpeted as making a causal connection between lung cancer and smoking in laboratory animals for the first time, since been downgraded and the extravagant claims first made for it been abandoned?

Thirteenth. Why did a recent study of patterns of lung cancer mortality among ethnic groups in Canada show that the lung cancer rate was highest among Jewish women, and yet Jewish women smoked less than others?

Fourteenth. Has the Surgeon General considered the current research that the development of emphysema may well be

a result of enzyme deficiency in certain individuals which has nothing to do with smoking?

Fifteenth. Why is the death rate from lung cancer twice as high in large metropolitan areas than it is in rural areas, smoking habits notwithstanding?

The House joint resolution reads as follows:

JOINT RESOLUTION TO PROVIDE FOR THE ESTABLISHMENT OF A SCIENTIFIC COMMISSION ON SMOKING AND HEALTH

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas Congress determined in 1965 that the scientific evidence available permitted only the conclusion that there may be a relationship between smoking and health; and

Whereas the Committee on Interstate and Foreign Commerce of the House of Representatives held extended hearings during the Ninety-first Congress on the possible relationship between cigarette smoking and health similar to those held in 1964 and 1965; and

Whereas a substantial portion of expert testimony given at these hearings raised fundamental questions with respect to the validity of the conclusions of the 1964 Report of the Surgeon General's Advisory Committee on Smoking and Health; and

Whereas the Committee on Interstate and Foreign Commerce of the House of Representatives concluded in 1969 that nothing new had been determined concerning the relationship between cigarette smoking and personal health since its hearings in 1964 and 1965; and

Whereas the former Secretary of Health, Education, and Welfare, Robert Finch, stated in April, 1969, with respect to our understanding of the relationship between cigarette smoking and personal health, that "I believe that industry and government working together offers great promise of finding the answers we need."

Whereas published scientific reports have continued to question the validity of conclusions concerning the relationship between cigarette smoking and personal health; and

Whereas the subject remains a matter of great controversy and importance to commerce, the national economy, and the public good: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a Scientific Commission on Smoking and Health (hereinafter referred to as the "Commission") to examine all available scientific data concerning the relationship between cigarette smoking and personal health in order to identify the strengths and weaknesses of conclusions drawn with respect to such relationship and to indicate areas in which further research and study is necessary in order to better understand such relationship.

SHORT TITLE

SEC. 2. This resolution may be cited as the "Smoking and Health Resolution of 1971".

MEMBERSHIP OF THE COMMISSION

SEC. 3. (a) The Commission shall be composed of seven members, each from private life and each a scientist (including but not limited to 5 medical doctors), as follows:

(1) Three appointed by the Science Advisor to the President of the United States;

(2) Three appointed by the tobacco industry; and

(3) One appointed by the other six members of the Commission.

(b) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(c) The Commission shall elect a Chairman and Vice Chairman from among its members.

(d) Five members of the Commission shall constitute a quorum.

COMPENSATION OF MEMBERS

SEC. 4. The members of the Commission shall receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement or payment of expenses for travel solely from one point in the United States to another point in the United States incurred by them in the performance of such duties, but only if such reimbursement or payment does not exceed the actual cost of the transportation involved plus a per diem allowance for other expenses in an amount not in excess of the maximum allowance payable under section 5702(c)(1) of title 5, United States Code, for Government employees.

STAFF OF THE COMMISSION

SEC. 5. (a) In carrying out its duties under this Art, the Commission may—

(1) appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, personnel;

(2) prescribe the duties of such personnel; and

(3) fix their annual rate of pay without regard to chapter 51 (relating to classification), and sub-chapter III (relating to General Schedule pay rates) of chapter 53, of title 5, United States Code.

(b) In carrying out its duties under this Act, the Commission may utilize the services, information, facilities, and personnel of the departments and establishments of the Federal Government, and to procure the temporary or intermittent services of experts or consultants or organizations thereof by contract at rates of pay not in excess of the per diem equivalent of the highest rate of basic pay set forth in the General Schedule of section 5332 of title 5, United States Code, including payment of such rates for necessary travel time.

DUTIES OF THE COMMISSION

SEC. 6. (a) The Commission shall make a thorough and comprehensive investigation and study of all available scientific data concerning the relationship, if any, between cigarette smoking and personal health.

(b) The Commission shall submit a final and comprehensive report of its activities and the results of its investigation and study, including recommendations of additional areas of study which it determines to be necessary to a total understanding of the relationship, if any, between cigarette smoking and personal health, to Congress on or before twelve months after the date of enactment of this Act, at which time the Commission shall cease to exist. Such report shall propose such legislative enactments and administrative actions as in its judgment are necessary to carry out its recommendations.

POWERS OF THE COMMISSION

SEC. 7. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require by subpena or otherwise, the attendance and testimony of such witesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpenas may be issued under the signature of the Chairman of the Commission, of such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman or member.

(b) The Commission is authorized to secure directly from any department or establishment of the Federal Government information, suggestions, estimates, and statistics for the purpose of this Act; and each such department or establishment is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

EXPENSES OF THE COMMISSION

SEC. 8. There is hereby authorized to be appropriated to the Commission, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out its duties under this Act.

THE SHARPSTOWN FOLLIES—XXIII

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, around Sharpstown, in the multitudes of operations Frank Sharp controlled, money had a mysterious way of disappearing, never to be seen again. Sometimes what seemed to be money would float to the surface, but then it would disappear and never be seen again.

The Assistant Attorney General seems to have disappeared, like a bagful of Sharpstown State Bank loans.

Mr. Will Wilson has been reported to be in Mexico and in Hawaii, or just on vacation, or just not available to talk about his ties with Frank Sharp.

Now I do not think that Mr. Wilson has disappeared permanently. I do not think that he has vanished like so much of Frank Sharp's funny financial paper. But he certainly is nowhere to be seen. I wonder where he is? There are a great many questions that he needs to answer.

BALANCED BUDGET DREAM—RED INK REAL

The SPEAKER. Under a previous order of the House the gentleman from Florida (Mr. FUQUA) is recognized for 10 minutes.

Mr. FUQUA. Mr. Speaker, there seems to be little thought given to a balanced budget. Not only are we facing huge deficits in the coming years, programs already enacted by the Congress will devour all projected increases in Federal taxes in the coming few years.

This Nation is in serious financial condition. It is not just the Congress that is to blame, for there is too little concern on the part of the American people to reverse this trend.

There will come a day when this Nation will wish it had heeded the voices of those who are deeply and rightly concerned.

The Tallahassee Democrat, of Tallahassee, Fla., had an excellent editorial on July 19, 1971, about this subject. I am including it, as I think it should be read by the Congress and the American people:

BUDGET BALANCE FORSAKEN, RED INK FLOOD TO CONTINUE

Federal officials seem to have given up any thought of returning to a balanced budget where income is equal to the amount of spending. The future promises even more red ink than we have had in the past.

The inevitable result apparently will be more inflation. It is difficult to predict where

it will end because of the enormous wealth of our nation. However, there is a breaking point, and our political leaders seem to be trying to find it.

The public debt at the present time is just about $400 billion. That works out to about $2,000 per person for every American. The interest on this debt which is paid out of tax money comes to about $400 a year for a family of four.

The debt isn't likely to be trimmed in the next five to 10 years regardless of who is put in the White House by the voters. The nation is committed to too many increasingly expensive programs. More may be on the way.

For instance, Social Security benefits are being expanded. Medicare costs are outrunning all expectations, and there are no indications that any change of direction is coming any time soon. Salaries of government workers continue to go up. Defense spending isn't about to level off, even without the Vietnam war costs.

Efforts are being made in Congress to put over a new welfare program that is sure to cost billions more than the present, unsatisfactory system. National health insurance is being pushed despite the astronomical price tag.

Many other programs designed to provide social aid are in the works. Some seem sure to be adopted. And the result will be increased spending. There seems to be no end, so it is no wonder the federal budget planners no longer give even lip service to a balanced budget.

Of significance is that every single dollar spent by the federal government, including the interest on all that money which must be borrowed, comes from the taxpayers in some way.

If we continue in this manner, the breaking point eventually will be reached. What this country desperately needs is more fiscal responsibility to insure we do not reach that point. Unfortunately, we are unable to spot any in either political party because the voters themselves are not ready for austerity.

THE LOCKHEED BAILOUT: PROTECTION FOR THE TAXPAYERS

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, when H.R. 8432, the Lockheed bailout bill, comes to the floor tomorrow, I shall offer an amendment designed to assure that the taxpayers and not the banks get the profit on the proposed loan. It is the taxpayers, after all, who will assume the very real risk on nonpayment if this loan guarantee scheme goes through, and they should get the profit. The banks will be making essentially risk-free loans, and the interest they get should be low enough to reflect that. If, for example, the banks are permitted to charge 6 percent, the taxpayers might receive a guarantee fee of 3 percent, bringing the total charge for the loan to Lockheed up to 9 percent. This 3-percent guarantee fee would give the taxpayers a return of some $37.5 million over the 5-year life of a $250 million guarantee.

In order to assure that there will be at least 10 minutes of debate on my amendment when H.R. 8432 is called up—as provided by House rule XXIII (6)—the text of the amendment follows:

Amendment to H.R. 8432 offered by Mr. Reuss: On page 8, strike lines 9–14, and insert in lieu thereof the following new subsection:

(c) (1) Loans guaranteed under this Act shall bear interest at rates determined by the Board.

(2) The Board shall prescribe and collect a guarantee fee in connection with each loan guaranteed under this Act. Such fee shall reflect the Government's administrative expense in making the guarantee and the risk assumed by the Government and shall not be less than an amount which, when added to the amount of interest payable to the lender of such loan, produces a total charge not less than the finance charge being charged by private lenders for loans of comparable risk and maturity.

On page 13, strike lines 5–8 and insert in lieu thereof the following new subsection:

"(b) Sums realized from the guarantee fee required by section 4(c)(a) shall be deposited in the emergency loan guarantee fund."

And renumber the following lines accordingly.

AN EDITORIAL CONCERNING THE GUARANTEE OF A LOAN TO LOCKHEED CORP.

The SPEAKER. Under a previous order of the House the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 10 minutes.

Mr. ST GERMAIN. Mr. Speaker, an editorial concerning the guarantee of a loan to Lockheed Corp. has recently appeared in the Providence Journal, a well-respected and critically acclaimed newspaper in my district.

The editorial echoes many of my own thoughts and those of my constituents who have written counselling me against voting in favor of bailing out substantially mismanaged and unprofitable businesses. It summarizes several concepts expressed in the 18 individual and dissenting views contained in the report on the Emergency Loan Guarantee Act. I insert this editorial in the RECORD and commend it to the attention of my colleagues:

LOCKHEED'S PROPS

The arguments advanced for government-guaranteed loans to the Lockheed Aircraft Corp. do not add up to a persuasive case.

It is argued that Lockheed will slip into bankruptcy unless the government moves in at once with a rescue effort. It is further argued that the collapse of Lockheed, the nation's largest defense supplier, would wipe out tens of thousands of jobs, imperil the national security, and produce a shattering effect throughout the economy.

There is some substance behind each of these points. The deeply troubled Lockheed Corp. is poised near the brink of bankruptcy. If it should go over the edge, there unquestionably would be further layoffs at Lockheed plants with various unpleasant repercussions on the national economy.

The extent of these dire consequences, however, probably has been exaggerated by Daniel J. Haughton, board chairman at Lockheed, and by others supporting the government rescue effort. Bankruptcy for Lockheed would not mean demise of the corporation and total shutdown of its operations. Bankruptcy would simply mean that the present Lockheed management would have to step aside and let court-appointed trustees take over management.

A reasonable assumption is that most of the Lockheed operations would be continued under the trustees and that most of the Lockheed employes would be kept on their jobs. Indeed, high officials of the Pentagon have indicated that a Lockheed bankruptcy would have no seriously adverse effect on defense procurement. So much for the spurious argument about imperiling the national security.

The particular snag that has tripped up Lockheed at this juncture, after a lengthy series of managerial blunders including a two-billion-dollar overrun on the C–5A cargo plane, happens to be a difficulty involving a private, commercial venture, the L–1011 Tristar airbus. Lockheed officials insist they need the government-guaranteed loan of 250 million dollars to continue the Tristar project. Once that loan is in hand, they say, the Tristar program will move forward and Lockheed will emerge from its difficulties.

But if the Tristar is such a sure thing, and if a loan is all that Lockheed needs to climb back to profitability, why haven't the private bankers stepped forward with a private loan? Why can't this private venture be financed in the customary way without involving the government and the taxpayers?

The fact that the private bankers won't touch this matter with a 10-foot pole suggests that the risks are unduly high. One can only conclude that the taxpaying public is being prodded to buy into a questionable venture which the private bankers have rejected as much too risky.

Overshadowing all else, however, is the precedent which this program would impose on our free enterprise system.

Under our system, private companies accept both the risks and the rewards of doing business. If they are well-conceived, well-managed and competitive, they prosper. If they don't measure up, they fall by the wayside.

The pending bail-out program for Lockheed would rewrite the book. We are being asked to rush in with government aid to rescue a private corporation that has come on hard times because of inept management, lack of vision, or some other failing.

The precedent is ominous. It could mean that the government might be called upon in the future to rush in to save a failing airline, a mismanaged automobile company, steel plant or textile mill—indeed, any private enterprise, however poorly run, so long as it had the necessary political influence.

The risks are much too great along that road, and the precedent should not be established.

