

exporting country in order to avoid double taxation. The principle contrasts with (a) the origin principle as applied to other forms of taxation on transactions, (b) income taxes levied according to source of income, or domicile or residence of the taxpayer, and (c) property taxes imposed according to the situs of the taxable object.

Point 5 of the report adopted on November 19, 1960, dealing with subsidies stated:

"The following detailed list of measures which are considered as forms of export subsidies by a number of contracting parties was referred to in the proposal submitted by the Government of France, and the question was raised whether it was clear that these measures could not be maintained if the provisions of the first sentence of paragraph 4 of Article XVI were to become fully operative:

"(a) Currency retention schemes or any similar practices which involve a bonus on exports or re-exports;

"(b) The provision by governments of direct subsidies to exporters;

"(c) The remission, calculated in relation to exports, of direct taxes or social welfare charges on industrial or commercial enterprises;

"(d) The exemption, in respect of exported goods, of charges or taxes, other than charges in connexion with importation or indirect taxes levied at one or several stages on the same goods if sold for internal consumption; or the payment, in respect of exported goods, of amounts exceeding those effectively levied at one or several stages on these goods in the form of indirect taxes or of charges in connexion with importation or in both forms;

"(e) In respect of deliveries by governments or governmental agencies of imported raw materials for export business on different terms than for domestic business, the charging of prices below world prices;

"(f) In respect of government export credit guarantees, the charging of premiums at rates which are manifestly inadequate to cover the long-term operating costs and losses of the credit insurance institutions;

"(g) The grant by governments (or special institutions controlled by governments) of export credits at rates below those which they have to pay in order to obtain the funds so employed;

"(h) The government bearing all or part of the costs incurred by exporters in obtaining credit.

"The Working Party agreed that this list should not be considered exhaustive or to limit in any way the generality of the provisions of paragraph 4 of Article XVI. It noted that the governments prepared to accept the declaration contained in Annex A agreed

that, for the purpose of that declaration, these practices generally are to be considered as subsidies in the sense of Article XVI:4 or are covered by the Articles of Agreement of the International Monetary Fund. The representatives of governments which were not prepared to accept that declaration were not able to subscribe at this juncture to a precise interpretation of the term 'subsidies,' but had no objection to the above interpretation being accepted by the future parties to that declaration for the purposes of its application."

Mr. FANNIN. Mr. President, it is time to put an end to the privileged trade position allowed some of our trading partners.

Common Market and Japanese trade has risen drastically as the United States has fallen off the pace.

The Common Market countries and Japan must now realize that they have a responsibility to play fair with the United States in trade matters.

A partial solution to the problem would be vigorous action by the United States to force other nations to abide by current fair trade agreements. I will be sponsoring legislation aimed at accomplishing this.

There is, however, a very serious question as to whether GATT can be mended to make it totally satisfactory for our time.

I urge the immediate study of GATT with the objective of either improving it or discarding it in favor of a new, equitable international trade agreement.

It is time for free trade zealots in this Nation to take their heads out of the sand, and it is time for our trading partners to show some reciprocity in dealing with the United States.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows: The Senate will convene at 11 o'clock a.m., following an adjournment.

Immediately following the disposition of the reading of the Journal and the recognition of the two leaders under the standing order, the distinguished Senator from Missouri (Mr. SYMINGTON) will be recognized for a speech and colloquy for not to exceed 30 minutes, to be followed by the able Senator from

Indiana (Mr. HARTKE) for not to exceed 15 minutes, following which there will be a period for the transaction of routine morning business, with speeches therein not exceeding 3 minutes, and not extending beyond 12 o'clock meridian.

Beginning at 12 o'clock meridian, the Senate will pursue its further consideration of the pending business, which, by virtue of the adjournment, will become the unfinished business. The question pending before the Senate will be the amendment which has been offered by the able Senator from Massachusetts (Mr. KENNEDY) and the able Senator from Missouri (Mr. EAGLETON).

Time on that amendment, under the previous agreement, will be limited to 2 hours, to be equally divided and controlled by the Senator from Massachusetts (Mr. KENNEDY) and the distinguished majority leader (Mr. MANSFIELD).

At the conclusion of the 2 hours, it is anticipated that the majority leader will offer a motion to table the amendment, which is amendment No. 11. A rollcall vote on the tabling motion is expected at 2 o'clock p.m. It is also anticipated that there will be a rollcall vote on the final passage of the resolution, which is Senate Joint Resolution No. 7, offered by the Senator from West Virginia (Mr. RANDOLPH) and other Senators.

At the conclusion of action on Senate Joint Resolution No. 7, it is anticipated that the Senate will consider H.R. 4690, to increase the ceiling on the public debt.

Following that, according to the statement that was made earlier by the distinguished majority leader, it is anticipated that the Senate will consider the extension of the Appalachian Regional Development Act.

ADJOURNMENT UNTIL 11 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 11 o'clock a.m. tomorrow.

The motion was agreed to; and (at 4 o'clock and 33 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, March 10, 1971, at 11 a.m.

HOUSE OF REPRESENTATIVES—Tuesday, March 9, 1971

The House met at 12 o'clock noon.

Rabbi Abraham D. Shaw, Temple Oheb Shalom, Baltimore, Md., offered the following prayer:

God of the nations! Here in this historic Chamber where so great a part of America's destiny is determined, we ask Thy guidance and blessing for these lawgivers of our land. May they never lose the awareness of our great birthright of freedom and of equity bought for us by the blood of our heroic forebears. Strengthen the hands of all entrusted with the guardianship of our rights and liberties. Help them ever to see as our

Nation's abiding purpose the binding into a cord of unity the many strands of races and creeds which are the glory and challenge of our land. May America ever be an enduring pattern of justice and peace for all the world. 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.

HON. WILBUR MILLS SUCCESSFUL IN EFFORTS TO DEVELOP TEXTILE IMPORT AGREEMENT

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

Mr. VANIK. Mr. Speaker, I want to take this time to express my appreciation to my distinguished chairman of the Ways and Means Committee, the Honorable WILBUR MILLS, for his successful efforts in developing an agreement offer on textile imports with the Japanese textile industry.

His efforts have produced a plan where the administration has failed. Although the agreement-offer falls short of the expectations of the American textile industry, it does establish the basis of a working relationship the administration should take advantage of this development.

On this vital issue, our distinguished chairman has rendered this Congress a great service. He has demonstrated the power of a legislative body to solve problems without passing new laws, by exercising the legislative power to precipitate voluntary agreements.

Trade agreements freely bargained for and openly arrived at between nations or by individuals can produce more salutary results than those compelled by the exercise of statutory power.

TRIBUTE TO HON. WILBUR MILLS

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

Mr. FINDLEY. Mr. Speaker, in much the same vein as my colleague, the gentleman from Ohio (Mr. VANIK) I want to congratulate Chairman MILLS on what appeared in today's press. In an era in which all news seems grim, a break in the world-trade clouds is especially welcome.

The announcement that Japan is unilaterally imposing restrictions on its textile exports to the United States, and the comment by the distinguished chairman of the Ways and Means Committee (Mr. MILLS) that similar action by certain other textile exporters should remove quota proposals from the legislative agenda, bring sunshine to skies that yesterday were menacing indeed.

Those of us who perceive in protectionist-isolationism tendencies a real threat to mutual security can breathe easier.

These promising developments are a great tribute to the statesmanship of Chairman MILLS, a statesmanship that reaches far beyond this Chamber. His skill as a legislator is now matched by skill in international diplomacy.

And I am sure President Nixon will express his appreciation to Chairman MILLS for extricating the White House from textile envelopment.

TRIBUTE TO DR. A. E. MAUMENEE

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

Mr. EDWARDS of Alabama. Mr. Speaker, the city of Mobile has long been rich in a heritage of providing this Nation with a legion of outstanding citizens. Many of Mobile's civic and business leaders have received noteworthy awards of merit attesting to their prominence in the economic growth of America.

The most recent Mobilian to be recognized for his contribution toward mak-

ing America a better place in which to live is Dr. A. E. Maumenee, one of the Nation's foremost eye surgeons and a man who has long devoted his life to pursuing research on the prevention of blindness.

In recognition of his dedicated role in eye research, Dr. Maumenee, who currently serves as director of Johns Hopkins Hospital's Wilmer Institute, was presented a plaque by President Nixon on Monday, March 8, 1971.

I would like to take this opportunity to offer for the RECORD my sincerest congratulations to Dr. Maumenee, not only for the work he is performing today in the battle against blindness, but for the work he is performing for tomorrow's battle against this malady which afflicts so many countless Americans each year.

BERNADETTE DEVLIN

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

Mr. HUNT. Mr. Speaker, on March 1, 1971, I spoke before this body in regard to the deportation of Bernadette Devlin. At that time I made mention of the fact that I had tried to obtain information from the State Department without any avail, and cited the two instances when I had communicated with them, though I had never received an answer.

However, my appearance before this body did bring an answer. On March 2, 1971, I received an answer from the congressional liaison for the State Department indicating there was nothing they could do under the law to keep Miss Devlin from speaking because she had asked to speak in this country on a political lecture tour, a professional lecture tour, on social, economic and political causes, from Ireland. She has bragged that she is too far to the left to be a Communist except in the Soviet sense, and I objected to her entry into this country for that reason.

Last evening Miss Devlin appeared on the "Dick Cavett Show" and mentioned my name, and said that I would not know a Communist if I saw one between heaven and hell. Well, I do not know what direction she is traveling in, but I certainly recognized her.

I want to go further into this as I go along, to find out why we cannot exclude people who come here espousing radical causes, getting paid for it, and taking the money back with them.

She also confirmed my suspicion when she said:

Congressman Hunt is bogged down in red tape and I shall have departed this country the day after tomorrow before he can do anything.