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. According to "Geography for Today," only about one-fifth of the United States is cropland—yet this amounts to 460 million acres, about 3 acres for every person. This is nearly six times as much cropland per person as you would find in India or China."

CONGRESS FLIRTING WITH DISASTER BECAUSE OF INACTION AND INDECISION TO BRING CURRENT RAILROAD DISPUTE TO AN END

The SPEAKER. Under a previous order of the House the gentleman from Michigan (Mr. HARVEY) is recognized for 5 minutes.

Mr. HARVEY. Mr. Speaker, this Congress, like its predecessors, is flirting with

disaster because of its inaction and indecision to help bring the current railroad dispute to an end. The current 13-day railroad strike is rapidly reaching intolerable, unacceptable limits. The administration has no reason, either, to be content or satisfied with its efforts to resolve the conflict.

As I pointed out in my testimony before our Subcommittee on Transportation and Aeronautics of the Committee on Interstate and Foreign Commerce Tuesday, July 27, as the leadoff witness on the opening day of hearings on emergency strike legislation, it is quite possible that practically half of our Nation's rail service will be on "vacation" too, when Congress takes its scheduled summer recess on August 6.

Tomorrow, according to the previously announced plans by the striking United Transportation Union, four more carriers will be struck. That will bring to eight the number of railroads that are down. By August 6, five additional lines, swelling the total to 13, will be struck. If this happens, we in essence will have a nationwide strike. I trust that no Member is planning to take a railroad trip during the recess.

To dramatize the effects of the current rail situation, may I bring to your attention an advertisement in today's Washington Post, page C–13. I do so not to endorse the advertisement, but in order that you might gain an even greater insight of the effects of the rail strike as it exists today. After reading that 16,000 coal miners are idle in Virginia, West Virginia, and Kentucky; that the perishable vegetable market can lose $11.1 million daily; that 3,500 auto workers in Kansas will be sent home; that wheat is piling on the ground in Kansas and Nebraska; then I suggest you consider what a rail strike on August 6 will mean to our economy and to our people.

I would like to reiterate my strong opinion that the difference between the current so-called selective strike by the United Transportation Union and a complete national strike is almost impossible to discern. While I have always held that a strike is generally accepted as a basic right of the American worker, it is clear that the selective strike, as currently practiced, is little improvement over the national strikes which have occurred in the recent past in the railroad industry.

What is needed—and what is provided in the legislation which my 54 cosponsors and I have proposed and presented to the committee last Tuesday—is that the right to a selective strike be circumscribed with appropriate safeguards for the public interest. Both the burden of unlimited selective strikes and the threat of nationalization of our railroads require that this Congress find a solution to rail industry disputes—a permanent and an equitable one.

I am pleased that our Subcommittee on Transportation and Aeronautics has commenced hearings. I would sincerely hope that they will be expedited and that we will, in rapid order, see the emergence of sound and fair legislation that will finally serve the interests of all the people.

VENEZUELAN EQUINE ENCEPHALOMYELITIS

(Mr. MELCHER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MELCHER. Mr. Speaker, a joint meeting of the Livestock and Grains and the Oversight Subcommittees of the House Agriculture Committee yesterday held a hearing to advise members about the outbreak of Venezuelan equine encephalomyelitis. It is a matter of great concern to U.S. agriculture both because of the seriousness of the outbreak itself, and because of the threat that African swine fever, present in Cuba, might not be stamped out there before it spreads to the mainland. Mexico and the United States face a common threat posed by the presence of the devastating disease in Cuba.

My own concern about the situation was increased by yesterday's hearings. Both Mexico and the United States are now the unwilling victims of the Venezuelan virus of encephalomyelitis which infects horses, mules, burros, donkeys, and also man. First identified in Venezuela in the 1930's. Mexico was free of the disease until 3 years ago, and the disease, spread by mosquitoes, reached Texas a few weeks ago. The fact that during the past 3 years the disease could not be halted in Mexico is indeed regrettable, and when all the aspects are considered, we should have been able to weld a joint Mexico-United States program to have halted the spread of the disease within that 3-year span of expansion, an ever northward movement through Mexico. Our failure to have contained the disease there disturbs me, not only in connection with that disease but it also casts some doubts on our ability to contain other diseases that threaten us such as African swine fever and hoof and mouth disease.

We were advised yesterday that the United States had sent the impressive total of 950,000 doeses of VEE vaccine to Mexico, but it proved to be quite unimpressive when related to the number of equine in the country. The best estimate State Department could develop was about 15 million horses, burros, mules and donkeys in Mexico. The Departmnet spokesman felt there were only around half that number in the various areas where VEE is prevalent. Hence, if every dose of vaccine sent to Mexico plus the 1 million doses reportedly produced in Mexico by a Mexican drug firm was used, and there is an almost inevitable 10-percent waste, the vaccinations would have reach two in seven of the equine population in infected areas. If all equine were to be vaccinated, the vaccine supplied would reach only two in 15.

Whether it is two in 15 or two in seven or one in five of the Mexican equine, it did not do the whole job. You cannot stop an epidemic of a disease spread by mosquitoes without a thorough coverage of all the susceptible animals with vaccination.

I visited the area of VEE outbreak in Texas last week at the request of the chairman of the Agriculture Committee, Congressman W. R. POAGE, and I have submitted an account of my visit and some recommendations to members of the committee which I shall include in the RECORD at the end of these remarks.

It is imperative if we are going to stop VEE, and if we are going to have foolproof assurance that the very dangerous African swine fever will not spread to our country, that we develop a cooperative animal disease relationship and program with Mexico paralleling what was done to stamp out foot and mouth disease in that country. Legislation may be needed, as Department witnesses told us yesterday, but its absence does not prevent moving ahead right now.

Nor does it prevent immediate emergency measures to guard our shores against accidental importation of the dread African swine fever via pork products that might be in the luggage or belongings of Cuban refugees who come to the mainland. It takes only a strip of bacon, a piece of bologna or pork scrap from Cuba to bring it in.

My report to the Agriculture Committee follows:

REPORT TO THE COMMITTEE ON AGRICULTURE BY JOHN MELCHER ON INVESTIGATION OF VENEZUELA EQUINE ENCEPHALOMYELITIS

At the request of Chairman Bob Poage I made an on-the-spot inspection of the Venezuelan Equine Encephalomyelitis outbreak in Texas. The United States Department of Agriculture Task Force at Houston headed by Dr. R. E. Omohundro, Assistant Director of Animal Health, Agriculture Research Service, to coordinate the activities of all groups fighting the VEE epidemic is effective, hard-working and moving quickly to bring the disease under control. Their effectiveness depends on cooperation with other federal agencies, state and local government authorities and private veterinarians, physicians, owners of equine, and the general public in areas under quarantine. I found the cooperation with the Texas Animal Health Disease Commission led by the Chairman, Joe Findley and Dr. Sibley to be exemplary. It is my judgment that had the Task Force been in action in Mexico earlier with the cooperation of the Republic of Mexico that the spread of the disease would not have reached the United States. Although United States' efforts for an effective program have gotten off to a late start, there are a number of suggestions that should be considered by the Committee as recommendations for the Department of Agriculture and other federal agencies.

My conclusions about actions which should be taken are presented first and support for them will be listed later in the account of my findings. These conclusions are:

1. Get more TC83 vaccine ready as soon as possible and grant a conditional license for commercial production. (The Department of Agriculture Tuesday authorized Jen Sal and National Drug Company to produce vaccine for one year.)

2. The concern of the Republic of Mexico for a cooperative program with the United States on VEE control was demonstrated by President Echeverria's personal participation in the July 19 joint meeting at Matamoros, Mexico. United States interest in cooperative joint programs on this disease and African Swine Fever should be positively demonstrated by U.S. officials at least of Cabinet level participating in the conferences with the Republic of Mexico officials to institute and coordinate our efforts reflecting our concern for controlling these diseases which are threats to both Nations. The number of USDA veterinarians assigned

to the Aftosa Commission in Mexico should be increased immediately. Additionally, arrangements should be made through the Pan-American Health Organization and/or the United Nations Food & Agriculture Organization for surveillance teams to be stationed in Cuba to observe and advise all nations what they can do to assist in wiping out the African Swine Fever outbreak there, with our assurance that we will cooperate in every way possible to get the job done.

3. VEE diagnostic procedures in the field should be broadened immediately, following up with laboratory diagnosis. Too little is currently being done in this phase of the program.

4. Initiate VEE research programs at least in these fields:

a. Thorough evaluation of the vaccine.

b. Vectors that spread the virus.

c. Species of animals or birds that are hosts and/or carriers of the virus.

d. The most effective means of controlling the vectors.

e. Possible spread of the disease by humans.

5. Enlarge the spraying area along the Gulf states and farther north in Texas.

6. In the quarantine area assume the local government expense of spraying and control.

7. Increase the Rio Grande River Quarantine Enforcement Inspectors for surveillance of the border to prevent illegal entry of equine animals that might introduce the disease. There are only seven Quarantine Enforcement Inspectors to patrol the Rio Grande River border from El Paso to Laredo, a winding route of close to 2,000 miles of river and border shore. From Laredo to Del Rio assistance is received from the River Patrol Tick inspectors but from Del Rio to El Paso the inspection is very much understaffed.

8. Laboratory diagnosis of mosquitoes carrying the virus should be pursued well ahead of the present areas of infection in northern areas of Texas and also Louisiana, Oklahoma, Arkansas, New Mexico, Alabama, Mississippi and Florida.

9. A policy board should be created in the Department of Agriculture with authority to take preventive measures to control diseases that threaten the health of humans and animals without being blindfolded by budgetary restrictions or thwarted by the inertia of U.S. Department of Agriculture officials who, although high ranking and expert in their field, have little knowledge or experience with disease prevention and control.

10. Change regulations of the Department of Agriculture to permit research and development of vaccine for diseases that we do not have in this country but pose a threat to the United States if the disease is introduced here. This work must be conducted in a protected and controlled area such as Plum Island.

Costs—During the next two years nearly a hundred million dollars, both private and government, may be required by federal, state and local governments and by those people that become ill themselves or own equine that become diseased or die. This will likely be the case if we hold the disease within the area of the five quarantined states of Texas, Louisiana, Arkansas, Oklahoma and New Mexico. Each year that the disease persists will mean additional costs.

While estimates of costs now are inconclusive, we can now foresee that the following expenditures will probably be needed.

Costs of vaccine program in eleven states (the above five quarantined states plus six other states now designated by the Department of Agriculture for vaccination—Georgia, Florida, Alabama, Mississippi, Arizona and California) at $4 fee plus $1 handling and distribution costs—$20 million, plus replenishing the Department of Defense supply—$2 million; loss of equine animal through deaths and impairment to those that become ill but recover—$750,000; spraying costs, $30 million (This is the cost of spraying 30 million acres in 11 states four times. Spraying may not be done in all 11 states, but 30 million acres is a conservative estimate of what probably will be sprayed four times.); investigation and supervision of the U.S. Department of Agriculture, U.S. Public Health—$¼ million; laboratory work by U.S. Dept. of Agriculture, Communicable Disease Center, U.S. Public Health Service and state laboratories—$4 million; local government cost for quarantine order enforcement, public health costs, burial of dead horses—$250,000; private expenditures—medical and hospital costs of humans; and quarantine restriction of movement of equines, cancellation of rodeos, horse shows, race meets, etc., during the quarantine period, suspension of all horse sales, loss of use of equine, treatment of sick horses—in excess of $25 million.

This is a detailed report of my activities and findings during three days in the following areas:

July 20—Houston The Department of Agriculture Task Force headed by Dr. R. E. Omohundro, is alert, hard-working and thorough. The cooperation of the Texas Animal Health Commission is greatly expedited by the direct liaison with Chairman Joe Findley who is present and in direct and frequent contact (sometimes continuous) with the Task Force. The other four states under quarantine have been urged by the Department of Agriculture to have direct liaison with the federal Task Force at Houston by having their official representatives there. All phases of the vaccination and quarantine program and the mosquito spraying program are coordinated at Houston with this group. In my judgment this is essential, not only to effectively control the VEE outbreak, but also to communicate with all of the people in the other states concerning the disease in equines or the public health aspects of the disease.

Reporting of the cases of disease in all equines is compiled here and the follow up laboratory work is also coordinated through this office. Dr. Omohundro and his staff and the Texas Animal Health Commission staff have moved quickly and have received good cooperation from other state and federal agencies, county and city governments, private veterinarians, physicians, and the general public.

Up to and including July 27 the following data was available:

2,561 horses (sick calls); 309 herds (these figures do not include all examinations made by private veterinarians); 96 counties had investigation in five state area, 61 of these counties in Texas; 2,020 sick equine (If all equine examined by private veterinarians were included the number would be many times greater); 1,413 equine dead; 18 virus isolations in Texas; 57 hemagglutination inhibition in Texas; 1 positive Hi in Montgomery County which is north of Houston.

July 21—Area near McAllen and Mission, Texas in the Rio Grande River. I examined sick horses with veterinarians and talked with people on the field level concerning vaccinating horses and treating sick horses. I conferred with Congressman de la Garza concerning aspects of the disease control in the Texas Rio Grande area and the joint U.S., Mexico meeting held at Matamoros, Mexico, July 19 in which he had participated. This area in the very heart of the epidemic of VEE on our side of the border had hundreds of sick horses appearing soon after the 4th of July. Vaccination by this date July 21 had been in full swing for two weeks and 95 per cent of the horses were estimated by local veterinarians to have been vaccinated by this date. Reported deaths of equine were greatly decreasing by this date. With Dr. Jack Gray I examined a number of VEE infected horses. Symptoms vary with different horses but the following is a description of a typical case: a yearling filly showing symptoms of staggering, extremely depressed, elevated temperature, head drooping and lips quivering, difficulty in swallowing, eye membranes inflamed and rapid breathing.