I submit to you it is about time we closed some of the loopholes. We have enough radicals in this country, without importing more, and we should keep our money here to do something for this country.

APPOINTMENT AS MEMBERS OF COMMISSION ON HIGHWAY BEAUTIFICATION

The SPEAKER. Pursuant to the provisions of section 123(a), Public Law 91-605, the Chair appoints as members of the Commission on Highway Beautification the following members on the part of the House: Mr. WRIGHT of Texas; Mr. EDMONDSON of Oklahoma; Mr. DON H. CLAUSEN of California; and Mr. SCHWEN- GEL of Iowa.

APPOINTMENT AS MEMBERS OF BOARD OF DIRECTORS OF GALLAUDET COLLEGE

The SPEAKER. Pursuant to the provisions of section 5, Public Law 420, 83d Congress, as amended, the Chair appoints as members of the Board of Directors of Gallaudet College the following members on the part of the House: Mr. CAREY of New York; and Mr. RUTH of North Carolina.

CREATING SELECT COMMITTEE TO CONDUCT INVESTIGATION AND OF ALL ASPECTS OF CRIME AFFECTING THE UNITED STATES

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 115 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 115

Resolved, That, effective January 3, 1971, there is hereby created a select committee to be composed of seven Members of the House of Representatives to be appointed by the Speaker, one of whom he shall designate as chairman. Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

Sec. 2. The select committee is authorized and directed to conduct a full and complete investigation and study of all aspects of crime affecting the United States, including, but not limited to, (1) its elements, causes, and extent; (2) the preparation, collection, and dissemination of statistics and data; (3) the sharing of information, statistics, and data among law enforcement agencies, Federal, State, and local, including the exchange of information, statistics, and data with foreign nations; (4) the adequacy of law enforcement and the administration of justice, including constitutional issues and problems pertaining thereto; (5) the effect of crime and disturbances in the metropolitan urban areas; (6) the effect, directly or indirectly, of crime on the commerce of the Nation; (7) the treatment and rehabilitation of persons convicted of crimes; (8) measures relating to the reduction, control, or prevention of crime; (9) measures relating to the improvement of (A) investigation and detection of crime, (B) law enforcement techniques, including, but not limited to, increased cooperation among the law enforcement agencies, and (C) the effective administration of justice; and (10) measures and programs for increased respect for the law and constituted authority.

Sec. 3. For the purpose of carrying out this resolution the select committee, or any subcommittee thereof authorized by the select

committee, is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is in session, has recessed, or has adjourned, to hold such hearings and conduct such investigations, and to require, by subpoena, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued under the signature of the chairman of the select committee or any member of the select committee designated by him, and may be served by any person designated by such chairman or member.

Sec. 4. The select committee shall report to the House as soon as practicable during the present Congress the results of its investigations, hearings, and studies, together with such recommendations as it deems advisable. Any such report or reports which are made when the House is not in session shall be filed with the Clerk of the House.

With the following committee amendments:

On page 1, line 2, strike the word "seven" and insert in lieu thereof the word "eleven".

Beginning on page 2, line 19, strike all through page 3, line 9, and insert in lieu thereof the following:

"Sec. 3. For the purpose of making such investigations and studies, the committee or any subcommittee thereof is authorized to sit and act, subject to clause 31 of Rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or any member designated by him and may be served by any person designated by such chairman or member."

The committee amendments were agreed to.

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

Mr. YOUNG of Texas. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts (Mr. BURKE).

(By unanimous consent, Mr. BURKE of Massachusetts was allowed to speak out of order.)

THE SO-CALLED VOLUNTARY EXPORT RESTRAINT AGREEMENT

Mr. BURKE of Massachusetts. Mr. Speaker, considerable attention has been paid in the press recently to the possibility that a voluntary export restraint agreement in the field of textiles between the United States and the Japanese is just around the corner. Considerable speculation centers on the likely contents of such an agreement. The whole thing reminds me of an old armchair adventure in diplomacy. Just who has agreed to what and just who has given up what is very unclear and, it goes without saying, remains to be seen. This is what one would expect in diplomacy—lots of mystery, attempts to keep the other side guessing, lots of posturing, but above all let us not forget the stuff of which di-

plomacy is really made, lots of bluffing. The Japanese textile interests have much to gain from the American market and it would be foolish for anyone here to forget this for one moment. Whatever the press is reporting the Japanese have agreed to do or not to do, it should be read with this in mind: they are out to get the best deal that they can for their interests.

It seems that those of us with responsibility for safeguarding American interests should be very much on the alert these next few weeks lest we let our guard down and end up accepting a promise or something which looks good on paper instead of something tangible and binding. Past experience with voluntary trade agreements, similar to the textile agreement under consideration now, has been all too discouraging. For example, despite the overall voluntary steel export restraint program with the Japanese, the domestic specialty steel industry is being bombarded with rising steel imports from Japan and Western Europe. Many U.S. firms are today threatened with the necessity of dissolving as a result. If there is to be an agreement and it is to be a meaningful agreement, then what is needed are precise and specific import limitations spelled out category by category. Any broad overall ceiling agreement just would not do.

I am also well aware that footwear and electronics articles apparently have not been included in the Japanese trade discussions now in progress. I am not encouraged by this failure to consider other industries, since we all know that footwear and electronics industries have suffered greatly in recent years from foreign import penetration.

Furthermore, the announcement yesterday by the Japanese Textile Federation to unilaterally restrict their exports to the United States, insofar as it fails to take into account the intentions of other nations in the Far East, is ultimately a fairly meaningless declaration. We all know the pace with which the Japanese have invested in textile and electronics plants throughout the Far East. Any restraint on exports or products from Japan should, if it is to be meaningful, also include restraint on goods produced by their subsidiaries in other parts of the world, which, if anything, enjoy a cheaper pool of labor than the Japanese themselves at home. On this point, I am in full agreement with the distinguished chairman of the Ways and Means Committee.

In my view, there is no doubt that as a diplomatic maneuver this latest Japanese proposal is designed to undercut and make ineffective a long-term cotton arrangement. I believe it would be the height of folly for the Ways and Means Committee of this House to set aside consideration of long overdue trade reform legislation which would not only extend the President's authority to set tariff adjustments, provide adjustments assistance and widen escape clause provisions, but would also demonstrate, in the most adamant terms, the alternative available to the United States in the absence

of binding and meaningful bilateral agreements on footwear, electronic articles, and other products—as well as textiles—dumped on our markets. This would be to play into the hands of the Japanese negotiators who surely are negotiating today with one eye on what Ways and Means is likely to do or not do about trade reform.

To my way of thinking, the only hope for something of substance emerging which will assist the industries most affected by foreign dumping in our market is to continue the push for a trade reform bill this session of Congress. This latest action by the Textile Federation of Japan should be viewed as but another attempt to raise hopes, an exercise that we have witnessed many times in the past, only to see these same hopes die. In this connection, Mr. Speaker, I feel that Mr. ALSOP is to be taken seriously when he observes that a possible Japanese voluntary arrangement will put the final nail in the trade bill coffin. While I fail to share Mr. ALSOP's enthusiasm for the agreement, I feel that he is absolutely right in his analysis of the aims and objectives of the Textile Federation of Japan and the free trade lobby of this country. I, for one, do not plan to stand by and watch this issue be swept under the rug. Trade legislation is very much before the Ways and Means Committee for serious consideration.

The SPEAKER. The time of the gentleman has expired.

Mr. YOUNG. Mr. Speaker, I yield 2 additional minutes to the gentleman from Massachusetts.

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

Mr. BURKE of Massachusetts. I yield to the gentleman from New Hampshire.

Mr. WYMAN. I would ask the gentleman from Massachusetts if there is anything in the present Japanese proposal to voluntarily restrict their imports to the United States to the 1970 year base period that is in any way responsive to the quota formulas suggested by the Trade Act we had before us, and for which we voted in this body last year?

Mr. BURKE of Massachusetts. Mr. Speaker, this agreement, from what I can read, would be a very liberal agreement and would almost give the Japanese complete access to our textile market.

Mr. WYMAN. Do we still need a bill?

Mr. BURKE of Massachusetts. As to the plants in Korea and Taiwan, they would not be restricted on the imports coming from those countries.

Mr. WYMAN. Mr. Speaker, I agree with the gentleman from Massachusetts. The so-called voluntary restraints proposed by our Japanese friends are not an adequate response to the needs of American industry that responsibly deserves to know just how much of an import problem it must face each year.

In the first place, the Japanese proposal is too high. It is tied to the 1970 import level which is the highest in our history. The trade bill passed by this House last year established a lower period, 1967 to 1969.

Second, there is no guaranty that other

importing nations will also impose voluntary restraints. Japan is not the only country that causes serious problems for American industry.

Nor is the textile industry the only industry seriously harmed by imports. The American footwear business is close to the brink of national disaster because of tidal wave floods of foreign footwear imports that threaten to put our shoe manufacturers into bankruptcy and tens of thousands of American employees out of work in the later years of their lives largely with no place to go except to the welfare roles.

With all due respect to some very senior Members of this body who are quoted as having indicated that quota-type legislation will not be necessary if other nations in the Far East follow Japan's example on textiles, there is no question but what orderly marketing restrictions are urgently and continually needed to protect various American industries. These industries do not want a fence built around the United States to keep imports out. They want to be able to plan for an orderly flow of measurable imports into this country and an orderly increase therein so that they will not be put out of business if all of a sudden some ships dock in U.S. ports with their hulls loaded to the hilt with a particular type of product, flooring the American market and seriously underpricing U.S. production in that type of product.

Let us face it. The United States is deluding itself if it thinks it can maintain the highest standard of living in the world, continue to pay the highest wages, and still keep its markets wide open without restrictions to competing products made abroad at wages so low that they would be illegal in this country. A certain fair share of the American market should and must be guaranteed to American industry. This should be required by this Congress.