Burial of dead horses in this area was accomplished promptly by county employees and county equipment. Dr. Gray had treated over 30 cases of VEE and had vaccinated approximately 400 horses.

None of the VEE infected horses that Dr. Gray had treated had blood samples taken for laboratory examination. It was apparent that more manpower is needed for the Department of Agriculture to follow up on taking the blood samples to be sent to the laboratory for examination.

July 22—Austin, Waco. I conferred with Dr. Sibley of Austin, the Executive Secretary of the Texas Animal Health Commission and Dr. Jack Pitcher, Assistant Veterinarian in Charge, Animal Health Division of the United States Department of Agriculture, Dr. Rich, head of the Texas Public Health Service, and Dr. Tom Fashinell, heading the United States Public Health Service Task Force for the Venezuelan Equine Encephalomyelitis outbreak in Texas. On July 27 the total number of sick humans in Texas was 130 patients under surveillance, 99 suspect, and 23 confirmed cases.

The effectiveness of the quarantine, principally the responsibility of Dr. Sibley and his staff, will be discussed later.

On the same day I checked the distribution of the vaccine and the effectiveness of the vaccine program in the Waco area to get an idea of how fast the vaccination program was coming along and how efficiently it was operating in an area where no actual cases had been diagnosed.

Dr. Sibley suggested that I talk to Dr. Fred Maurer, Associate Dean, Texas A & M University, at College Station, Texas. Dr. Maurer is one of the leading authorities on VEE and African Swine Fever. The latter disease is now prevalent in Cuba, invading the North American area for the first time and is a very serious threat to the swine industry of Mexico and the U.S. Rumors that African Swine Fever has been introduced to Mexico through hams and other pork products from Cuba have not been verified. But the possibility of introduction of the disease on the North American continent is a most serious threat. Dr. Maurer related that the laboratory at Texas A & M had recently checked blood from 20 horses of the King Ranch that had been immunized with Eastern and Western encephalomyelitis vaccine and six weeks later with Venezuelan Equine Encephalomyelitis vaccine. All these horses developed good immunity against VEE. Dr. Maurer recommended that the Department quickly grant a conditional license for the commercial production of the vaccine.

He passed this recommendation on from knowledge of the work done in Columbia in 1968 last year, work done at the CDC, and the recent work done at A & M indicated that TC 83 is an effective and safe vaccine for equine.

At Waco, I found that the distribution of the vaccine was by this date efficient and that the local veterinarians estimated that 75 per cent of the horses in the area had already been vaccinated.

The overall program for controlling the disease in Texas and the other surrounding states is four phased:

1. Diagnostic examinations in the field and at the laboratories.

Out of 167 blood examinations of horses as of 7/27/71, there were 75 positive on serum or virus examination. Split samples are sent to CDC and the USDA Animal Disease Laboratory at Denver, the serum to CDC and the clot to Denver. A daily reporting system of all sick or dead horses has been set up and is in operation. Public Health Service at Austin

compiles the reports on human cases. There is a prohibition against rendering companies picking up the carcass. They are either burned or buried.

2. Quarantine of equines.

Texas first imposed a premise quarantine and now has modified the quarantine to permit horses to be taken to the Veterinarian to be vaccinated and then returned home.

The quarantine is in effect on horses for 14 days following vaccination and requires a thorough health inspection including temperature readings at the end of the time before a horse can be moved out of the state. Louisiana, Arkansas, Oklahoma and New Mexico have similar quarantines.

VACCINATION—TC 83 VACCINE DISTRIBUTION

Texas—684,000; 95,000 more needed (Joe Findley, Chairman of the Texas Animal Disease Commission indicates that an additional 200,000 will be needed beyond that for Texas).

Louisiana—80,000; 23,000 coming later.

Arkansas—105,000 total needed and being shipped.

Oklahoma—160,000; 41,000 coming later.

New Mexico—100,000 available.

The Department of Defense is holding 100,000 for emergency needs for humans—45 days or more to be prepared.

The number of horses vaccinated as of July 27 is as follows:

43,591 vaccinated in Arkansas, 118,246 vaccinated in Louisiana in four days, 31,655 in New Mexico, 183,952 in Oklahoma. Texas—well over a half million.

With the owners bringing the horses to the veterinarians, the vaccination program is going faster. Many veterinarians that limit their practice to small animals are participating in this emergency equine vaccination program.

Dr. Gray has noted that of the horses which had been vaccinated very few became sick. Most of the horses he has treated for V.E.E. had been vaccinated four to nine days previous to showing symptoms of the disease. One, however, had come down with V.E.E. twelve days after vaccination, Dr. Gray believes the vaccine is effective.

Dr. Kerr vaccinated 37 horses out of 40 at a McAllen stable. Three horses wnose owner was not available to grant permission for vaccinating his horses were not vaccinated, later became sick with V.E.E. and died while the 37 vaccinated horses remained healthy.

Distribution of vaccine in Texas by July 21 had for the most part become efficient and satisfactory. Thirty-five depots were established at points around the state where USDA personnel mixed 100 dose vials of TC83 vaccine in 10 dose size bottles. (The viability of the vaccine when mixed required that it be used within 12 hours.

Another 35 or more sub-distribution centers for the vaccine was established by the cooperative efforts between Texas Animal Health Commission and the USDA. Veterinarians picked up the vaccine at distribution points and after the first time, employees or couriers designated by a veterinarian were authorized to pick up the vaccine. By July 20 over 400 Texas veterinarians were engaged in the vaccination program but it is apparent that nearer to 800 will be assisting in the program. At every area I visited in Texas these veterinarians who limit their practice to small animals were assisting in this emergency vaccination program.

In the Rio Grande Valley areas near Brownsville and McAllen, 90–95% of the equines were vaccinated by July 21. In the Houston area similar results were noted and in the Waco area 75% of the equines were vaccinated as of that date.

The Texas Animal Health Commission under Dr. Sibley and Joe Findley were effectively and efficiently carrying on the vaccination program and maintaining the quarantine.

4. MOSQUITO SPRAYING

As of July 21, 7 million acres and Louisiana were programed for spraying by airplane. The only area in Louisiana at this date was Cameron parish and north into the parish around Lake Charles. There are four zones in Texas along the Gulf: one million acres in the Brownsville and Rio Grande area. Corpus Christi has 1,000,000 acres in the spraying area with nine airplanes. Ellington Air Force Base has two areas to spray—one with 2.4 million acres and another with .9 million acres. In all of the areas except the second Ellington area malathione is used at the rate of 3 fluid ounces per acre. In the second, dibrom, a product of Chevron, is used at the rate of ¾ fluid ounce per acre. Replying to the question of DDT, it is thought at present by the entomologists that it would have to be put out in great quantities and that it would slow them down because it would have to be used in the diluted form. Honeybees are susceptible to both malathione and dibrom but all owners are being notified to cover their hives prior to the time of spraying.

Strong winds blowing inland from the Gulf could carry mosquitos inland, 200 miles it was estimated by government entomologists.

Cost of spraying is estimated now for 7½ million acres double sprayed at $4 million, 25 cents an acre for commercial and 19 cents an acre for the Air Force. (Commercial is done by contract spraying with private sprayers)

Quite likely additional acreage will be added to the area to be sprayed.

PRO BASKETBALL NEEDS MERGER AUTHORITY

(Mr. McCLORY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCLORY. Mr. Speaker, I am today introducing a bill which would authorize the merger of the two major leagues in professional basketball—the National Basketball Association—NBA—and the American Basketball Association—ABA. The measure which several of my colleagues and I propose will bring economic stability to teams now facing the possibility of financial ruin and will restore balanced competition in the recruitment practices of all professional basketball teams.

Inasmuch as the bill which we are sponsoring will grant a limited exemption from the antitrust laws for the sole purpose of a merger, it is important that a full exposition of the events leading to this extraordinary remedy be set forth.

But first, Mr. Speaker, it is essential to point out that the proposed bill would not give the merged league immunity from any Federal antitrust prohibitions now applicable to the activities of the two leagues as separate entities. No authority other than permission to form a single league is involved. It is important to keep this in mind as a broader exemption would, indeed, violate the letter and spirit of our antitrust laws—and such a provision would certainly not have my support. Furthermore, by granting this limited exemption, Congress would be giving only that minimum authority to merge which was granted to professional football in 1966.

Mr. Speaker, in a recent article appearing in U. S. News & World Report, July 5, 1971, the financial problems facing all professional sports were analyzed and compared, and the point was well made that of all team sports, basketball is having the most serious financial problems. In fact, only three out of 28 teams in the two big leagues are reportedly operating at a profit. One reason for this economic plight is that professional basketball players are the most expensive commodity in the sports world. In order to obtain their services, it has become necessary for team owners to offer the most phenomenal—and inflationary—multiyear contracts to rookie players on an annual basis. I have learned, for example, that one club recently entered into a contract with a graduating college player providing for $2 million in salary payments. That club must sell one-half million tickets to recover those salary payments—an obligation which represents twice the number of tickets sold by the club during the entire 1970–71 season. As a further example, I might point out that the highest paid basketball player is reportedly earning about $250,000 a year. This young man's counterpart in baseball is the great Carl Yastrzemski, who earns slightly more than $165,000 per year.

Mr. Speaker, without an end to the annual bidding war for those rookies of superstar potential, balanced competition in professional basketball is doomed. The action which my colleagues and I are proposing would benefit not only the team owners in the two major leagues, but also the players themselves. No player can feel secure in his financial status if he must worry that his team or league will be faced with bankruptcy.

Mr. Speaker, 23 States boast of one or more professional basketball teams. Because of the intense interest in the future of this great spectator sport, I am inserting in the CONGRESSIONAL RECORD a list of those States having professional basketball teams together with the host city or cities of each team.

Finally, Mr. Speaker, I encourage my colleagues to inquire closely into this legislation and would welcome the support of all who wish to join with my colleague from Texas, Mr. BROOKS, my colleagues from New York, Mr. SMITH and Mr. KEMP, and my colleague from Indiana, Mr. JACOBS, with whom I am joining today in sponsoring this legislation. A copy of the bill and a list of professional basketball teams is attached at the conclusion of the remarks.

PROFESSIONAL BASKETBALL TEAMS

Arizona—Phoenix Suns (National Basketball Association).

California—San Francisco Warriors (NBA).

California—Los Angeles Lakers (NBA).

Colorado—Denver Rockets (ABA).

Florida—The Floridians (ABA); serving Miami, Tampa, Jacksonville, West Palm Beach.

Georgia—Atlanta Hawks (NBA).

Illinois—Chicago Bulls (NBA).

Indiana—Indiana Pacers (ABA); serving Indianapolis.

Kentucky—Kentucky Colonels (ABA); serving Louisville.

Maryland—Baltimore Bullets (NBA); serving Baltimore and College Park.

Massachusetts—Boston Celtics (NBA).

Michigan—Detroit Pistons (NBA).

New York—New York Knickerbockers (NBA).

New York—New York Nets (ABA).

New York—Buffalo Braves (ABA).
North Carolina—Carolina Cougars (ABA); serving Charlotte, Raleigh, and Greensboro.
Ohio—Cincinnati Royals (NBA).
Ohio—Cleveland Cavaliers (NBA).
Oregon—Portland Trail Blazers (NBA).
Pennsylvania—Pittsburgh Condors (ABA).
Pennsylvania—Philadelphia 76'ers (NBA).
South Carolina—Carolina Cougars (ABA); serving Columbia and Greenville.
Tennessee—Memphis Pros (ABA).
Texas—Houston Rockets (NBA).
Texas—Texas Chaparrals (ABA); serving Dallas, Lubbock, and Fort Worth.
Utah—Utah Stars (ABA); serving Salt Lake City.
Virginia—Virginia Squires (ABA); serving Hampton, Norfolk, Richmond, Roanake.
Washington—Seattle Supersonics (NBA).
Wisconsin—Milwaukee Bucks (NBA); serving Milwaukee and Madison.

H.R.—A bill to authorize the merger of two or more professional basketball leagues

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That Section 1 of the Act of September 30, 1961 (75 Stat. 732), as amended by Section 6(b)(1) of the Act of November 8, 1966 (80 Stat. 1515), is further amended by inserting in the second sentence thereof following the phrase "two or more" the phrase "professional basketball leagues combine their operations in an expanded single league, if such agreement does not decrease the number of professional basketball clubs so operating and the provisions of which are directly relevant thereto or to a joint agreement by which the member clubs of two or more".

RAILROAD TRANSPORTATION AND SHIPPING CRISIS

(Mr. DON H. CLAUSEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, the current railroad crisis, although not nationwide as yet, has, potentially, disastrous national implications.

This country's economy, which was on its way to rebounding from last year's downturn, is now faced with the possibility of a complete reversal of this trend and, in fact, could lead to a severe economic recession, if the strike is allowed to continue on the schedule that has been announced.

Moreover, thousands of people are being put out of work and plant shutdowns are being announced almost hourly. Loadings of lumber and forest products are down nearly 70 percent and truck transport has been unable to take up the slack. Responsible officials representing forest products and the pulp and paper industry have announced that, if six more lines are struck on Friday, as scheduled, most operations will be forced to shut down by the end of next week.