The weakness in the Japanese position at the present time is not confined to their selection of 1970-71 as a base year. It also lies in their self-imposed allocation of a percentage growth rate or proposed self-imposed limitations for future years. These are double the growth rate of the American market since World War II.

Mr. Speaker, I urge the present administration to support a meaningful trade bill that will provide quota limitations on foreign imports affecting certain critically affected industries. Then and only then are we likely to get meaningful agreed multilateral restrictions on imports that will enable these terribly hurt U.S. industries to survive.

Tariff adjustments, escape clause mechanisms and adjustment allowances are not a viable response to the economic crisis presented by the waves of foreign imports flooding our shores. Essentially, these are burial expenses. What is needed, and urgently so, is orderly marketing legislation substantially similar to the trade bill that passed this House last year.

Omitting the oil import concessions

and eliminating the DISC arrangements, it is about time the administration overrode the countervailing protestations of the free traders in the Department of State and insisted upon meaningful protective relief for the thousands upon thousands of working men and women in America who look to it for assistance in staying on the job. They neither seek nor deserve a policy of handouts during a transitional phase leading to individual membership on the welfare roles.

I urge the immediate passage of H.R. 4276.

Mr. YOUNG of Texas. Mr. Speaker, I yield to the gentleman from New York (Mr. RYAN).

FUNDS FOR EDUCATION—NEW YORK CITY'S PLIGHT

Mr. RYAN. Mr. Speaker, the New York City Board of Education faces a massive deficit in this school year—amounting to some \$36 million according to the latest estimate. As a consequence, cutbacks were announced last week when will include the layoff of some 6,500 teachers and 10,000 substitute teachers. There is to be a 20-percent reduction in headquarters staff, and a freeze on all but emergency repairs.

On Sunday the New York State Supreme Court, Kings County, issued a temporary order preventing the cutbacks from going into effect because they were "arbitrary" and done without consultation with the local boards. The court action was instituted by Assemblyman Samuel D. Wright, president of Community School District 23 in Brooklyn. A hearing on the temporary order was scheduled for this morning.

In addition, an inquiry is being conducted by the New York State Department of Education. A massive demonstration is scheduled for Friday at city hall. Between 250,000 and 1 million parents, laborers, teachers, and children are expected to participate.

Obviously, an extreme crisis exists in New York City. One of the most basic governmental services—education—is disintegrating for lack of money. I have no particular brief for the Board of Education's administration. It may be that some, if not all, of this deficit was avoidable, given better administration. However, I do make the case that the administration and the Congress have the responsibility to provide sufficient Federal funds. Last year the President vetoed the appropriation bill for the Department of Health, Education, and Welfare. And this year, the administration's budget requests for fiscal year 1972 for funding of education programs are totally inadequate.

Let me point to some of the budget requests by the administration for fiscal year 1972, which begins on July 1, 1971. Funds for equipment under title III of the National Defense Education Act are eliminated for fiscal year 1972; \$50 million was provided during fiscal year 1971. Funds for students with special vocational education needs—funded in fiscal year 1971 for \$20 million—are omitted. So, too, is the \$18.5 million provided for

cooperative vocational education during the current fiscal year.

Under the fiscal year 1972 budget requests submitted by the administration, there is a \$20 million cut for title IV of the National Defense Education Act of 1958, which provides support for graduate students preparing for teaching careers at the postsecondary levels. Grants for public libraries are cut more than 50 percent from last year's appropriation; for example, New York State will receive, not the \$2,906,000 it received in fiscal year 1971, but only \$659,095.

These are but a few examples of the inadequate education funding contemplated by the administration. Despite the President's claim to have submitted an expansionary budget, clearly education needs have not been the recipients of any expansion.

Apart from cuts, the fiscal year 1972 budget request contains funding levels for other programs which are virtually the same as those for the current fiscal year. And this means regression, not progress. While the cost of educational goods and services has risen 9 percent in fiscal year 1971, according to the National Education Association's study entitled "Research Report 1970, R-15, Estimates of School Statistics 1970-71," the same funding for fiscal year 1972 as for 1971 is requested for title I of the Elementary and Secondary Education Act of 1965. This is particularly disastrous for New York City, and other urban areas, because the title I program is geared to providing compensatory educational programs and services to meet the special educational needs of educationally deprived children—in brief, the victims of our slums and ghettos.

Full funding of Federal education programs is essential, and adequate funds must be provided in the next fiscal year. But, meanwhile, the crisis in New York City exists now, and additional funds next year will not stave off disaster.

Last Thursday, I and several of my New York City colleagues met with Secretary Elliot Richardson of the Department of Health, Education, and Welfare and Commissioner Sidney Marland, Jr., of the Office of Education. We urged that every effort be made to help alleviate the crisis by providing additional funds. While the Secretary and the Commissioner were both sympathetic to New York City's plight—a plight similar to that in other cities and towns throughout the country, as the article from the March 8 issue of the Wall Street Journal which I will include at the end of this statement illustrates—they were not optimistic.

There is, in fact, one source of funds—a supplemental appropriation. The following chart shows how much fiscal year 1971 allocations for title I of the Elementary and Secondary Education Act of 1971 have fallen short of full funding in the 32 largest cities in New York State. New York City would receive an additional \$146,392,072 were title I fully funded. The second chart gives a breakdown just for New York City.

The material follows:

FUNDING—TITLE I, ELEMENTARY AND SECONDARY EDUCATION ACT, FISCAL YEAR 1971

City	Fiscal year 1971 allocation	Fiscal year 1971 allocation if fully funded	Plus difference	City	Fiscal year 1971 allocation	Fiscal year 1971 allocation if fully funded	Plus difference
1. New York City	\$131,896,632	\$278,288,704	\$146,392,072	18. Copiague (Babylon No. 5)	\$283,160	\$597,439	\$314,279
2. Buffalo	6,783,782	14,313,102	7,529,320	19. Sachem (Brookhaven No. 5)	232,227	489,976	257,749
3. Rochester	3,408,215	7,190,993	3,782,778	20. Poughkeepsie	401,767	847,688	445,921
4. Syracuse	2,477,529	5,227,338	2,749,809	21. White Plains	261,246	551,203	289,957
5. Yonkers	1,607,651	3,391,983	1,784,332	22. Long Beach	461,792	974,335	512,543
6. Niagara Falls	1,026,946	2,166,753	1,139,807	23. Amsterdam	198,378	418,558	220,180
7. Schenectady	678,827	1,432,257	753,430	24. Port Chester	308,977	651,911	342,934
8. Albany	1,225,911	2,586,550	1,360,639	25. Middletown	184,002	388,226	204,224
9. Mount Vernon	994,617	2,098,542	1,103,925	26. Jamestown	309,006	651,972	342,966
10. Utica	990,551	2,089,964	1,099,413	27. Lackawanna	284,684	600,655	315,971
11. Newburgh	631,764	1,332,959	701,195	28. Fulton	165,357	348,887	183,530
12. Elmira	485,174	1,023,669	538,495	29. Glen Cove	181,172	382,255	201,083
13. New Rochelle	376,742	794,888	418,146	30. Ossining	150,179	316,863	166,684
14. Rome	399,464	842,829	443,365	31. Binghamton	581,446	1,226,793	645,347
15. Hempstead (No. 1)	621,168	1,310,602	689,434	32. Watertown	266,180	561,613	295,433
16. Troy	535,462	1,129,771	594,309				
17. Freeport (Hempstead No. 9)	544,145	1,148,092	603,947	Total	158,954,153	335,377,370	176,423,217

FUNDING—TITLE I, ELEMENTARY AND SECONDARY EDUCATION ACT, NEW YORK CITY, FISCAL YEAR 1971

County name	Allocation	Maximum amount authorized	County name	Allocation	Maximum amount authorized
Bronx	\$35,253,773.81	\$74,382,456.94	Richmond	\$1,717,028.00	\$3,622,782.68
Kings	58,357,619.01	123,129,600.44			
New York	27,005,037.84	56,978,327.34	City total	131,896,631.80	278,290,647.36
Queens	9,563,173.14	20,177,479.96			

Another source of funds lies in the supplemental appropriation for the bilingual education program—a program for which New York State and New York City have received a disproportionately small amount of Federal funds. My bill, H.R. 1589, would provide the supplemental funds—\$55 million—to bring the program up to its fully authorized level for fiscal year 1971. This would certainly help New York City.

Still another source of funds resides in applications under title III of the Elementary and Secondary Education Act. Two of these, amounting to approximately \$1 million, are currently pending in the Office of Education. They have been approved by the New York City Board of Education, the New York State Education Department, and the Federal Office of Education. However, actual release of the funds is frozen.

I urge Secretary Richardson and Commissioner Marland, who demonstrated in our meeting a sincere and earnest desire to be of help, to support supplemental funding for title I of the Elementary and Secondary Education Act, to support by bill H.R. 1589, providing supplemental funding for the Bilingual Education Act, and to expedite release of the funds for the title III applications currently pending in the Office of Education.

Following is the article which appeared in the March 8, 1971, issue of the Wall Street Journal, entitled "School Squeeze: Many U.S. Cities Begin Laying Off Teachers Due to Money Pinch," written by Frederick C. Klein and Richard D. James:

SCHOOL SQUEEZE: MANY U.S. CITIES BEGIN LAYING OFF TEACHERS DUE TO MONEY PINCH (By Frederick C. Klein and Richard D. James)

The teaching profession is learning a hard economic lesson. For the first time since the Depression, teachers are learning, first-hand about layoffs.

In recent days, financially pressed school districts from New York to Los Angeles have laid off elementary and secondary school teachers or announced intentions to do so.

About 10,000 of the nation's two million full-time teachers have been affected by cutbacks ordered since Jan. 1. The majority of these are supposed to take effect next Monday in New York, where the Board of Education last week declared it would reduce its teaching and administrative force by 6,500 persons to head off a \$40 million budget deficit. The New York board also said it would halt hiring of the 4,000 or so substitute teachers it employs daily to fill in for absent regulars.

If the New York layoffs go through as planned (some officials say funds might be found to at least delay the moves), the city will join Detroit, Cleveland and numerous smaller cities and suburbs paring their teaching forces this school term. The results, of course, have been increases in classroom crowding and reduction in educational services.

A GRIM OUTLOOK

Educators and other observers are almost unanimous in the belief that teacher layoffs are bound to snowball nationally in the weeks to come.

"A lot of school boards are trying to squeeze by as long as they can with inadequate funds, but they'll find out in late March or April that they can't make it. The results will make what's happened so far look pale," says Sam Lambert, executive secretary of the 1.1 million-member National Education Association, a teachers' professional and bargaining group.

The outlook for the fall term is no less grim. The California Teachers Association, an NEA affiliate, says that fully half of the 1,000 school districts in its state have notified teachers of possible layoffs in September. In Chicago, the board of education says it won't be able to rehire some 4,000 of its 24,000 teachers and administrators if it doesn't get an additional \$58 million by June.

Behind the cutbacks is a financial squeeze created by rising educational bills and the increasing reluctance of taxpayers to cough up more money.

THE VOTERS SAY "NO"

The reaction against higher school taxes began in the late 1960s and is still picking up steam. According to the Investment Bankers Association, voters last year approved only 48% of the school bond issues put before them; in 1965, the approval rate was 77%, and in 1960 it was 89%.

Referendums on increasing property tax levies to meet school operating costs have met a similar fate. In Ohio, for instance, only

29% of such issues were okayed at the polls last year, down from 84% in 1960. In Illinois the approval figure plunged to 44% from 72% in that same period.

Initially, many school boards responded by cutting spending for construction, maintenance and school programs they deemed nonessential, such as art, music and sports. Indeed, just about every school district currently laying off teachers first went through such steps.

But "you can only save so much by paring things around the edges, and in many districts the money pinch has become far too severe for that," says an official of the National School Boards Association. "Teacher salaries remain the schools' biggest expense. Layoffs are the only way to make the kind of reductions we're faced with now."

FAR-REACHING CONSEQUENCES

The educational consequences of the layoffs are sure to be far-reaching. A case in point is the Detroit school system, where 192 of some 11,000 teachers were laid off last Monday and about 65 more may lose their jobs this week. In addition, the system isn't using substitutes unless a regular teacher is out more than one day. Principals or assistant principals are filling in as teachers during one-day absences, or the affected class is divided among other teachers.

Aubrey McCutcheon, Detroit's deputy schools superintendent, says the staff reductions will boost the average class size in the 290,000-pupil system only slightly, to 35 from 34, but he says this figure is highly misleading. "That's only an average; where a teacher has been laid off, other classes in his school are absorbing as many as a half-dozen more children," he says.

Mr. McCutcheon says that some pupils whose teachers have been sacked have been put into other grades because there was no room for them in classes at their proper level.

Included in the Detroit layoffs were about a dozen teachers of remedial math and reading. "This hurts the kids who need help the most," says Mr. McCutcheon. The system's program of closed-circuit televised instruction to classrooms has been sharply reduced because the eight teachers who did the TV teaching have been assigned to classrooms to fill in for laidoff colleagues.

IN THE SUBURBS, TOO

Planned layoffs in other cities are expected to have similar impact. New York school officials say that even the elimination

of substitutes could result in widespread confusion in its 1.1 million-pupil system. Noting that pupils of absent teachers will have to be sent to other classrooms, one administrator says, "The possible effects of this on discipline alone are frightening."

In Cincinnati, some 275 teachers are scheduled to be laid off in September following the defeat of a tax boost last fall. Kindergarten pupils next fall will get only 10 weeks of instruction instead of the present 20 weeks, and all elementary school libraries are to be closed.

Teacher layoffs are imminent in wealthy suburbs as well as in big cities. In the Chicago area alone, layoffs have been announced in the affluent bedroom communities of Wilmette, Arlington Heights and Niles Township.

Wilmette, whose 1969 average family income of \$26,355 was one of the highest in the country, says it will fire 35 teachers at the end of this term because voters twice defeated tax hike referendums last year. "There hasn't been too much of an uproar" over the cutbacks, says schools superintendent Donald V. Grote. "A lot of people here seem to think we can stand a little belt-tightening."

The layoffs are all the more severe because they come at a time when the number of teachers' college graduates is almost triple the number of new job openings being created by resignations and retirements. This is expected to make future pay boosts for teachers harder to get and make it tougher for laid-off teachers to find work elsewhere in their profession.

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

Mr. Speaker, House Resolution 115 recreates a Select Committee on Crime which was originally created on May 1, 1969. The committee would be composed of 11 Members of the House to be appointed by the Speaker, one of whom he shall designate as chairman.

The resolution authorizes the committee to conduct an investigation and study of all aspects of crime affecting the United States. For such purpose, the committee may sit and act within the United States, including any Commonwealth or possession thereof, and shall report to the House during the present Congress on the results of its investigations and studies.

We are called upon today to vote to reconstitute the House Committee on Crime, chaired in the 91st Congress by our esteemed colleague, CLAUDE PEPPER. In my opinion, casting a vote in favor of the Crime Committee is both an honor and obligation. It is an honor because this committee has served our body well. And it is an obligation because the menace that crime presents to this Nation demands that we actively participate in the fight against crime.

In its 20 months of life during the last Congress, the Select Committee on Crime compiled an impressive record of accomplishment. It has not solved the problem of crime, and, of course, we did not expect that it could in so short a period of time. But the committee did attack some of the gravest problems of crime confronting the Nation, and from these confrontations, the Nation has benefited.

I say with pride that our Select Committee on Crime virtually singlehandedly alerted the Nation to the dangers of am-

phetamine abuse. For too long, these dangerous drugs were calmly accepted as part of the panoply of drugs Americans take for granted. The Crime Committee changed this; the Crime Committee, after exhaustive hearings and investigations, warned the Nation of the very grave consequences of amphetamine abuse. There is a new awareness in America today, an awareness that pep pills can be killer pills. For that awareness, we must thank the Select Committee on Crime. If the committee had done nothing else—and it has done more—it would have earned our abundant respect and gratitude.

But it has done more. Heroin addiction is the single most deadly form of drug abuse in America today. It is a killer drug which affects not only those addicted to it, but their families and the community at large. Heroin addiction is responsible for a substantial portion of the crime in America today, and the profits of the heroin traffic form a major bankroll for organized crime. The Select Committee on Crime has conducted an intensive investigation into the heroin crisis, and its investigation has spanned the spectrum of the problem. The committee has studied heroin from its low-level distribution on the streets right up to its growth in the midwest. The results of this investigation were embodied in the committee's report on "Heroin and Heroin Paraphernalia," one of the finest documents of its kind. But this report is more than a mere recitation of the problem, it is a program for action, a handbook for legislation that can lay the groundwork for the eventual elimination of heroin as a problem in this country and abroad. This body would not have before it this blueprint for solving the heroin problem were it not for the vision and diligence of the Select Committee on Crime.

The printed hearings of this committee provide a look at crime rare in its breadth and scope. In its 13 public hearings, the committee has sat in as many cities across the Nation. While crime is a national problem, it is also a local one, where the major responsibility for law enforcement rests. The Crime Committee has assiduously sought out the views of local and State officials, as well as those of private citizens, in an effort to determine how those of us in Washington can best help the frontline troops in their fight against crime. The law enforcement agencies of this Nation are crying for help, and the Crime Committee has been seeking ways to provide that help without infringing on the rights of local government.

The committee's wide-ranging investigation into the materials used to dilute and package heroin, for example, showed the obvious need for remedial legislation. But the committee does not propose to legislate for the Nation on this matter. Rather, it plans to introduce a heroin paraphernalia statute for the District of Columbia, since that is the responsibility of the Congress, and urge the States to enact this law, with adjustment for local conditions, in their own legislatures.

In urging you to support House Res-

olution 115, I am only urging you to do what we must do. We, of the Congress, cannot sit idly by as crime tears at the roots of American society. The Crime Committee has proven its value, it has proven it can produce, and we owe it to ourselves to insure that the committee can continue its fine work.

Mr. Speaker, I urge the adoption of House Resolution 115 in order that the Select Committee on Crime may continue its studies.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, House Resolution 115 will recreate or reestablish or reconstitute the special select committee to study all aspects of crime affecting the House.

Now for the information of some of the new Members, may I state that this resolution, comes from the Rules Committee which has original jurisdiction on such matters. We approved it and sent it to the House for consideration. There is 1 hour of debate. We do not go into the Committee of the Whole House for any discussion so after this hour or such portion of an hour as is used is concluded, then the resolution will be voted up or down. We can bring in a resolution setting forth a special time for argument if we desire, but that is not the instance so far as this is concerned.

For background reasons, I would like to set this forth in the RECORD. Back in 1968 the House passed a resolution to set up a joint committee between the House and the other body. But as I indicated at the time I presented it on behalf of my side of the aisle, I did not think the other body would act on it. They did not. The following year this special committee was set up by the House on May 1, 1969.

I would like to quote a statement or part of a statement I made when that was presented as follows:

Very frankly, I do not know what the committee can accomplish. Crime has been investigated to death. I believe if we straighten out the Supreme Court on some of their decisions and take some actions so that the law-enforcement officer is not always tried instead of the criminal, we might do a lot more than we will by passing a resolution to investigate. By the same token, I do feel that the House of Representatives should determine whether or not there is anything that it can and should do, that it is not now doing in the field of crime, which will in any way help to solve this very serious situation which certainly is among the top three problems facing the Nation. In accordance therewith, I am content to support this resolution. I hope the resolution passes, and I will cooperate in any way I possibly can with the committee based upon my previous experience in law enforcement to assist the committee in carrying out the purposes of House Resolution 17.