Already, wheat and other farm products are being stockpiled throughout the country and millions of dollars of fresh foods and vegetables are being left to rot. California growers have estimated the losses to the State at $3 million per day.

The United Transportation Union has rejected the administration's Labor Department request to submit the unresolved issues to voluntary binding arbitration, and negotiations have almost come to a complete halt.

The issue is clear. Immediate action must be taken by the Congress to legislatively call a halt to this devastating strike, prior to our adjournment for the August recess. In my judgment, Congress cannot, in all good conscience, leave Washington on its summer recess in the face of what will soon be a nationwide rail crisis.

Mr. Speaker, I call upon the President to immediately send to the Congress emergency legislation to put the railroads back in operation and, at the same time, I urge the Committee on Interstate and Foreign Commerce to hold immediate hearings on such legislation, so that we can act prior to the August 6 recess date.

In addition, I call upon the Committee on Interstate and Foreign Commerce and its counterpart in the Senate to move expeditiously on a permanent solution to this longstanding problem, such as that which was sent to the Congress by the administration in early February and on which no substantial action has been taken.

Let me make this point crystal clear: If this issue is not resolved, and resolved immediately, I might add, this Nation will be feeling the economic consequences for many months to come, regardless of the administration's efforts to revitalize the economy.

RESULTS OF QUESTIONNAIRE

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, last month I sent out my 1971 questionnaire to every household in my congressional district—the Fifth District of Michigan—and meantime I have received nearly 16,000 responses.

The results of my questionnaire are most interesting. A substantial majority appear opposed to fixing a date for complete withdrawal from Vietnam without regard for the impact on negotiations. Nearly 50 percent—49.3—support President Nixon's policy of gradual withdrawal while seeking to negotiate. A smaller number—13 percent—favor increasing our military effort in hope of achieving victory in Vietnam. Only 33.3 percent favor withdrawal by a date certain regardless of the consequences.

In answer to a related question, 65.5 percent said they favor keeping a residual force in Vietnam until all American prisoners of war are released.

With the permission of the House, I will place the complete results of my congressional poll in the RECORD at this point. The poll results follow:

[In percent]

	Yes	No	Other
1. Do you favor Federal deficit financing to stimulate the economy?	26.62	66.41	6.97
2. Should the Federal Government impose strict controls on wages and prices?	53.64	41.62	4.74
3. Should the Federal Government expand efforts to control air and water pollution even if this costs you more in taxes and prices?	68.28	27.53	4.19
4. Should the executive branch of the Federal Government be reorganized and the number of cabinet departments reduced from 11 to 8?	68.69	20.40	10.19
5. Do you favor Federal legislation requiring "unit pricing" of food items so you can compare the cost per pound, ounce, etc. of the various brands?	77.48	19.04	3.48
6. Should food stamps be made available to those idled by a labor-management dispute?	16.72	80.46	2.82
7. Should we keep a residual force in Vietnam until all American prisoners of war are released?	65.51	27.83	6.66

MULTIPLE CHOICE

	Percent
8. On Vietnam, what is the best policy? Pick one.	
A. Increase our military effort in hope of achieving "victory"	12.98
B. Withdraw U.S. troops on a monthly basis while continuing negotiations aimed at a political settlement	49.34
C. Withdraw all U.S. forces from Vietnam by a fixed date regardless of the effect on negotiations	33.28
Other	4.40
9. On State and local problems, what is the best answer?	
A. Return a percentage of Federal income tax revenue to the States and local units to hold down local taxes and help solve local problems	37.73
B. Increase State and local taxes and cut Federal income taxes	25.51
C. Increase the funding for over 550 Federal grant programs, with local government matching funds required	7.27
D. Have the Federal Government take over all welfare costs and pay this cost from Federal taxes	13.94
Other	9.19
Multiple	6.36
10. On welfare, which is better?	
A. Keep the present system	6.92
B. Adopt a Federal minimum income for families with children and enact a work or job training requirement	81.62
Other	11.46

ISRAELI DESALINATION PLANT

(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, the need for supplies of fresh water in the Middle East is a very serious one. It is similarly going to be a matter of concern in our country in the very near future. Consequently, the joint Israel-United States prototype water desalination plant authorized by the Foreign Assistance Act of 1969, Public Law 91-175, is a particularly beneficial endeavor.

The joint project would result in the construction of a plant, for which the United States would bear no more than 50 percent of the costs, or $20 million, whichever is less. It would produce not only fresh water, but several hundred megawatts of electricity daily, as well. The technology developed would be fully available to the United States, while Israel would benefit from the water and power produced. In addition, the construction of the plant would serve as an object lesson of the beneficial ends to which our foreign aid program can be put. Hopefully, this illustration of a beneficial program would be a significant factor in encouraging Israel's neighbors to turn to the pressing domestic needs of their peoples, and away from war.

Thirty-one Members of the House have joined me in cosponsoring legislation to fund this plant. The 31 are:

Mrs. ABZUG, Mr. ADAMS, Mr. ANDERSON of Illinois, Mr. BADILLO, Mr. BELL, Mr. BRASCO, Mr. CLEVELAND, Mr. CORMAN, Mr. COLLINS of Illinois, Mr. DELLUMS, Mr. DRINAM, Mr. EILBERG, Mr. FRENZEL, Mr.

FULTON of Pennsylvania, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HATHAWAY, Mr. KOCH, Mr. KYROS, Mr. LENT, Mr. MIKVA, Mr. MOORHEAD, Mr. PODELL, Mr. RANGEL, Mr. REES, Mr. ROSENTHAL, Mr. SARBANES, Mr. SCHEUER, Mr. VANIK, and Mr. WALDIE.

CHILDHOOD LEAD POISONING

(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, the House on July 27 rejected an omnibus amendment offered by our distinguished colleagues from Illinois (Mr. YATES) and Massachusetts (Mr. CONTE) which would have provided an additional $5 million to fight childhood lead poisoning over and above the $5 million embodied in H.R. 10061, the fiscal year 1972 appropriation bill for the Department of Health, Education, and Welfare.

While the amendment was defeated, the large vote it received should be taken, I believe, as a signal by the Senate that it should, in fact, provide funding far in excess of the $5 million embodied in H.R. 10061.

The June 15, 1971, issue of the Urban Crisis Monitor has a very important article about childhood lead poisoning, entitled "The 'Silent Killer.'" This article provides a rundown on activities in several States concerning the efforts to end this devastating disease. These States are Connecticut, Illinois, Massachusetts, Missouri, New Jersey, New York, Pennsylvania, Virginia, and Wisconsin. I commend this article to my colleagues.

THE "SILENT KILLER"

With the approach of every summer season, a "silent killer" disease stalks among children below the age of six in the poor communities of urban areas. This disease—lead poisoning—in small children is now considered one of the nation's chief health hazards by the U.S. Public Health Service.

Recently a number of seminars, workshops and lectures were held that focused specifically on the topic of lead poisoning detection, treatment and its ultimate solution. Those concerned health, educational, social and political officials who attended these sessions had, in the past, been unable to deal effectively with lead poisoning, but on January 13 of this year, their hopes were raised by the passage of the federal Lead-Based Paint Poisoning Prevention Act (Public Law 91-695).

This act, signed and approved by the President, "provides federal financial assistance (with a 25 percent local matching grant requirement) to help cities and communities to develop and carry out intensive local programs to eliminate the cause of lead-based paint poisoning and local programs to detect and treat incidents of such poisoning, to establish a federal demonstration and research program to study the extent of the lead-based paint poisoning problem and the methods available for lead-based paint removal, and to prohibit future use of lead-based paint in federal or federally assisted construction or rehabilitation."

As of this writing, however, no money has been appropriated to enact this law. Supporters of the bill had asked for at least $5 million for fiscal 1971, which was not appropriated; and asked for $30 million for fiscal 1972—the Administration is asking for $2 million for '72. Thus it appears that these concerned officials and mothers who live in poor communities will have another "bumper crop" of lead poisoning this summer.

The faculties and students of both the University of Connecticut and the Yale medical schools had been extremely active in finding and treating poisoned children in Hartford and New Haven slums and presented their findings at one of these recently held seminars. They suggested that lead poisoning would be reduced faster by improving the family situation than by housing renewal and rehabilitation. Housing changes are slow and costly, they said, and are the best long-range solution. Immediate help can come from child day care facilities, increased employment opportunities, more counseling and educational services and better welfare services.

Lead-poisoning is primarily an inner city problem because the old, deteriorating homes found in poor neighborhoods were built before 1940 and extensively decorated with high-lead content paints. Now other sources are being identified as carriers of lead-poisoning.

Pottery from Japan in recent years and lately from Mexico have been blamed for serious outbreaks in this country. A Montreal pediatrician, Dr. Michael Klein, said "though the reported frequency of lead poisoning from pottery has been low, the true figure may be considerably higher." Klein and his colleagues tested 117 samples of earthenware pottery with glazes of unknown composition. They found that 50 percent of the samples of both domestic commercial ware and imported ware would produce lead poisoning with continued use if foods or beverages containing acids were consumed from them. The figure for the domestic handcrafted pottery tested was more than 60 percent.

Another source is the growing amount of lead in the environment—the air and water and soil. There has been a great increase in the quantity of lead in the atmosphere and 99 percent of it is traced to the lead added to gasoline to satisfy the power needs of high horsepower, high compression modern automobiles. Now oil and lead companies are mounting a fierce campaign to cripple any national effort to ban lead from gasoline.

So while the debate goes on regarding appropriating funds to fight lead-poisoning, each year more than 200 urban poor children die. If this argument is not persuasive enough to open tight purse strings, Dr. Randolph K. Byers, neurologist-in-chief-emeritus for Children's Hospital in Boston, offers a stronger one: "a single case of mental retardation due to lead poisoning will cost the state about $250,000 for custodial care during a lifetime."

CONNECTICUT

The Connecticut Agricultural Experiment Station and the State Department of Health have devised a new, simple, effective and more economical way for mass screening of children for evidence of lead poisoning. Successfully tested last summer in the North End of Hartford, the new test uses a dipstick method that, because of its ease in handling, is hoped to be adopted nationwide.

Previously, there were two laboratory tests used to detect lead poisoning, but neither one could be used easily for mass screening. One is based on the direct determination of lead in the blood, but the shortage of medical personnel and the inconvenience of drawing blood samples limited the number tested. The other method used determined the delta aminolevulinic acid (ALA) content of urine (which the new method tests for) but the process of sample collection and transport had been clumsy. In addition, the laboratory portion of the test was rather lengthy.

In the new test the dipstick has specially treated paper, measuring one and one-half inches by two and a quarter inches, and held by a plastic handle. Through a chemical process, the ion-exchange paper latches onto ALA, when present in urine, and holds it until it is released in the laboratory when buffers are introduced. After the dipstick has been dipped in a child's urine, it is permitted to dry in the air before it is wrapped in aluminum foil and mailed to the lab.

Among the many advantages to the new method are that mothers can sample their children's urine and laboratory personnel can test many more samples daily than by the older methods.

Because of the concern over lead poisoning that has been building up throughout the state in the past few years, Gov. Dempsey appointed a special Lead Task Force to recommend ways to improve techniques to detect and treat such poisoning and to eliminate the lead hazard. The Task Force has prepared several bills for the State Legislature, and will ask the Assembly to provide $250,000 a year for increased poison detection and treatment and for housing rehabilitation programs.

One of their bills was passed by the House in March, which requires physicians or medical institutions to report cases of abnormal lead content in the blood within 48 hours to the health commissioner and local health director, who then directs an investigation into the cause of the case.

The report goes to the local building inspector who first determines the source of the poisoning and then sees that is is removed. If the source of the poisoning is not removed within a reasonable time, the bill provides for relocation of families. In addition, the bill provides for immunity from criminal or civil action of the physician who reports the case.

The state has developed another lead detection device: a hand-held machine that can determine the lead content of paint and plaster still on walls, woodwork and ceilings of old houses. Canberra Industries now sells these "Lead-Ray" units to cities around the country for $6,000.—*New Haven Register* November 24, 29, December 5, 1970, January 14, 1971; *Hartford Courant*, December 6, 1970, February 7, 1971, March 12, 1971.

ILLINOIS

Four children died of lead poisoning in Chicago last year, and about 500 were treated for the disease.

Although Chicago has had a strong program of finding and treating lead-poisoned children for some years, it has had no repair program of lead-poisoned walls in high-density areas. Edward E. King, deputy commissioner of health, has said that as soon as the lead poison bill becomes law, the city will ask for a $1 million grant to institute a repair program and to determine why children develop pica, the abnormal appetite that makes them hunger for paint and plaster chips. Pica has been attributed to both poor nutrition and emotional disturbances.—*Chicago Daily News*, December 31, 1970.

MASSACHUSETTS

In Boston, a new machine was used in a test to screen for lead poisoning in 280 children in Roxbury. Thirty-one of the children screened were found to have elevated protoporphyrin levels, with the levels high enough in 21 instances to be considered serious.

The new machine, called LK-598, is housed in a suitcase weighing less than 30 pounds and operates on house current. It requires only a few drops of blood to make measurements. The whole process takes just several minutes. LK-598 is a highly sensitive flourimeter developed in Waltham by Space Sciences division of Whittaker Corp. It measures light waves to detect the presence in the blood of protoporphyrin. The machine

has been used in diagnosis of 1,500 cases in Boston, Philadelphia, New York and Baltimore and no false positives were revealed.