Mr. Speaker, I feel the same way today about the situation as I did then. I still think if there is anything the House should do or the Congress should do in connection with helping to solve the serious crime problem, we should do it. However, in all honesty, Mr. Speaker, I must state that I am a little disappointed in the functioning of this particular committee since May 1, 1969. I would have hoped that they would have checked into many of these problems and could tell us how

the parole system is working and how the conditional release system is working and give us any suggestions from the district attorney's association and the attorneys general and the chiefs of police and whatever other outstanding individuals or organizations could suggest, whether our penalties are too strong or too strict, and about narcotic cases or whether they are not strict enough and in other words about what the whole situation is so we could determine whether there is anything further the Congress should or should not do.

I admit that I have not attended all of the hearings, and I do not mean in any way to criticize any member of this committee because certainly every member of the committee and every Member of this House is against crime and anything the House of Representatives can do to stop the crime situation, I know we all want to do it.

But, as I have said, I am a little disappointed that the reports do not show more of those, although I was told as late as yesterday, I believe it was, by one of the distinguished members of the committee, that they did hold hearings and talks with some of those individuals whom I have mentioned. They did have some discussion with them.

I have some concern that the committee may have been used as a sort of—and I hesitate to use the expression—a dumping ground, a place where a lot of unnecessary employees could be placed and were placed on this committee, and that it acquired a very large staff. At one time I believe they had over 40 employees on the committee. They tell me that the number now is around 22, and they are all working. It may be that that is cleared up.

However, having spent around \$900,000 or a little bit more, I wish the committee would have come in with a report that would have been a little more helpful to us in determining whether there is anything the House should do.

I do hope, and I am satisfied that this committee will be recreated and reconstituted. I merely want to put in the record the hope that the distinguished chairman of this committee, the gentleman from Florida, and the other members of the committee will come in here at the end of this 92d Congress and tell us whether there is anything we should or should not do, and not simply come in and tell us that there is a big narcotic problem, a big murder problem, or things like that. We all know that. I merely seek an answer to the question, "What am I not doing as a Member of the House of Representatives that I should be doing to stop this crime situation, which still remains as one of our most serious problems in the United States?"

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

Mr. SMITH of California. I yield to the gentleman from Illinois.

Mr. McCLORY. I appreciate the gentleman's yielding to me. I concur with the sentiments expressed by the gentleman from California. The House Judiciary Committee, upon which I have the privilege to serve, has proceeded to take testimony and to consider many of the

subjects which the gentleman has mentioned, such as the number of judges which is essential for improving the fight against crime, rehabilitation, and organized crime, in connection with which we have had a very comprehensive investigation. The volume of hearings is about 3 or 4 inches thick. We did report a new organized crime bill which, in my opinion, can go a long way toward investigating the various ramifications of organized crime and all of its impact on our society. I believe that that is one of the subjects that the select committee proposes to investigate. I might say that I only hope that their investigation will not interfere with the special grand juries we have established under the organized crime bill, which, in my opinion, can be extremely effective in the fight against organized crime.

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

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. I wish to commend him for the statement that he has made. He has expressed some doubts, and I share those doubts, as I think many other Members of the House do.

What is the meaning of the language—

The select committee shall report to the House as soon as practicable during the present Congress—

Is "as soon as practicable" a year from now, or next November or December?

Mr. SMITH of California. That would have to be governed by the committee. As I recall, they sent out at least two reports, which I recall receiving and reading, maybe three. Then I think several times a week they sent out sheets with comments. Under the resolution the committee would be recreated and reconstituted until January 3, 1973, to make their final report.

Mr. GROSS. If the gentleman will yield further, I noticed an automobile the other day with a tag on it stating, "House of Representatives, Crime Investigating Committee, Official Business." I wonder how many cars bearing such tags are being driven, and what their purpose. Are their drivers investigators or what are they? Does the gentleman have any knowledge as to what this staff does?

Mr. SMITH of California. I am sorry. The gentleman would have to address that question to the chairman of the committee. I yield to the chairman, the gentleman from Florida, Mr. PEPPER, to answer the question if he so desires.

Mr. PEPPER. Mr. Speaker, if the gentleman will yield, my own information is that one of the investigators, using his own car, simply put that tag on to identify himself because he is an official investigator for the committee.

Mr. GROSS. And there is only one, is that what the gentleman is saying?

Mr. PEPPER. Whatever cars are obtained by the committee in the course of this work are obtained from the General Services Administration, and that agency is reimbursed for the car used by the committee or its representative.

Mr. GROSS. Do GSA cars carry this tag? This is the first committee indica-

tion on a car that I have ever seen. Are they all equipped with this tag in the name of the House of Representatives?

Mr. PEPPER. I do not know. I guess this gentleman thought probably—I do not know whether it was a matter of pride with him or whether he thought it would aid in his identification if he indicated he was there on behalf of the committee to make some investigation. Perhaps he wanted to have some kind of indication of what his status was. But I do not think it costs the House a dime.

Mr. GROSS. Where do they get this metal tag saying it is a House Crime Investigating Committee car? Who issues it?

Mr. PEPPER. I understand there is only one of those in existence, and I do not know how this ingenious gentleman has obtained that one.

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

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, what was the purpose of increasing the number of Members on the committee?

Mr. SMITH of California. We were informed by the committee that the leadership desired to increase the number, so there would be additional spaces available.

Mr. GROSS. With both sides of the aisle participate in the increase?

Mr. SMITH of California. This goes from seven to 11. Of the four—I am informed it is two and two, two on the Democratic side, and two on the Republican side.

Mr. GROSS. I agree with the gentleman that if this committee can bring about any improvement in the curbing of crime in this country, I am sure we are all for it, but I certainly want to see some results for the nearly \$1 million spent thus far, as I believe the gentleman indicated. I am going to look forward to real results from this committee if it is to be continued.

Mr. SMITH of California. Mr. Speaker, may I say to the gentleman from Texas I have one request for time, and I will withhold if the gentleman from Texas wishes to yield to anyone.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the majority leader, the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Speaker, I rise in support of the resolution. I do so for a variety of reasons, but principally because of the outstanding job done by this committee headed by the able Member from Florida (Mr. PEPPER) in the field of drug abuse.

Some years ago, I was chairman of a special subcommittee of the Ways and Means Committee on narcotics abuse. We discovered at that time that there were many drugs that were not controlled at all, the so-called chemical drugs, such as amphetamines and barbiturates, and the more recent LSD and speed and others that have become a threat especially to the young people in this country. At the time I headed my subcommittee, there were probably one-third the number of addicts there are in this country today.

The amount of heroin being peddled in the high schools in this country is alarming. The amount of the chemical drugs, such as the amphetamines and barbiturates has increased. There are some people who take a barbiturate to go to sleep at night and take an amphetamine to get enough energy to move around the next day. They live a drug-induced type of life.

In the case of heroin addiction, there is so little chance for recovery, that when a young person, a student is caught up on heroin, he or she really is just committing suicide by degrees.

This committee has done a great service to the Nation in pointing up these abuses. It has carried on educational TV and radio programs, on about 500 stations in the United States.

I am happy to see that ads are now being shown on nationwide television depicting the lusting caused by drug addiction. I know this is something that is needed in this country.

There is no more dastardly human being walking the streets than the person who, in order to gain illicit money, will addict boys and girls. We have increased the penalties for these people enormously, but the educational job still needs doing.

I commend the gentleman from Florida and the other members of the committee for the fine job they have done. I intend to vote for and to support this resolution.

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

Mr. BOGGS. Surely; I yield to the gentleman from Iowa.

Mr. GROSS. What is wrong with smoking cigarettes?

Mr. BOGGS. There is a large body of medical opinion that cigarette smoking is harmful. I know that many do not accept this conclusion.

Mr. GROSS. I thought the gentleman was condemning the smoking of cigarettes.

Mr. BOGGS. I was.

Mr. GROSS. What for? What is wrong with them?

Mr. BOGGS. I answered that question earlier. Cigarette smoking may shorten the gentleman's life.

Mr. GROSS. I doubt that the gentleman can save me from myself.

Mr. BOGGS. No; I am sure I could not, and I would not try.

There is no one in this country today who disputes the necessity of a concerted effort to fight crime. We of the Congress are committed to fighting crime, the administration is against crime, and the people are against crime. Crime is not an issue—it is a national problem that needs urgent attention.

One of the greatest accomplishments of the Select Committee on Crime has been its ability to help us all focus our attention and thinking on those aspects of the crime problem that are most critical. Like a high-powered microscope, the Crime Committee has focused on and enlarged for the public view those areas most in need of remedial action. For our knowledge of the dangers and widespread use of amphetamines, we are in debt to the Select Committee on Crime.

For a widely distributed report on marijuana, we are in debt to the Select Committee on Crime. For a radio documentary on the dangers of drug abuse broadcast by over 500 stations, we are in debt to the Select Committee on Crime.

Under the able leadership of our esteemed colleague from Florida, CLAUDE PEPPER, the Select Committee on Crime has established itself as preeminent in the field of drug abuse. Properly concluding that drug abuse is a major cause of crime, the committee has delved into the drug abuse crisis with a determination to seek solutions. This determination has brought forth two of the finest reports filed in this body in the last session: the Crime Committee's reports on "Heroin and Heroin Paraphernalia" and "Amphetamines." The heroin report is a decisive move toward the ultimate solution of the heroin crisis. The recommendations in this report—many of which will reach us in the form of bills this session—form a comprehensive plan to attack an international problem. I feel sure that the Crime Committee's report will remain for many years one of the seminal documents on heroin abuse.

The committee's equally fine amphetamine report is, quite simply, just about the only one of its kind in the Nation. It embodies the Crime Committee's searching investigation into amphetamine abuse. A danger that I pointed out some years ago when I headed a Ways and Means Subcommittee on Narcotics. All over America today, there is great recognition of the dangers of amphetamine abuse, and that recognition is a credit to the work of the Crime Committee.

In seeking out the causes of crime, the committee became particularly concerned with the frightening and rising number of crimes committed by young people. The Congress has benefited greatly by the committee's interest in juvenile justice and corrections. The committee's report on that area, like its other reports, is a definitive work with carefully reasoned recommendations for remedial legislation.

All together, the committee has presented us with 53 recommendations. Since the reports containing these proposals were filed late in the life of the 91st Congress, it will be the duty of this Congress to consider these proposals.

With its mandate to investigate all aspects of crime, the Select Committee on Crime has been extremely careful to respect the jurisdictional prerogatives of our standing committees. When its investigations have uncovered information that might be of value to other committees, it has not hesitated to share that information with the standing committees.

Given the record of the Select Committee on Crime and its proved ability to do a job that certainly needs doing, I do not believe that we can do anything other than to vote overwhelmingly to permit the Crime Committee to continue its work in the 92d Congress.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Missouri (Mr. BOLLING).

Mr. BOLLING. Mr. Speaker, I should like first to ask the gentleman from

Florida (Mr. PEPPER) to answer a couple of questions. I should like the gentleman to give his comments.

The gentleman from Florida knows I have opposed this resolution from the beginning and that I still oppose it, but I am very interested in knowing what his plans are in connection with the future of this committee. I have the impression that the intention of the chairman of the committee at least is to wind up this committee's function in this Congress.

I should like the gentleman to comment, without trying to put any words in his mouth. I should like him to make his own statement as to what the situation is with regard to the plans of the prospective chairman of the continued Pepper committee.

Mr. PEPPER. Mr. Speaker, I am delighted to respond to the inquiry of my distinguished friend. I am an optimist by nature, and I had hoped the distinguished gentleman, whose voice we all esteem in this House, might have changed his mind about our committee from what it was when it was set up in 1969, and that he would be supporting us today.

However, I do appreciate his kind inquiry, and I will attempt to answer as best I can.

This committee was set up by resolution adopted by the House by 300 something to 18 on May 1, 1969. The committee was charged by this House resolution with the responsibility to investigate all aspects of crime and to make due recommendations relative to the solution of crime problems to the House.

Well, that was a big order. We have worked very diligently for 18 months, substantially, in trying to discharge that obligation we have to the House. Frankly, the problem is of such magnitude that, strive as we might, hold hearings in 13 places in the United States in nine States of the United States and the District of Columbia as we did, study as diligently as we could the problem, try to make recommendations as valuable as we could devise, we simply could not conclude that task of that magnitude in the 18 months we have had.

So we have felt compelled in our duty to the House to ask for an extension through at least the 92d Congress. I do not mind saying to my friend that we never expected that this committee be set up for an indefinite or indeterminate period of time. We simply wanted to try to do a job as a select committee, where we have the advantage of being able to cut across the entire spectrum of the jurisdiction of the House and thus analyze the problems of crime and make valuable recommendations toward its solution. I will say to my friend it is my purpose as the introducer of the resolution for the select committee and the prospective chairman of the committee to try to conclude our work at the end of or by the end of the 92d Congress. I am not going to foreclose the possibility that we might continue, because we do not know what the situation might be at the end of that Congress. The able gentleman from Missouri might be exploring us to continue our activities by

that time, and I would not want to have to decline his gracious request. However, seriously, if we can conclude our work in good faith and in a creditable manner, we expect and intend to do so by the end of the 92d Congress. We were set up to do something about crime, and that is what we are trying to do and that is what we intend to.

Mr. BOLLING. The gentleman from Florida has kindly answered the first question that I asked.

The second question I would like to ask him is, there has been very significant criticism on the part of a number of Members of the amount of money spent in the 18 months investigation. The figure is in the neighborhood of \$900,000. I would like the gentleman from Florida to comment on his plans in that respect for the next year and the second year after that.

Mr. PEPPER. I thank the gentleman again for the inquiry.

We had to start from scratch to try to assimilate basic knowledge with regard to the crime problem in the United States. That is the reason why we had to expand our staff as we prepared for and carried on investigations and hearings. We held these investigations and hearings in Boston, Omaha, Lincoln, San Francisco, Columbia, Miami, Baltimore, Philadelphia, New York, the State of Virginia, and several times in the environs of the District of Columbia and in the Capital. We do not anticipate the necessity for as large an expenditure in this Congress as we had in the last. We expect to submit to the Committee on House Administration a reduced budget.

The SPEAKER. The time of the gentleman has expired.

Mr. YOUNG of Texas. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. BOLLING. I thank the gentleman from Florida for his response.

Now I would like to make a statement.

I opposed the creation of this select committee and I still oppose the creation of this select committee. I do it as a matter of principle. Except in very rare cases, select committees produce very little. I prefer to see the work done by a standing committee. Frankly, I do not think what has been done in the last 18 months by this committee justifies its continuance. Frankly, I think a great deal of money has been spent to no great purpose. I am not prepared to say that something has not been accomplished, but not enough for me to feel justified in voting for the continuation of the committee. However, I am reassured by the comments of the gentleman from Florida with respect to the terminal date of this committee. I had feared that it might become, like the Small Business Committee, a permanent select committee.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Speaker, approximately 2 years ago this House first considered the necessity of creating a select committee to investigate crime in the United States. As the Members know, the resolution creating the Select Crime Committee was approved overwhelmingly by the membership with some 340

Members voting in the affirmative, and only 18 opposed to the resolution.

I was one of those 18 who dissented at that time. My vote 2 years ago was largely prompted by my loyalty to the Committee on the Judiciary on which I serve, and a fear that the crime panel might step on the jurisdictional toes of the Committee on the Judiciary.

My vote in opposition to the committee 2 years ago was rewarded by the leadership, and I was placed on the committee which was sort of the application of the "fox-in-the-henhouse" principle.

During the early months of the Crime Committee I felt that some of my misgivings were justified. It is true that we had some staff problems, staff problems which have been resolved for now more than a year. It is also true that originally the committee lacked the kind of clear sense of direction and purpose that I would have hoped for, but that too has changed.

As of now, nearly 2 years after the creation of that committee, and as one of the original dissenters to its creation, I can assure the House that the Select Committee on Crime has a record of solid achievement, and deserves to be reconstituted to complete within the next 2 years its investigative functions.

That is not to say that the crime committee should be continued in perpetuity. Quite the contrary. I would oppose that. I believe that its essential functions can and must be completed within the term of the 92d Congress. But clearly, at a time when criminal activity is turning some of our largest cities into centers of fear and of violence, we as responsible Members of the Congress cannot tell the American people that the problem is so unimportant that the work of the Select Committee on Crime in its further investigation and reporting to the Congress should be abandoned at this time. In fact, if our Committee on Crime has done nothing else than to investigate and report its findings on the problem of heroin in the United States that alone would have justified its continuation. The committee, Mr. Speaker, has made major inroads in the process of packaging heroin. It has seriously interfered with the distribution processes of heroin in the District of Columbia and in New York City by looking into the oversupply of gelatin capsules and glassine envelopes, something that the Department of Justice has not done, and something that would not have been done except for the Select Committee on Crime.

I think much remains to be done, particularly further investigations into

the area of organized criminal infiltration of legitimate businesses, and perhaps some inquiry into the problems of court delays. In this connection it is possible, if the committee were so inclined, to interfere with the legitimate functions of the Committee on the Judiciary, but I am mindful of the jurisdictional prerogatives of the Committee on the Judiciary, and I can assure the gentleman from Illinois that we will be careful not to step improperly on the jurisdictional toes of any other committee.

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

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

Mr. PEPPER. Mr. Speaker, I rise only to commend in highest terms the splendid work of the able gentleman in the well from California, who has been, since Mr. Watson left the committee, the ranking minority member on the committee, and he has done a magnificent and dedicated job, and I want to commend the gentleman for it.

Mr. WIGGINS. Mr. Speaker, I thank the gentleman from Florida for his kind comments and, Mr. Speaker, I urge the support of all Members on the resolution.

Mr. Speaker, the Select Committee on Crime was created on May 1, 1969, by House Resolution 17. The committee was authorized and directed to investigate and study all aspects of crime in America. This broad mandate allows the select committee to assist and complement the standing committees of this House in meeting their legislative responsibilities to combat crime in America.

The select committee has moved to meet its responsibilities in the past 21 months. Substantive areas of the national crime problem have been investigated. Public hearings have been conducted in many parts of the country. Reports containing recommendations for remedial legislation have been submitted to this House for consideration.

The causes of crime are not easily understood. We must know the effect of crime on our society, yet an accurate evaluation of that effect is most difficult. The wisdom of the law and the fair administration of justice must be closely examined and constantly improved. The treatment of citizens who violate the law must be enlightening and rehabilitative rather than vengeful and harmful to our society as a whole. Although the problem of crime cannot be quickly or easily solved, I believe that every effort to do so must be made.