Each units costs $5,000, and Mayor Kevon White has asked city aides to seek the funds necessary for the purchase of one machine.

At hearings held in February where doctors, politicians and mothers testified before the joint legislative committee on social welfare, representatives of the state Department of Mental Health estimated there are about 1,500 children in Boston and 6,000 to 7,000 in the Commonwealth suffering from lead poisoning in varying degrees.

Legislation filed this year by Rep. David Liederman of Malden would provide a coordinated statewide program for detecting and screening children suffering from lead poisoning. It would also enforce the removal of existing lead paint from dwellings; stiffen requirements for landlords to remove existing lead paint from dwellings both inside and out; provide grounds for legal actions against offenders; and ban future use of lead-based paint in the state and prohibit its sale after January 1, 1973. Speaking in behalf of the bill, House Speaker David Bartley said the program would cost $1 million a year for the first three years and considerably less thereafter. The state would be eligible for 75 percent federal reimbursement under the terms of the bill filed by Sen. Edward Kennedy and passed recently by Congress.—*Boston Globe,* October 8, 1970, February 24, 1971.

MISSOURI

St. Louis.—The St. Louis Board of Estimates approved an appropriation of $66,314 in additional funds to help enforce a lead-poisoning ordinance enacted by the Board of Aldermen last spring (see *Monitor,* 7/17/70). Dr. William Banton, the city's health commissioner, said the additional funds were necessary to keep alive the city's participation in lead-poisoning control. Without additional personnel and funds, the program will collapse, he said.

However, Mayor Alfonso J. Cervantes, in commenting on the ineffectiveness of the present approach, called for a meeting to revise the city's method of testing children for lead content and inspecting dwelling units for paint and other lead-based materials.

Ten St. Louis House members introduced a bill in the state House of Representatives providing that no paint, plaster or other material with more than one percent lead content shall be used on the inside or outside of a building. Other aspects of the bill include:

Any fixtures, toys or furniture should not be coated with material containing more than one percent lead content;

Physicians, nurses and public health officials must notify the director of the State Division of Health if they suspect or diagnose a case of lead poisoning;

If lead bearing substances are found by the director's investigation; he must post four warning notices about the premises and notify the owner;

If the owner does not remove the poisonous material within 14 days after being given notice, he is subject to be prosecuted.

Meanwhile, the black citizens of St. Louis have mounted a campaign to detect and treat lead poisoning in children aged one through six. Sponsored by the Metropolitan Tenants Organization, free blood tests are given every Saturday at various sites throughout the city. Since March, more than 270 children have been tested. After making the tests, the local board of health analyzes the blood samples and returns the results to MTO, which then follows up.

MTO has found one major obstacle, besides needing additional funds and volunteers: there are only three hospitals that give free treatment to lead paint patients, and in addition, these hospitals have raised their lead levels from 0.4–0.5 to 0.8 lead level before admitting a child for hospitalization.

Kansas City.—Kansas City's Children's Mercy Hospital has been running a lead-screening program for the past 15 months where 50 of the 188 children tested have been found suffering from lead poisoning. All were under five years of age.

According to Dr. Vernon Green, toxicologist at Mercy, after a poisoned child is treated and the lead source identified, the city's housing office directs either the tenant or the owner of a building to correct the situation because there is no building code that forbids the use of lead-based paint inside a building. Dr. Green estimates there are 2,500 children under six years of age in the inner city with dangerously high levels of lead in their systems.

In their fight to rid the city from lead poisoning, Children's Mercy had a lead-ingestion workshop at the University of Missouri-Kansas City school of dentistry on March 4, attended by 100 persons from community, health and related agencies. Dr. George Wise, director of the poison control center at the hospital, summed up the situation by advising agencies to put their personnel on a "lead alert" to watch for symptoms and possible sources of the poisoning. "If more paramedical personnel could be involved," he said, "more cases could be found. This can come only through a co-operative effort."—*Kansas City Star,* November 20, 1970, *Kansas City Times,* March 5, 1971; *St. Louis Post-Disptach,* October 7, December 4, 1970, January 19, February 7, 1971; *Muhammad Speaks,* April 30, 1971.

NEW JERSEY

To combat the growing problem of lead poisoning, twelve Newark community, education and social agency groups held a series of weekly seminars focusing on detecting and solving the disease. During the first week of January, one death had been recorded due to lead poisoning; in 1970, four deaths were attributed to the disease.

Some of the groups represented at the seminars were: Mt. Carmel Guild, The Newark Board of Education, the Newark Fire Department Community Relations Division, the Lead Poisoning Committee of the Newark Day-Care Council, Inc., the Urban League of Essex County, the Newark Housing Authority, "Oye" (a Spanish-Speaking educational program), and the Community Development Agency of the Newark Cities Program.

On May 10, the State Senate passed a bill aimed at fighting the growing menace of lead poisoning of children. Passed 49–0 and sent to Gov. Cahill for signature, the bill places primary responsibility for enforcement on local boards of health under regulations set by the State Health Department. It would define lead paint as any paint that contains more than one percent lead.

In addition to banning future use of lead paint, it would empower local boards to order the removal of lead paint already on walls, ceiling, door, floors and window frames. If local boards find any occupants of buildings with a certain level of blood-lead, they could order owners to remove the lead paint and refinish with other paint within five days.

If owners do not comply, boards would have authority to contract for removal of the lead paint and repainting, and to bill the owner or put liens on the properties. If the state health department finds a local board not properly enforcing the law, it could file disorderly person charges against the individuals involved or get a court order to show cause why the local board should not enforce the act—(Newark) Evening News, January 13, May 11, 1971.

NEW YORK

Unhappy with the city's lead poisoning prevention program, a group of Rockaway concerned citizens' groups, representatives from educational and social agencies met with city officials in January to discuss ways of preventing lead poison among children under six years of age. But the meeting failed to win improvements in the program, even though Dr. Vincent Guinee, director of the Health Department's bureau of lead poisoning control, conceded that the percentage of Rockaway children affected by lead poisoning is "just as high" as in high-density slum areas of central Brooklyn.

Guinee said, "priority" had to be given to treating—and then preventing repeated incidents—in children tested and found to have at least .06 milligrams of lead in their blood. The community representatives were displeased with this argument, and one asked Guinee if the treatment program could be extended to youngsters who showed ever-increasing levels of lead but still registered below .06. Guinee responded that this was not possible because of the "priority" problem in trying to reach 120,000 children in the city for tests in the next 12 months, adding that ".06 is a preventive level. When a child steps over that line we take action."

A tour of three apartments where peeling paint apparently had caused lead poisoning in an estimated 100 children preceded the meeting. Ernest Brown, chairman of the citizen's group, maintained that the preventive maintenance program was not working, "children go to the hospital to be deleaded, and they come home to the same condition."

Accusing local government officials of "literally killing black ghetto children through neglect, incompetence and ignorance," David A. Anderson, a black local official in Rochester, said most government administrators are white and primarily interested in political power, which means they don't have a "gut feeling" about ghetto problems.

Speaking to doctors and staff members at Strong Memorial Hospital in one of a series of diversified lectures. Anderson pointed specifically to lead poisoning, most common among ghetto children. He spoke of one young black girl who almost died from the disease because urban renewal officials failed to relocate her family in good housing.

The city's building department hasn't enforced its property codes, he said, and the health department has refused to acknowledge any widespread problems caused by lead poisoning. Anderson said a "crude" voluntary study showed that seven percent of the children in the Third and Seventh Wards suffered from lead poisoning, and half the houses in these two wards have peeling paint and plaster. He concluded with "even now while I speak another black child is being killed by men who set and carry out policy."

New York City's PLAG (Parents Lead Action Group) have been in the forefront of community-based action aganst the "silent killer"—lead poisoning. Two years ago the group was formed by parents of children who had been treated for lead poisoning at Kings County Hospital. At a recent meeting PLAG officials cited statistics to show that there are as many as 45,000 substandard housing units in the city; creating a situation which means that 120,000 children living in such housing are in "risk" category, and an estimated 10,000 to 30,000 children actually are lead-burdened. The group which has pressed for legislation to help solve the problem, has an on-going program of speaking to PTA's and other groups in the community about the dangers of lead poisoning.—*Long Island (N.Y.) Press,* January 3, 6, 1971 *Rochester (N.Y.) Democrat Chronicle,* February 13, 1971; *Amsterdam News,* May 1, 1971.

PENNSYLVANIA

Pittsburgh's City Housing Code Enforcement Advisory Committee have joined with

city health officials in a two-pronged attack on lead-paint poisoning.

One part of the program would detect and treat children suffering lead-paint poisoning. The second part would amend the housing code to require elimination of lead-based paint from use in housing.

Only one death from lead-paint poisoning has been recorded in the city in recent years, but officials fear that hundreds of children may be suffering from its effects. A study by the Poison Control Center of Children's Hospital of two dozen Homewood Brushton youngsters found that a fourth of them had a dangerous level of lead in their systems.

The committee adopted a three-point resolution which provides for:

A subcommittee to begin drafting no-lead paint amendments to the housing and health codes;

An application for federal funding to carry out a lead-paint removal program in existing housing;

Exploration of setting up a fund to give poor home owners low-interest loans to repaint their homes with no-lead paint.—*Pittsburgh Press*, May 7, 1971.

VIRGINIA

The Norfolk Lead Control Program is the first one to be funded under a new set of suggested commnuity guidelines drawn up by the Public Health Service and also is the first comprehensive lead-poisoning project in the nation.

The program involves initial screening measures conducted by health department staff as well as a communitywide project to marshal support and interest in combatting lead poisoning at the neighborhood level. The lead program staff have already spoken to some 300 people, such as PTA groups, to make them aware of the lead problem.

The program is headquartered in the Berkeley Model City Neighborhood Center and according to program coordinator Arlo Von Coker, he and his staff have collected more than 75 paint samples from homes throughout the city. Working through a list of children treated for lead poisoning at King's Daughters Children's Hospital in 1970 and names supplied by city-wide clinics, Coker said that in most instances, as many as half of the samples collected come back positive for lead.

"Most lead poisoning cases that we've found are in black neighborhoods where the older deteriorating homes are," Coker said. He noted that most of these older and deteriorating homes are in the Berkley, Huntersville, Brambleton and East Ghent areas of the city which are Model City areas. A recent survey of homes in the city showed that over 80 percent of all dwelling units built prior to 1939 were in these four areas. Fifty-three percent of all the city's substandard housing is located in these areas," Coker added.—(*Norfolk*) *Virginia-Pilot*, October 16, 1970, February 25, 1971.

WASHINGTON, D.C.

The Community Health Services Administration, under a $204,154 grant from the Model Cities Commission, is conducting a mass testing of children in a section of the inner city for lead poisoning. Of the 350 tested so far, five have had to be hospitalized. Another 30 children have a higher concentration of lead in their systems than is considered safe. These have been referred to hospitals and neighborhood health clinics for treatment on an outpatient basis.

Health officials say they would like to test 11,000 children between the ages of one and six from the model cities area; the total population of the area is about 80,000. The officials estimate that the city has about 5,000—about 10 percent of the 50,000 who live in old and dilapidated houses—who have higher levels of lead in their bodies than are considered safe. Of that 5,000, there are an estimated 500 who are so sick they should be hospitalized right away, they said

The current screening procedure is operated out of a mobile testing facility. Community aides knock on doors in the neighborhood and ask parents to bring their children to the trailer for testing. The test involves drawing blood from the arm into a small container which is taken to the city's testing lab or where the blood is tested for its lead level.—*Washington Post*, May 28, 1971.

WISCONSIN

Lead poisoning among inner city children has become so severe in Milwaukee, that Children's Hospital has established a special clinic to provide improved diagnosis, treatment and aftercare of lead poisoning victims. In 1967, six children died from lead poisoning, and in 1970, close to 50 youngsters were treated for the poisoning. None have died, but an undetermined number have been left mentally retarded or otherwise brain damaged.

Lead poisoning has also been found among racing drivers and mechanics. Several years ago, a Milwaukee surgeon, Dr. Michael A. Polacek, medical director of the Wisconsin Auto Club, found abnormally high amounts of lead in the blood tests of two nationally known drivers who had been hospitalized for burns. After this discovery, Polacek took blood samples from 35 drivers, mechanics and driver-mechanics during a week of races. More than one-third had high amounts of lead: 3 had such high levels that poisoning would be expected; they also had poisoning symptoms, including abdominal pain, constipation, nausea, muscle weakness and dizziness.

Upon investigating the three poisoned racing members, Dr. Richard D. Stewart, chairman of environmental medicine at the Medical College of Wisconsin, found that the lead in the blood of drivers and driver-mechanics was unrelated to breathing fumes from leaded gasoline or exhaust. Instead, it was absorbed through the skin when team members dismantled engines and washed the parts in kerosene.

Contract drivers, who merely drove the cars, had normal blood levels of lead. But drivers who also worked on the engines sometimes had a high blood lead level, indicating that lead poisoning might be a contributing cause of race crashes.—*Milwaukee Journal*, October 4, 1970.

PCB'S—THE NEED FOR CONGRESSIONAL ACTION

(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, the U.S. Department of Agriculture conceded yesterday that millions of chickens fed on fish meal contaminated with a dangerous chemical—polychlorinated biphenyl—PCB—have reached the marketplace and in turn consumers' market baskets.

The potential consequences of this contamination are staggering. But just as dismaying is the fact that this incident could have been prevented if Federal agencies had lived up to their responsibilities to protect the public health and welfare.

For 2 years, I have urged the appropriate Federal agencies to take specific protective measures that would have safeguarded the public from the hazards of PCB's. During that time I have called upon the Department of Agriculture, the Department of Interior, the Food and Drug Administration, the President's Commission on Product Safety, the Council on Environmental Quality, and the Environmental Protection Agency to take specific actions to protect the American people as well as fish, wildlife, poultry, and livestock from the hazards of PCB's.

Yet in an almost unprecedented display of callous disregard for the safety of our citizens, that action was not forthcoming. The results are now tragically apparent.

And despite the unfortunate lesson of this massive PCB contamination of poultry, the Federal bureaucracy still has not acted to prevent a recurrence in the future. The failure of the Federal Government in this entire matter is both shocking and inexcusable.

In view of the unconscionable neglect on the part of the executive branch, the Congress must now act.

I have introduced legislation—H.R. 10085—to prohibit the interstate distribution of PCB's. And I urge that the appropriate congressional committees immediately undertake a full and exhaustive investigation, not only of the current massive contamination of poultry and the need for Federal legislation to control this deadly chemical, but also into the indefensible failure of Federal agencies to take the necessary actions which would have prevented this incident.

At this point I include an article by Hank Burchard which appeared in the July 29 Washington Post detailing the extent of the current problem. I also include a July 29 Washington Evening Star article by John Fialka on PCB's.

The articles follow:

[From the Washington (D.C.) Post, July 29, 1971]

MILLIONS OF CHICKENS TAINTED

(By Hank Burchard)

The Agriculture Department conceded yesterday that millions of chickens fed on fish meal contaminated with a DDT-like chemical have been sold in stores in the Washington area and much of the rest of the country.

The chemical, polychlorinated biphenyls (PCB), leaked into fish meat produced at a Wilmington, N.C., plant between April 30 and mid-July. From there it was widely distributed to poultry growers and hog raisers, mixed into up to 800,000 tons of feed.

Some 35 million broiling chickens alone are sent to market each week from the 12 states where feed containing the fish meal was sold. How many of those chickens consumed the contaminated feed and how much PCB was in their flesh when sold "cannot be known," Dr. Clayton Yeutter, chief of Agriculture's Consumer and Marketing Survey, said yesterday.

Last Friday, Dr. Fred Fullerton of Agriculture's Consumer and Marketing Service which had withheld announcement of the PCB affair for a week, said there was "no evidence that any contaminated chickens have reached any consumer."

Dr. Yeutter explained the apparent contradiction this way:

"There was no statement that chickens fed on the contaminated fish meal had not

reached the market. The statement was that there was no evidence—and there still is none—that any of the marketed chickens contained more PCB than the 5 parts per million considered acceptable by the government."

Asked if there was any evidence that chickens containing more than 5 p.p.m. had not been marketed, Dr. Yeutter said an announcement on the results of field tests would be made by the department today.

In any case, Dr. Yeutter said, "no chickens fed contaminated meal are on the market now and none will be released for market."

Asked if the same could be said for frozen chickens and chicken meat used in the production of soups, hot dogs and other foods, Dr. Yeutter referred the question to Dr. Fullerton, who could not be reached yesterday afternoon or last night.

The effects of PCB upon humans, if any, are not known. It has been shown to cause low fertility in fowl and liver damage in rats, and is thought by many scientists to be a serious long-term danger to man and animals.

Dr. Yeutter said the public "should not be unduly alarmed" over the PCB case. "It is not worthwhile to worry the consumer now about something he ate a few weeks ago. It hasn't affected my consumption of chicken. As far as we know every chicken sitting on every shelf is safe and wholesome."

Rep. William Fitts Ryan (D-N.Y.), who Monday filed a bill that would outlaw all production or use of PCB in the United States, said yesterday he was "shocked and outraged" by the government's handling of the case.

"They're just playing guessing games," he said. "The setting of the 5 parts per million standard was purely arbitrary in the first place. From all we can find, the action of Agriculture and FDA (Food and Drug Administration) has been insufficient to say the least.

"They've hushed up earlier PCB contamination cases and delayed announcement in this case until the chickens had been sold. This is unconscionable neglect in a situation of staggering potential harm."

Rep. Ryan said he would call for hearings not only on his bill but "into Agriculture and FDA's conduct."

Used since before World War II until recently in a wide range of products, PCB has made its way into the worldwide web of life and has been found in fish, wild birds (up to 1,000 p.p.m.), human fat and human mother's milk (up to .06 p.p.m.).

Monsanto Corp., sole producers of PCB in the U.S. and in the United Kingdom, last year stopped all sales of the chemical except for "closed-system" uses in heavy equipment equipment and industrial heating equipment such as the sterilizer in the Wilmington plant where the fish meal was contaminated.

In that case, PCB leaked from the machinery into the fish meal undetected for about 12 weeks. The discovery was made only after one of the plant's customers found that his chickens were sickening and becoming infertile.

The customer, Holly Farms, Inc., a major supplier of chickens to Washington markets, tested the feed, then notified Monsanto, which traced the source and alerted FDA. Holly Farms destroyed 77,000 chickens.

The contamination went undetected until that time because no agency of the government regularly tests marketed flesh for PCB.

[From the Washington (D.C.) Evening Star, July 29, 1971]

FISH MEAL CULPRIT: FIRM IS CURBING SUSPECT CHEMICAL

(By John Fialka)

PCB is the shorthand name of a family of 210 chemical substances, some of which have had widespread use in the United States since the early 1930s.

Because of mounting evidence that the PCBs are toxic to animals and, like DDT, do not easily break down in nature, the Monsanto Company, the nation's sole manufacturer of PCBs, has been quietly moving various products containing it off the market.

By last August, according to William B. Papageorge, manager of environment protection for Monsanto, the company had stopped selling it except for use in closed systems, such as in large electric transformers, heat transfer units and in electric capacitors.

It was felt that it would be highly unlikely that the chemical could pose a danger when its use was restricted to such closed systems, Papageorge explained.

NORTH CAROLINA LEAK

But in mid-July a heat exchange unit, used in a plant in Wilmington, N.C., in a process designed to remove the bacteria from imported fish meal, was found to be leaking.

The result was the possibility that millions of chickens and other livestock may have been eating contaminated feed.

According to Rep. William F. Ryan, D–NY, who has been studying the effects of the chemical for two years, the possibility of such a danger has been known for many months.

Ryan introduced a bill Monday which would ban the sale of PCBs in the United States. He told the House that he has urged the Department of Agriculture, the Secretary of Interior, the Environmental Protection Agency and the Food and Drug Administration repeatedly to ban PCBs.

Today, he called for hearings on his bill and the inaction by the federal agencies.

The leakage in Wilmington, he said, "tragically illustrates the failure of the federal government to take preventive action against the unconscionable use of this deadly chemical."

ADMINISTRATION BILL

The Nixon administration meanwhile, is pushing for legislation that could lead to tight regulation of industrial chemicals like PCB.

Warren Muir of the Council of Environmental Quality said today that the PCBs are a good example of toxic substances not adequately covered under existing law.

Under the Clean Air Act and Clean Water Act, the federal government could draw up standards that might regulate the discharge of PCBs into the air or water. This has not been done.

The administration's Toxic Substances Act, due for hearings next week before the Senate Commerce Committee, would permit the government to regulate the manufacture and everyday use of such chemicals as well as regulating them as effluents.

The evidence that PCBs, like DDT, can concentrate and travel through the food chain was discovered by Swedish scientists in 1966, when they found the chemical in the carcasses of large birds of prey, primarily eagles. Later they found it in other birds, fish and evergreen needles. Since then it has been found in man.

In tests on mice, it causes liver damage and birth defects.

TWO EARLIER CASES

According to Rep. Ryan, federal authorities have already had notice of two instances where state authorities, alarmed by PCB contamination, have had to remove large quantities of food from the market.

In 1970, he stated, the Campbell's Soup Company discovered that a shipment of chickens it received from New York state contained a high percentage of one type of PCB.

The New York State Department of Agriculture ultimately destroyed 146,000 chickens and traced the chemical to plastic wrapping used to package chicken feed, Rep. Ryan said.

That, same year, Rep. Ryan said, the Ohio State Department of Agriculture found a residue of PCB in milk. They removed a large quantity from the market and traced the chemical to a material used to line silos, where cattle feed was stored.

Exactly how much PCB is still being produced is a secret which Monsanto, the sole manufacturer, refuses to disclose.

DEVELOPED IN 1930'S

According to Papageorge, a chemical engineer, PCB, or polychlorinated biphenyl, was first developed in the early 1930s by the Swann Chemical Co. in Anniston, Ala., and later taken over by Monsanto.

Until, recently, PCBs were marketed in some industrial paints, coatings, inks, and in some plastics.

Now, because of Monsanto's change in marketing policy, it is produced only for use as an insulator in capacitors, an electric device found in home air conditioners; as a coolant in transformers; and as a fire resistant medium in heat exchange units.

According to Papageorge, total removal of PCBs from some of these closed system uses will be "next to impossible."

He pointed out that large cities in the U.S. and many other countries use electric transformers containing PCB because it is an explosion proof coolant, allowing the transformers to be safely used in densly populated areas.

There is no substitute chemical with the same properties and switching to a different cooling system, such as air or gas, would mean drastically redesigning the transformers in use, he said.

"Our entire electrical system depends on it," concluded Papageorge. "Believe me," he added, "if we could get out of this business, we would."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. ASPINALL, from 3:30 p.m., July 30, 1971, to noon, August 2, 1971, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CRANE), to revise and extend their remarks, and to include extraneous matter:)

Mr. FINDLEY, today, for 5 minutes.

Mr. MILLER of Ohio, today, for 5 minutes.

Mr. HARVEY, today, for 5 minutes.

Mr. HOGAN, on July 30, for 10 minutes.

Mr. CRANE, on August 4, for 1 hour.

(The following Members (at the request of Mr. BOGGS), to revise and extend their remarks, and to include extraneous matter:)

Mr. FRASER, today, for 5 minutes.

Mr. PREYER of North Carolina, today, for 10 minutes.

Mr. GONZALEZ, today, for 10 minutes.

Mr. FUQUA, today, for 10 minutes.

Mr. REUSS, today, for 10 minutes.

Mr. ST GERMAIN, today, for 10 minutes.

Mr. DORN, on August 5, for 60 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BENNETT, to revise and extend his remarks and include extraneous matter on the public works bill today.

Mr. BOLAND, to revise and extend his remarks on the conference report on H.R 9382 and include tables.

Mr. FULTON of Pennsylvania during consideration of the conference report on H.R. 9382 following the remarks of Mr. JONAS.

Mr. WHITTEN, immediately following the remarks of Mr. EVINS of Tennessee during general debate on H.R. 10090 in the Committee of the Whole today.

Mr. VANDER JAGT, immediately following the remarks of Mr. HATHAWAY on the amendment offered by Mr. CLARK in the Committee of the Whole today .

Mr. MATSUNAGA, to revise and extend his remarks preceding the vote on the Mink amendment.

Mrs. HECKLER of Massachusetts, to revise and extend her remarks prior to vote on H.R. 10090.

Mr. RANDALL, to revise and extend his remarks immediately following the vote on the Hathaway amendment.

(The following Members (at the request of Mr. CRANE) and to include extraneous matter:)

Mr. WARE.
Mr. SAYLOR.
Mr. ESHLEMAN.
Mr. FINDLEY.
Mr. HALL.
Mr. STAFFORD.
Mr. WYMAN in two instances.
Mr. MYERS.
Mr. STEIGER of Arizona.
Mr. NELSEN in two instances.
Mr. MILLER of Ohio.
Mr. COUGHLIN.
Mr. GOODLING.
Mr. ROBISON of New York in two instances.
Mr. HUNT.
Mr. SCHMITZ in three instances.
Mr. BROTZMAN in two instances.
Mr. COLLINS of Texas in three instances.
Mr. GOLDWATER.
Mr. MCCLORY.
Mr. COLLIER in five instances.
Mr. WHALLEY.
Mr. SMITH of New York.
Mr. HARSHA.
Mr. SCHWENGEL.
Mr. PRICE of Texas.
Mrs. HECKLER of Massachusetts.
Mr. ASHBROOK in two instances.

(The following Members (at the request of Mr. BOGGS) and to include extraneous matter:)

Mr. CAREY of New York in two instances.
Mrs. HICKS of Massachusetts in two instances.
Mr. FUQUA in two instances.
Mr. HARRINGTON in three instances.
Mr. JACOBS.
Mr. EDWARDS of California in two instances.
Mr. WALDIE in seven instances.
Mr. CELLER.
Mr. WILLIAM D. FORD in three instances.
Mr. BEGICH in three instances.
Mr. DRINAN.
Mr. RYAN in three instances.
Mr. DANIELS of New Jersey.
Mr. HANNA in two instances.
Mr. FRASER in three instances.
Mr. RARICK in four instances.
Mr. ROUSH.
Mr. NIX in three instances.
Mr. DAVIS of Georgia in two instances.
Mr. ANDERSON of California.
Mr. MOORHEAD in two instances.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3201. An act for the relief of Faith M. Lewis Kochendorfer; Dick A. Lewis; Nancy J. Lewis Keithley; Knute K. Lewis; Peggy A. Lewis Townsend; Kim C. Lewis; Cindy L. Lewis Kochendorfer; and, Frederick L. Baston;

H.R. 7109. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes;

H.R. 9020. An act to amend the Egg Products Inspection Act to provide that certain plants which process egg products shall be exempt from such act for a certain period of time; and

H.R. 9270. An act making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 3201. An act for the relief of Faith M. Lewis Kochendorfer; Dick A. Lewis; Nancy J. Lewis Keithley; Knute K. Lewis; Peggy A. Lewis Townsend; Kim C. Lewis; Cindy L. Lewis Kochendorfer; and, Frederick L. Baston;

H.R. 4762. An act to amend section 5055 of title 38, United States Code, in order to extend the authority of the Administrator of Veterans Affairs to establish and carry out a program of exchange of medical information;

H.R. 7109. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes;

H.R. 9020. An act to amend the Egg Products Inspection Act to provide that certain plants which process egg products shall be exempt from such act for a certain period of time; and

H.R. 9270. Making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1972, and for other purposes.

ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 56 minutes p.m.), the House adjourned until tomorrow, Friday, July 30, 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:

999. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on licensure, certification, and accreditation for practice or employment of health personnel, pursuant to section 799A of the Public Health Service Act; to the Committee on Interstate and Foreign Commerce.

1000. A letter from the Secretary of Commerce, transmitting the report of the U.S. metric study, conducted by the National Bureau of Standards of the Department of Commerce, pursuant to Public Law 90–472; to the Committee on Science and Astronautics.

1001. A letter from the Secretary of Commerce, transmitting the third in the series of interim reports stemming from the U.S. metric study, prepared by the National Bureau of Standards, pursuant to Public Law 90–472; to the Committee on Science and Astronautics.

1002. A letter from the Secretary of Commerce, transmitting the ninth in the series of interim reports concerning various aspects of the U.S. metric study, prepared by the Department of Defense, pursuant to Public Law 90–472; to the Committee on Science and Astronautics.

1003. A letter from the Assistant Secretary of Commerce, transmitting copies of the notice and standard proposed to be promulgated concerning flammability of children's sleepwear; to the Committee on Interstate and Foreign Commerce.

RECEIVED FROM THE COMPTROLLER GENERAL

1004. A letter from the Comptroller General of the United States, transmitting a report on ineffective controls over program requirements relating to medically needy persons covered by medicaid, Social and Rehabilitation Service, Department of Health, Education, and Welfare; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HENDERSON: Committee on Post Office and Civil Service. H.R. 3628. A bill to amend title 5, United States Code, to provide equality of treatment for married women Federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally, and for other purposes; with amendments (Rept. 92–415). Referred to the Committee of the Whole House on the State of the Union.

Mr. HENDERSON: Committee on Post Office and Civil Service. H.R. 8085. A bill relating to age requirements for appointments to positions in executive agencies and in the competitive service; with amendments (Rept. No. 92–416). Referred to the Com-

mittee of the Whole House on the State of the Union.

Mr. HENDERSON: Committee on Post Office and Civil Service. H.R. 8689. A bill to provide overtime pay for intermittent and part-time General Schedule employees who work in excess of 40 hours in a workweek (Rept. 92–417). Referred to the Committee of the Whole House on the State of the Union.

Mr. HENDERSON: Committee on Post Office and Civil Service. H.R. 9442. A bill to authorize compensation for five General Accounting Office positions at rates not to exceed the rate for Executive Schedule Level IV (Rept. No. 92–418). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 9798. A bill to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes (Rept. No. 92–419). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 1074. A bill to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a 13 period accounting year; with an amendment (Rept. No. 92–420. Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 9261. A bill to amend the Communications Act of 1934 to provide that certain aliens admitted to the United States for permanent residence shall be eligible to operate amateur radio stations in the United States and to hold licenses for their stations (Rept. No. 92–421). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL: Committee on Rules. House Resolution 570. A resolution providing for the consideration of H.R. 9910. A bill to amend the Foreign Assistance Act of 1961, and for other purposes (Rept. No. 92–422). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 571. A resolution providing for the consideration of S. 2296. An act to amend sections 107 and 709 of title 32, United States Code, relating to appropriations for the National Guard and to National Guard technicians, respectively (Rept. No. 92–423). Referred to the House Calendar.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 701. a bill to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, to authorize the Secretary of the Interior, in his discretion, to establish the fee for such stamp; with amendments (Rept. No. 92–424). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 7096. A bill to direct the establishment of health standards for employees food service establishments in the District of Columbia with an amendment (Rept. No. 92–425). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 7117. A bill to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes; with amendments (Rept. No. 92–426). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 8744. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 (Rept. No. 92–427). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 9580. A bill to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles (Rept. No. 92–428). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 7048. A bill to amend the Communications Act of 1934, as amended, to establish a Federal-State joint board to recommend uniform procedures for determining what part of the property and expenses of communication common carriers shall be considered as used in interstate or foreign communication toll service, and what part of such property and expenses shall be considered as used in intrastate and exchange service, and for other purposes (Rept. No. 92–429). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 2595. A bill to amend the act entitled "An act to regulate the practice of podiatry in the District of Columbia", approved May 23, 1918, as amended (Rept. No. 92–430). 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. BROOKS (for himself, Mr. JACOBS, Mr. WALDIE, Mr. DANIELSON, Mr. McCLORY, Mr. SMITH of New York, Mr. RAILSBACK, Mr. WIGGINS, Mr. KEATING, Mr. McKEVITT, Mr. ABBITT, Mr. ASPINALL, Mr. BAKER, Mr. BROTZMAN, Mr. BROYHILL of Virginia, Mr. CABELL, Mr. CASEY of Texas, Mr. COLLINS of Texas, Mr. CONTE, Mr. EVANS of Colorado, Mr. FULTON of Tennessee, Mr. GROVER, Mr. HALPERN, Mr. HANNA, and Mr. HOWARD):

H.R. 10185. A bill to authorize the merger of two or more professional basketball leagues, and for other purposes; to the Committee on the Judiciary.

By Mr. BROOKS (for himself, Mr. JONES of Tennessee, Mr. KUYKENDALL, Mr. MATHIAS of California, Mr. MAZZOLI, Mr. McKAY, Mr. MOORHEAD, Mr. PEPPER, Mr. PREYER of North Carolina, Mr. QUILLEN, Mr. RUNNELS, Mr. JAMES V. STANTON, Mr. WYATT, Mr. LLOYD, and Mr. KEMP):

H.R. 10186. A bill to authorize the merger of two or more professional basketball leagues, and for other purposes; to the Committee on the Judiciary.

By Mr. PRICE of Texas:

H.R. 10187. A bill to amend the act of July 6, 1968, to authorize the Secretary of Agriculture to cooperate with central american countries in the control and/or eradication of any communicable disease of animals in order to protect the livestock and poultry industries of the United States; to the Committee on Agriculture.

H.R. 10188. A bill to amend the act of February 28, 1947, as amended, to authorize the Secretary of Agriculture to cooperate with the Republic of Mexico in the control and/or eradication of any communicable disease of animals in order to protect the livestock and poultry industries of the United States; to the Committee on Agriculture.

By Mr. ADAMS (for himself, Mr. BINGHAM, Mr. BOLAND, Mr. BURTON, Mr. CARNEY, Mrs. CHISHOLM, Mr. CÓRDOVA, Mr. DELLENBACK, Mr. DELLUMS, Mr. EILBERG, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HAWKINS, Mr. HELSTOSKI, Mr. HICKS of Washington, Mr. MATSUNAGA, Mr. MAZZOLI, Mrs. MINK, Mr. MORSE, Mr. PELLY, Mr. PODELL, Mr. PRICE of Illinois, Mr. RODINO, and Mr. WALDIE):

H.R. 10189. A bill to amend the Public Works and Economic Development Act of 1965, as amended, to establish an emergency Federal economic assistance program, to authorize the President to declare areas of the Nation which meet certain economic and employment criteria to be economic disaster areas, and for other purposes; to the Committee on Public Works.

By Mr. ADAMS (for himself, Mr. BEGICH, Mr. HATHAWAY, Mr. MEEDS, Mr. MIKVA, Mr. CHARLES H. WILSON, Mr. McCORMACK, and Mr. SARBANES):

H.R. 10190. A bill to amend the Public Works and Economic Development Act of 1965, as amended, to establish an emergency Federal economic assistance program, to authorize the President to declare areas of the Nation which meet certain economic and employment criteria to be economic disaster areas, and for other purposes; to the Committee on Public Works.

By Mr. BELL (for himself, Mr. McCLOSKEY, and Mr. RODINO):

H.R. 10191. A bill to amend the Economic Opportunity Act of 1964 to establish a National Legal Services Corporation, and for other purposes; to the Committee on Education and Labor.

Mr. BETTS (for himself, Mr. BAKER, Mr. CONTE, Mr. DENT, Mr. MIZELL, Mr. SCHNEEBELI, Mr. SIKES, Mr. SLACK, Mr. WAGGONNER, and Mr. WYMAN):

H.R. 10192. A bill to continue the expansion of international trade and thereby promote the general welfare of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Mr. ABOUREZK, Mr. BIAGGI, Mr. BROOMFIELD, Mr. BURKE of Florida, Mrs. CHISHOLM, Mr. CLARK, Mr. DANIEL, of Virginia, Mr. DONOHUE, Mr. EILBERG, Mr. ESCH, Mr. FLOWERS, Mr. FORSYTHE, Mr. FRENZEL, Mr. FULTON of Pennsylvania, Mr. GOODLING, Mrs. GRASSO, Mr. GUDE, Mr. HALPERN, Mr. HANSEN of Idaho, Mr. HARRINGTON, Mr. HASTINGS, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, and Mr. HICKS of Washington):

H.R. 10193. A bill to advance by 1 year the standard deduction provisions of the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Mrs. HICKS of Massachusetts, Mr. HOGAN, Mr. HORTON, Mr. KEMP, Mr. LUJAN, Mr. McCLOSKEY, Mr. McDADE, Mr. McKAY, Mr. MIKVA, Mr. MOLLOHAN, Mr. MORGAN, Mr. MORSE, Mr. RAILSBACK, Mr. RIEGLE, Mr. ROBISON of New York, Mr. ROE, Mr. ROONEY of Pennsylvania, Mr. RUNNELS, Mr. RUPPE, Mr. SAYLOR, Mr. SCHEUER, Mr. SCHWENGEL, Mr. SHOUP, and Mr. THONE):

H.R. 10194. A bill to advance by 1 year the standard deduction provisions of the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Mr. McCORMACK, Mr. VEYSEY, Mr. WARE, Mr. WILLIAMS, Mr. YATRON, and Mr. ZWACH):

H.R. 10195. A bill to advance by 1 year the standard deduction provisions of the Tax Reform Act of 1969; to the Committee on Ways and Means.

By Mr. FAUNTROY (for himself, Mrs. ABZUG, Mr. ADAMS, Mr. ASPIN, Mr. BADILLO, Mr. BEGICH, Mr. BINGHAM, Mr. BOLLING, Mr. BURTON, Mr. KASTENMEIER, Mr. LEGGETT, Mr. MATSUNGA, Mr. METCALFE, Mr. MIKVA, and Mr. MCCORMACK):

H.R. 10196. A bill to provide home rule for the District of Columbia; to the Committee on the District of Columbia.

By Mr. FAUNTROY (for himself, Mrs. CHISHOLM, Mr. CLAY, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. DOW, Mr. EILBERG, Mr. MORSE, Mr. PEPPER, Mr. RANGEL, Mr. REID of New York, and Mr. REES):

H.R. 10197. A bill to provide home rule for the District of Columbia; to the Committee on the District of Columbia.

By Mr. FAUNTROY (for himself, Mr. FRASER, Mr. FRENZEL, Mrs. GRASSO, Mr. HALPERN, Mr. HAWKINS, Mr. JACOBS, Mr. MCKINNEY, Mr. REUSS, Mr. RODINO, Mr. ROYBAL, Mr. RYAN, Mr. SCHEUER, Mr. SEIBERLING, and Mr. STOKES):

H.R. 10198. A bill to provide home rule for the District of Columbia; to the Committee on the District of Columbia.

By Mr. FISHER:

H.R. 10199. A bill to amend chapter 55 of title 10 of the United States Code to provide that entitlement to health insurance under title XVIII of the Social Security Act shall not bar the availability of certain contract health services under such chapter in the case of certain members and former members of the uniformed services and their dependents; to the Committee on Armed Services.

By Mr. FREY (for himself, Mr. CLEVELAND, Mr. CONABLE, Mr. COUGHLIN, Mr. GUDE, Mr. HAMMERSCHMIDT, Mr. HANSEN of Idaho, Mr. HOSMER, Mr. KING, Mr. MAYNE, Mr. RHODES, Mr. SCHWENGEL, Mr. SEBELIUS, Mr. STEIGER of Arizona, and Mr. THONE):

H.R. 10200. A bill to provide new penalties for the use, possession, sale, or transfer of a narcotic drug, marijuana, or a depressant or simulant substance for members of the armed services; to the Committee on Armed Services.

H.R. 10201. A bill to establish a comprehensive treatment and rehabilitation program for narcotic drug users in the Armed Forces; to the Committee on Armed Services.

H.R. 10202. A bill to amend title 38 of the United States Code to provide for the care and treatment of drug dependent former servicemen in Veterans' Administration facilities; to the Commitee on Veterans' Affairs.