During the term of the 91st Congress, the Select Committee on Crime conducted the following public hearings:

Location	Crime in America inquiry	Date
Washington, D.C. and Lorton, Va.	The improvement and reform of law enforcement and criminal justice in the United States.	July 28-31; Aug. 4-7, 11, 12; Sept. 17, 18, 1969.
Boston, Mass.	Drug abuse and criminal justice.	Aug. 25, 26, 1969.
Omaha and Lincoln, Nebr.	A mid-America view.	Oct. 9-11, 1969.
Washington, D.C.	Views on marihuana.	Oct. 14, 15, 1969.
San Francisco, Calif.	Illicit and dangerous drugs.	Oct. 23-25, 27, 1969.
Washington, D.C.	Why 8 billion amphetamines?	Nov. 18, 1969.
Columbia, S.C.	Response of a mid-south community.	Nov. 21, 22, 1969.
Miami, Fla.	Aspects of organized crime, court delay and juvenile justice.	Dec. 4-6, 8, 1969.
Washington, D.C., Fairfax, Va., Riverdale, Md.	In the Nation's Capitol.	Feb. 25-28, 1970.
Baltimore, Md.	Youth in trouble.	Mar. 19, 20, 1970.
New York, N.Y.	Heroin importation, distribution, packaging and paraphernalia.	June 25-28, 1970.
Philadelphia, Pa.	Youth gang warfare.	July 16, 17, 1970.
Washington, D.C.	The heroin paraphernalia trade.	Oct. 5, 6, 1970.

The committee's public hearings initially sought a broad view of the crime problem. The committee's attention was soon focused on juvenile delinquency and the Nation's several drug problems. The later public hearings were conducted for the purpose of engendering specific legislation to meet the problems of heroin addiction and the heroin paraphernalia trade.

Juvenile delinquency is now regarded as a major crime problem in the United States. The most recent Federal Bureau of Investigation compilation of national crime statistics shows that approximately 40 percent of those arrested for crimes of violence and 70 percent of those arrested for crimes involving property were under 21 years of age. The Select Committee attempted to find out why so many young people are turning to crime.

Millions of Americans live in degarding slums, often without adequate living space, and often without heat, light or hot water. Several experts on juvenile delinquency testified that children growing up in such circumstances are forced into the streets, and inevitably into the occasion of criminal behavior. The deplorable characteristics of slums and ghettos, including poor housing and inadequate medical services, are a source of frustration and bitterness toward the institutions of government.

The educational systems of the Nation are not responsive to culturally deprived students, slow learners, and problem children. The committee found that adequate facilities for vocational training do not exist although Federal moneys are available to fund such programs. Statistics show that a student is less likely to be involved in a crime than is a dropout. No effective educational methods to prevent students from dropping out have been found, nor are there adequate programs for re-enrolling, educating, and training the school dropout.

The committee investigated the efficacy of the Federal and State systems of the administration of juvenile justice and the effects of these systems on youthful offenders.

Many metropolitan police departments have only recently begun to educate and train officers to properly cope with young persons. In many areas of the country there is no distinction between the treatment of juvenile and adult offenders during arrest and temporary detention periods.

The judiciary has had to realine its philosophies and formats regarding juvenile case dispositions. Local courts are only slowly reacting and adjusting to recent U.S. Supreme Court decisions decreeing that young people being tried in juvenile delinquency proceedings are to be afforded much the same rights as an adult in criminal proceedings. These rights include right to legal counsel, to a formal notice of charges, the right to confront their accusers, the privilege against self-incrimination, the right to a transcript of proceedings, the right to appeal, and a showing of guilt beyond a reasonable doubt.

The professional counseling and guidance offered to youthful offenders by

court probation officers is woefully inadequate. Probation officers are typically underpaid, undertrained, and greatly overworked. The Commission on Law Enforcement in the Administration of Justice recommends that a probation officer supervise no more than 35 youths. However, the committee found that probation officers are usually assigned a caseload of four times that amount.

Juvenile corrections institutions were the most disturbing portion of the committee investigation of the juvenile justice system. The committee visited several of these institutions. Although some have initiated rehabilitational techniques that have proven to be successful, implementation of these successful programs has not been widespread.

Eleven Federal Government agencies have some responsibility in the area of juvenile justice. None are meeting these responsibilities in a comprehensive or satisfactory manner. The Federal efforts that are made are not centrally directed or coordinated. Each agency goes its own way.

On January 2, 1971, the committee submitted a report entitled "Juvenile Justice and Corrections" to the 91st Congress. The report presents the facts relevant to understanding the causes and extent of the juvenile crime problem. The institutions of juvenile justice, the corrections institutions, and the Federal response to the juvenile crime problem are analyzed. The report contains specific recommendations to the Federal Government regarding construction of low-income housing, medical aid to impoverished areas, educational programs for deprived and delinquent juveniles, vocational education, effective drug education programs, and the improvement of juvenile corrections institutions. The report also contains seventeen specific programs and recommendations that the committee believes will aid local governments and private citizens fight the problem of juvenile crime.

Members of the committee have introduced a resolution to create a Juvenile Research Institute and Training Center. This institution would coordinate the Federal efforts to combat juvenile delinquency. It would also provide training for persons seeking to become professionals in this field.

The committee found that the study of the growing problem of juvenile crime leads directly into a more dangerous phenomena of crime; the use and abuse of narcotics, marihuana, and dangerous drugs. No single problem is of more concern or poses more of a threat to an orderly American way of life. A great part of the committee's resources have been spent studying certain segments of the drug problem.

Marihuana is certainly the most widely abused substance in the United States, although exactly how widespread is the abuse is not known. It is reasonably estimated that nearly a majority of juveniles have at least experimented with it. The Federal Government and all the States have laws prohibiting the possession and use of marihuana. The committee found that some States, in-

cluding Nebraska, have relatively mild penalties for violating these laws. In other States, penalties for the same conduct are extremely strict. The uneven hand of the law is now punishing the youth of America for marihuana violations, while lawmakers cannot be certain why its use is not permitted. The physical and mental effects of marihuana use are relatively unknown. Medical and scientific opinions are widely divergent. No definitive study has been made.

The Select Committee on Crime directly recommended to the Surgeon General of the United States that he undertake a study to determine the physical and psychological effects of the use of marihuana. The Commission on Marihuana and Drug Abuse has since been created and has begun such a study.

The committee submitted a report to the 91st Congress on April 6, 1970, entitled "Marihuana." The report details a full view of the committee's investigation of the marihuana problem.

The second, more dangerous, drug problem involves the abuse and misuse of amphetamine-type drugs. When abused, this type of drug is known as "speed." regulations promulgated by the Food and Drug Administration and contained in the Federal Register on August 8, 1970, stated that amphetamines may be legitimately prescribed for the treatment of narcolepsy, a rare sleeping sickness, the treatment of hyperkinetic children and in the early stages of weight control. For these few uses, officials at the National Institute of Mental Health have estimated there is annual national need for a few hundred thousand doses of amphetamines. However, legitimate manufacturers are currently producing 5 to 8 billion amphetamine doses annually. The Bureau of Narcotics and Dangerous Drugs estimate that more than half of these are diverted into illegal channels. Of the supply remaining within the legal channels, medical authorities state that promiscuous prescribing has led to serious misuse.

The committee solicited the opinions of hundreds of medical authorities and heard testimony from both law enforcement officials and representatives of drug companies. At public hearings, the committee heard terrifying and explicit testimony regarding the physical and psychological consequences of amphetamine addition among the young. Dependency on amphetamines is not only a significant cause of all types of crime, but it is a deadly destroyer of minds and bodies.

The committee was told that lax laws and regulations have engendered a situation where more than 60 percent of the amphetamines exported to Mexico are smuggled back into the United States and sold in the black market. Though legitimate manufacturers are not the only source of these dangerous drugs, they are the largest single source. The committee learned that little technical expertise or experience is needed to construct and operate a crude laboratory capable of producing "speed." There is little Federal or State control over the

purchase of the immediate precursors or chemical ingredients needed to manufacture amphetamines.

The committee prepared legislation designed to deal with the amphetamine problems exposed by its investigations and hearings. The first bill introduced would have prohibited the manufacture and distribution of methamphetamines—one of the most powerful and widely abused "speed" drugs. The second bill sought to place strict controls on the manufacture and distribution of all amphetamine-type drugs. Both bills would have imposed stricter limits on the sale of the chemical ingredients of amphetamines.

Unfortunately, the Drug Abuse Prevention and Control Act of 1970 did not contain adequate controls to prevent the further diversion of legally manufactured amphetamine-type drugs. The members of the Select Committee believed so strongly in the need for increased controls that they unanimously sponsored an amendment to that act rescheduling amphetamines, methamphetamines, methamphetamine, and phenmetrazine, all central nervous system stimulants, from schedule III to schedule II. The committee believes that the increased production controls, registration requirements, and export regulations applied to compounds in schedule II would greatly reduce diversion and abuse of all types of amphetamines.

The committee submitted a report to the 91st Congress on January 2, 1971, entitled "Amphetamines." The report outlined the history of amphetamine abuse in the United States, the disastrous physical and psychological effects of the misuse and abuse of these drugs and the relationship of this problem to violence and crime. The report details the experiences of Japan and Sweden, both of which have had significant problems with amphetamine-type drugs. The report analyzes the current laws and practices which allow billions of amphetamines to be spewed out annually into the black market.

The report contains specific recommendations for stricter controls of amphetamines and the ingredients of amphetamines, the adoption of the International Psychotropic Drug Protocol, the improvement of international border security procedures, and the prohibition or tighter regulation of mail order shipments of amphetamines.

The epidemic spread of the use of heroin is the most dangerous drug problem we face today. Ten years ago heroin addiction was apparently decreasing. Within the past 3 years there has been a dramatic resurgence of heroin use, especially among the young. While heroin was once found exclusively in the ghettos, it is now found in every section of the country, and among every segment of the population. The committee endeavored to determine the scope and magnitude of the heroin problem.