By Mr. JOHNSON of California (for himself, Mr. ASPINALL, Mr. SAYLOR, Mr. HOSMER, Mr. HALEY, Mr. BARING, Mr. TAYLOR, Mr. SKUBITZ, Mr. UDALL, Mr. MCCLURE, Mr. DON H. CLAUSEN, Mr. STEIGER of Arizona, Mr. FOLEY, Mr. MEEDS, Mr. DELLENBACK, Mr. KAZEN, Mr. CAMP, Mr. RONCALIO, Mr. BEGICH, Mr. MCKEVITT, Mr. SEBELIUS, Mr. TERRY, Mr. HANSEN of Idaho, and Mr. CÓRDOVA):

H.R. 10203. A bill to amend the Water Resources Act of 1964, to increase the authorization for water resources research institutes, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MAZZOLI:

H.R. 10204. A bill to amend the National Security Act of 1947, as amended, to keep the Congress better informed on matters relating to foreign policy and national security by providing it with intelligence information obtained by the Central Intelligence Agency and with analysis of such information by such Agency; to the Committee on Armed Services.

By Mr. NELSEN:

H.R. 10205. A bill to provide a procedure for the exercise of congressional and Executive powers over the use of any Armed Forces of the United States in military hostilities, and for other purposes; to the Committee on Rules.

By Mr. O'KONSKI:

H.R. 10206. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. PURCELL:

H.R. 10207. A bill to amend title 21 of the United States Code, to broaden and expand the powers of the Secretary of Agriculture to cooperate with Mexico and Central American countries to prevent or retard communicable diseases of animals, where the Secretary deems such action necessary to protect the livestock and related industries of the United States; to the Committee on Agriculture.

By Mr. ROSENTHAL (for himself, Mr. DRINAN, Mr. LINK, and Mr. MCCORMACK):

H.R. 10208. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced-rate transportation to handicapped persons and persons who are 65 years of age or older, and to amend the Interstate Commerce Act to authorize free or reduced rate transportation for persons who are 65 years of age or older; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSH (for himself, Mr. ANDERSON of Tennessee, Mr. ASPIN, Mr. BURTON, Mr. COLLINS of Illinois, Mr. DINGELL, Mr. EDWARDS of California, Mr. HALPERN, Mr. MADDEN, Mr. MIKVA, Mr. O'HARA, Mr. RIEGLE, Mr. SEIBERLING, and Mr. YATES):

H.R. 10209. A bill to amend the act of November 5, 1966 (80 Stat. 1309), providing for the establishment of the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SLACK:

H.R. 10210. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

By Mr. WHITEHURST (for himself, Mr. ABBITT, Mr. BROYHILL of Virginia, Mr. DANIEL of Virginia, Mr. DOWNING, Mr. ROBINSON of Virginia, Mr. SATTERFIELD, Mr. SCOTT, and Mr. WAMPLER):

H.R. 10211. A bill to authorize the merger of two or more professional basketball leagues; to the Committee on the Judiciary.

By Mrs. ABZUG:

H.R. 10212. A bill providing for the election of the Tribal Council of the Osage Nation of Indians; to the Committee on Interior and Insular Affairs.

H.R. 10213. A bill providing for the distribution of judgment funds of the Osage Nation of Indians; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON of California (for himself, Mr. BINGHAM, Mr. BRADEMAS, Mr. BURTON, Mr. DENNIS, Mr. DELLUMS, Mr. EDWARDS of California, Mr. GOLDWATER, Mrs. GRASSO, Mr. HALPERN, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HORTON, Mr. KASTENMEIER, Mr. KOCH, Mr. KYROS, Mr. LENT, and Mr. LONG of Maryland):

H.R. 10214. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 10215. A bill to amend title 39, United States Code, to provide for the mailing of letter mail to Senators and Representatives in Congress at no cost to the sender, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DENT (for himself and Mr. PERKINS):

H.R. 10216. A bill to improve education by increasing the freedom of the Nation's teachers to change employment across State lines without substantial loss of retirement benefits through establishment of a Federal-State program; to the Committee on Education and Labor.

By Mr. FINDLEY:

H.R. 10217. A bill to amend the act of February 28, 1947, as amended, to authorize the Secretary of Agriculture to cooperate with the Republic of Mexico in the control and/or eradication of any communicable disease of animals in order to protect the livestock and poultry industries of the United States; to the Committee on Agriculture.

H.R. 10218. A bill to amend the act of July 6, 1968, to authorize the Secretary of Agriculture to cooperate with Central American countries in the control and/or eradication of any communicable disease of animals in order to protect the livestock and poultry industries of the United States; to the Committee on Agriculture.

By Mr. FRASER:

H.R. 10219. A bill to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes; to the Committee on the District of Columbia.

By Mr. MAILLIARD:

H.R. 10220. A bill to establish the Golden Gate National Recreation Area in San Francisco and Marin Counties, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. MAYNE:

H.R. 10221. A bill to amend the act of July 6, 1968, to authorize the Secretary of Agriculture to cooperate with Central American countries in the control and/or eradication of any communicable disease of animals in order to protect the livestock and poultry industries of the United States; to the Committee on Agriculture.

By Mr. MOSS (for himself and Mr. ECKHARDT):

H.R. 10222. A bill to require no-fault motor vehicle insurance as a condition precedent to using the public streets, roads, and highways in order to promote and regulate interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself, Mr. ANDERSON of Tennessee, Mr. SIKES, Mr. BEGICH, Mr. YATRON, Mr. WHITE, Mr. LONG of Maryland, Mr. CHARLES H. WILSON, Mr. BINGHAM, Mrs. CHISHOLM, Mr. RUNNELS, Mr. METCALFE, Mr. THOMPSON of New Jersey, and Mr. CAREY of New York):

H.R. 10223. A bill to authorize members of the Armed Forces to be discharged from active military service by reason of physical disability when such members are suffering from drug dependency, to authorize the civil commitment of such members after their discharge, to provide for the review of less than honorable discharges granted to certain members and the issuance of new discharges in certain cases, and for other purposes; to the Committee on Armed Services.

By Mr. PATTEN:

H.R. 10224. A bill to amend title 38, United States Code, to provide for the payment of tuition, subsistence, and educational assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of such title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PEPPER:

H.R. 10225. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to firemen shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania (for himself, Mr. BADILLO, Mr. YATRON, Mr. DONOHUE, Mr. MORSE, Mr. DANIELS of New Jersey, Mr. HELSTOSKI, Mr. ROSTENKOWSKI, Mr. HALPERN, Mr. SCHWENGEL, Mr. COUGHLIN, Mr. NIX, Mr. BIESTER, Mr. BURKE of Florida, Mr. ROSENTHAL, Mr. WILLIAMS, Mr. GIBBONS, Mr. FORSYTHE, Mr. ANDERSON of Illinois, Mr. CHARLES H. WILSON, Mr. MONAGAN, Mr. HORTON, Mr. BRASCO, Mr. BLANTON, and Mr. MATSUNAGA):

H.R. 10226. A bill to amend the Interstate Commerce Act to provide increased fines for violation of the motor carrier safety regulations, to extend the application of civil penalties to all violations of the motor carrier safety regulations, to permit suspension or revocation of operating rights for violation of safety regulations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY of Pennsylvania (for himself, Mrs. GRASSO, Mrs. ABZUG, Mr. JOHNSON of Pennsylvania, and Mr. GREEN of Pennsylvania):

H.R. 10227. A bill to amend the Interstate Commerce Act to provide increased fines for violation of the motor carrier safety regulations, to extend the application of civil penalties to all violations of the motor carrier safety regulations, to permit suspension or revocation of operating rights for violation of safety regulations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TIERNAN (for himself, Mr. ABOUREZK, Mr. BADILLO, Mr. HATHAWAY, Mr. KOCH, Mr. HALPERN, Mr. EILBERG, Mr. HARRINGTON, Mr. BRASCO, Mr. FULTON of Tennessee, Mr. ADDABBO, Mrs. CHISHOLM, Mr. ROYBAL, Mr. DELLUMS, Mr. MORSE, Mr. ST GERMAIN, Mr. ROSENTHAL, and Mr. LINK):

H.R. 10228. A bill to establish a national power grid system, for the purpose of assuring an adequate and reliable low-cost electric power supply consistent with the enhancement of environmental values and the preservation of competition in the electric power industry; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS:

H.R. 10229. A bill to prohibit the use of certain facilities of interstate commerce for the purpose of making employemnt contracts to play professional sports with certain college athletes; to the Committee on the Judiciary.

By Mr. YATES:

H.R. 10230. A bill to amend the Bilingual Education Act with respect to the qualification of schools in which programs under such act may be carried out; to the Committee on Education and Labor.

By Mr. ANDERSON of California (for himself, Mr. MAZZOLI, Mr. MIKVA, Mr. OBEY, Mr. PEYSER, Mr. PREYER of North Carolina, Mr. REES, Mr. REID of New York, Mr. RODINO, Mr. ROE, Mr. ROSENTHAL, Mr. ROYBAL, Mr. RYAN, Mr. SARBANES, Mr. SAYLOR, Mr. TIERNAN, Mr. WALDIE, and Mr. WYMAN):

H.R. 10231. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ANDERSON of Tennessee:

H.R. 10232. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology; to the Committee on Interstate and Foreign Commerce.

By Mr. McCORMACK:

H.R. 10233. A bill to designate a certain traffic circle in the District of Columbia as the "Benito Juarez Circle"; to the Committee on the District of Columbia.

By Mr. RYAN (for himself and Mr. MOORHEAD):

H.R. 10234. A bill making appropriations to the President for the development of a prototype desalting plant in Israel; to the Committee on Appropriations.

By Mr. STUBBLEFIELD:

H.R. 10235. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. STUCKEY:

H.R. 10236. A bill to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

H.R. 10237. A bill to amend the District of Columbia Unemployment Compensation Act in order to conform to Federal law, and for other purposes; to the Committee on the District of Columbia.

By Mr. BRADEMAS:

H.J. Res. 821. Joint resolution instructing the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whales; to the Committee on Foreign Affairs.

By Mr. HALL:

H.J. Res. 822. Joint resolution: Stable Purchasing Power Resolution of 1971; to the Committee on Government Operations.

By Mrs. HICKS of Massachusetts:

H.J. Res. 823. Joint resolution proposing an amendment to the Constitution of the United States prohibiting involuntary busing of students; to the Committee on the Judiciary.

By Mr. PREYER of North Carolina (for himself, Mr. ABBITT, Mr. BLANTON, Mr. CARTER, Mr. DAVIS of South Carolina, Mr. DORN, Mr. FOUNTAIN, Mr. GALIFIANAKIS, Mr. HENDERSON, Mr. JONES of North Carolina, Mr. MCMILLAN, Mr. MIZELL, Mr. PERKINS, and Mr. SATTERFIELD):

H.J. Res. 824. Joint resolution to provide for the establishment of a Scientific Commission on Smoking and Health; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.J. Res. 825. Joint resolution extending for 2 years (until December 31, 1973) the existing authority for emergency implementation of the flood insurance program; to the Committee on Banking and Currency.

By Mr. FREY (for himself, Mr. COUGHLIN, Mr. GUDE, Mr. HANSEN of Idaho, Mr. HORTON, Mr. KING, Mr. MAYNE, Mr. RHODES, and Mr. SEBELIUS):

H. Con. Res. 382. Concurrent resolution relative to control of the production and traffic in illegal drugs; to the Committee on Foreign Affairs.

By Mrs. MINK (for herself, Mr. ANDERSON of Tennessee, Mr. ASPIN, Mr. BADILLO, Mr. BINGHAM, Mr. EILBERG, Mr. WILLIAM D. FORD, Mr. GREEN of Pennsylvania, Mr. HALPERN, Mr. HARRINGTON, Mr. NIX, Mr. PODELL, Mr. RANGEL, Mr. RIEGLE, Mr. JAMES V. STANTON, and Mr. STOKES):

H. Con. Res. 383. Concurrent resolution expressing the sense of Congress that the President should set a date for the withdrawal from South Vietnam before December 31, 1971, of the totality of the Armed Forces of the United States and its allies; to the Committee on Foreign Affairs.

By Mr. BINGHAM:

H. Res. 572. Resolution expressing the sense of the House with respect to the negotiation of an American-Israeli treaty of friendship; to the Committee on Foreign Affairs.

By Mr. TEAGUE of Texas (for himself and Mr. TEAGUE of California):

H. Res. 573. Resolution commending the Disabled American Veterans and its thousands of members on the occasion of achieving the half century mark of service to deserving veterans and their dependents; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

251. By the SPEAKER: Memorial of the Legislature of the State of California, relative to the retention of judge advocates and law specialist officers for the Armed Forces; to the Committee on Armed Services.

252. Also, memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to the discontinuation of foreign aid to opium-producing countries; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GUBSER:

H.R. 10238. A bill for the relief of Michel G. Jouven; to the Committee on the Judiciary.

By Mr. MAILLIARD:

H.R. 10239. A bill for the relief of Toy Louie Lin Heong; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

114. By the SPEAKER: Petition of Dr. Efrain Garcia, New York, N.Y., relative to the service records of certain veterans of World War II; to the Committee on Armed Services.

115. Also, petition of S. J. Stamper, Winnebago, Wis., relative to the civil rights of the mentally ill; to the Committee on the Judiciary.

116. Also, petition of the City Council, Pawtucket, R.I., relative to excluding certain material offered for sale to minors from the mails; to the Committee on Post Office and Civil Service.