Heroin can only be made from opium. The only source of opium is the opium poppy—*papaver somniferum*—which does not readily grow in the United States. The Bureau of Narcotics and Dangerous Drugs estimates that more

than 80 percent of the heroin used in the United States originated in Turkey. The heroin smuggling routes, from the Middle East to France, and into the United States, are well known. Even so, present Federal law enforcement programs prevent less than 20 percent of the smuggled heroin from reaching American addicts.

There are presently more than 200,000 heroin addicts in the United States. More persons are being addicted each day. New York State estimates that its addict population has risen from 50,000 to 100,000 in the past 4 years. The dangers and deleterious physical effects of heroin use are well known. However, of all the terrible facts and figures regarding heroin, perhaps the most profoundly shocking is that of the 900 addict deaths in New York City in 1969, 224 were teenagers. In 1970, 48 percent of the cases disposed of in New York City by the Supreme Court of New York involved narcotics violations. Drug related cases account for more than 40 percent of the prison population in the State of New York.

The direct impact of heroin addiction on crime in America is so extensive it defies accurate measure. A confirmed addict may need up to \$60 a day to support his drug habit. Since legitimate employment is usually impossible, most addicts turn in desperation to crime. It matters little to the addict whether his criminal act be petty larceny, prostitution, or a violent street crime. His need will justify almost any means.

The committee found that the heroin trade is not pried by criminals alone. "Legitimate" business plays an essential part. While the substance a drug user introduces into his body may be called heroin, that substance is usually only 10 percent heroin. The remainder is dilutants such as mannite, quinine, or lactose. The heroin street pusher typically sells his product packaged in a No. 5 gelatin capsule or a small glassine envelope. The heroin user often uses needles or syringes. Without question, there are legitimate uses for lactose, syringes, and gelatin capsules and glassine envelopes of a certain size. However, would anyone expect to find that their neighborhood pharmacy sold 4 tons of mannite, 40,000 ounces of quinine, 47 million glassine envelopes, and 25 million No. 5 gelatin capsules in the past 3 years. The committee located this very drugstore in New York City, and disturbingly this "druggist" had violated no law.

The committee submitted a report to the 91st Congress on January 2, 1971, entitled "Heroin and Heroin Paraphernalia." This far-reaching report includes a history of heroin addiction in the United States and in other parts of the world, an analysis of the existing addiction crisis, the detail of international heroin smuggling routes, and an exposé of the highly unethical heroin paraphernalia trade. The report sets forth the status of the medical search for substances that may be used to help cure heroin addiction.

The report contains 28 specific recommendations to Congress and the Federal executive branch, including measures regarding international conventions and

controls of heroin smuggling, the existing legalized American opium trade, the heroin paraphernalia trade, law enforcement procedures regarding heroin, the relationship between drug related crimes, criminal laws dealing with narcotics, and the treatment and rehabilitation of heroin addicts.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Speaker, House Resolution 115 calls for the extending of the Special House Crime Committee for the duration of the 92d Congress. This resolution was introduced by our colleague and present chairman of the committee, Congressman PEPPER of Florida, and the minority ranking member, Congressman WIGGINS of California. There is no doubt in the minds of the American public that, possibly outside the Southeast Asia war, the No. 2 critical issue before the American people are the economy and the rampage of lawlessness and crime throughout our Nation.

Mr. Speaker, the members of the Crime Committee, from the hearings held throughout the country, are convinced that in the short existence of this committee it would be ill-advised to terminate the great work it has accomplished. The committee has also alerted the public and especially our youth on the dangers of the devastating effect that the drug epidemic has on our communities and schools. Favorable action on this resolution will mean this committee can continue this investigation as to the causes and sources of the underground distribution of morphine, heroin, methadone and other narcotics, and their effect on lawlessness and crime. The committee has only had time to touch upon the sources of infiltration of organized crime into the ranks of legitimate businesses.

The news media have recently revealed that crime statistics in most major cities, and especially over the Nation, have recorded a percentage of decrease. This is certainly good news. The Federal Government, States, and municipalities should expand further their fight on crime and the causes thereof.

The Special Select Committee on Crime created by the House in the last Congress has contributed greatly to this recorded decrease in lawlessness. This committee has held hearings over the Nation and especially in major cities from coast to coast during the last Congress. The newspaper, television, and radio publicity in the various localities where hearings were held extended wide information and encouragement to the law-enforcing bodies in these localities. One of the great results of the work of this committee has been through the news media inculcating into the minds of millions of our youth the dangers of the use of drugs to the human body and contribution of drugs toward "the making of criminals."

Mr. Speaker, I have followed closely the activities of the Crime Committee since its formation and I would like to briefly review its work for the benefit of our new colleagues.

In its 20 months of life during the 91st

Congress, the committee held 14 public hearings in 12 cities and towns across the Nation, as well as here in the Capital. These hearings have delved into drug abuse and criminal justice, marihuana, illicit and dangerous drugs, amphetamines, organized crime, court delay, juvenile justice and corrections, street crime, juvenile delinquency, heroin paraphernalia, and youth gang warfare.

As a result of this intensive and exhaustive study and investigation, the Select Committee on Crime also issued four comprehensive reports to the 91st Congress: "Marihuana," "Heroin and Heroin Paraphernalia," "Juvenile Justice and Corrections," and "Amphetamines." Members of the committee made available 40,000 copies of the "Marihuana" report for their colleagues to send to interested constituents. The last three reports, issued in December 1970, contain bold and imaginative proposals for dealing with grave problems facing our Nation.

The committee has also produced and made available at no cost to members of this body an excellent radio documentary, "Facts and Fables of Drug Abuse," which was broadcast by more than 500 radio stations throughout the Nation.

The Crime Committee, mindful of the jurisdiction of standing committees, has been most cooperative when its investigations disclosed information that might be of interest to other committees. The committee's study of amphetamine abuse, for example, disclosed that the U.S. military was purchasing large quantities of these drugs. This information was conveyed to the Special Subcommittee To Investigate Alleged Drug Abuse in the Military. Similarly, when a Crime Committee investigation in Philadelphia, Pa., uncovered possible violations of FHA regulations, this information was turned over to the Banking and Currency Committee for their consideration and further investigation.

Mr. Speaker, I believe that the record of the Select Committee on Crime warrants its request to be able to complete the job it has so ably begun. In an area where there is often more rhetoric than action, the Crime Committee has built a record of solid accomplishment. At a time when crime is on the minds of citizens everywhere, I think this body needs its own committee to investigate crime. I think the 92d Congress can meet the challenge by reconstituting the Select Committee on Crime, and I urge my able colleagues to join me in this worthy effort.

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

Mr. MADDEN. I yield to the gentleman.

Mr. SCHEUER. Mr. Speaker, I want to congratulate my colleague for his words.

Mr. Speaker, I have just finished a trip to Europe by virtue of the kind designation by the Speaker of the House to me as a congressional adviser to the conference on psychotropic drugs in Vienna.

I want to say that not only in Vienna, among all of the 71 countries who were represented there, but with our Federal

Bureau of Narcotics and Dangerous Drugs representatives in London with whom I met, a major source of their education as to the intricacies and dangers not only of the psychotropic substances but of all of the narcotics such as heroin, opium and morphine and the like come from the very monumental reports that were produced after a year of study by this Select Committee on Crime.

I refer to the report on amphetamines and the report on heroin and other narcotic substances. I can tell you that the hard work, scholarship, and intensive energy that went into these two great reports have had reverberations and have aided in improving the approach to these problems not only in this country but in other cooperating countries around the world. I congratulate the chairman and the other members of the committee for the marvelous work they have done.

Mr. Speaker, our body today has the privilege to give new life to a committee that served so ably in the 91st Congress. The Select Committee on Crime chaired by our distinguished colleague from Florida, CLAUDE PEPPER, has compiled an exemplary record, particularly in the area of drug abuse, the greatest menace facing the youth of our country today.

The work of this committee is nowhere more evident than in the fight against heroin addiction. This dreaded narcotic is, I am sad to say, particularly prevalent in New York City, my home. Chairman PEPPER's efforts in fighting heroin addiction in that area are a matter of record in this Congress. Nowhere is the destruction of lives, property, or community structure more vividly portrayed than in the south Bronx, a once-popular and stable residential area that is now the domain of dope peddlers and junkies. Nowhere is the novelist's portrayal of fear stalking the streets and neighborhoods even in daylight hours, more starkly evident.

During its New York hearings on the heroin trade, Chairman PEPPER and the other members of the committee visited a church in my district in the Bronx and held a private afternoon session with interested parents and social workers from the community. The committee, to a man, was appalled by what they saw and heard. They left, deeply moved and determined to rout the forces of deterioration.

The committee's contributions to the fight against heroin trafficking are substantial. Because of their investigation of heroin paraphernalia, the sources of packaging materials have been seriously interrupted. This is true for both glassine envelopes as well as for empty gelatin capsules. Their disclosures of activities in this area have been of great value to law enforcement personnel. I, for one, owe a great deal to the committee's hearings and reports in adding to my personal knowledge of the drug problem.

The Select Committee on Crime made its own a crusade to curtail overproduction of amphetamines by legitimate manufacturers. It is no coincidence that the Food and Drug Administration has recently issued new policy guidelines for the legitimate uses of amphetamines.

During my recent trip to Vienna, as an observer to the International Psychotropic Drug Protocol Convention, I was greatly aided by the information gathered by the committee in its "Amphetamine Report." The reputation of the committee's expertise in this area is acknowledged by all. It was this trip, along with my visit to Turkey during the last Congress, which has intensified my appreciation for the committee's contributions. There is no facile solution to the complex problem of drug abuse. But many small steps, similar to the committee's breakthroughs in heroin packaging, lead to the path of a long-lasting solution.

Time does not permit me to enumerate all of the significant contributions that the Select Committee on Crime has made to the knowledge of this body. It suffices to say that the record of the committee is a source of pride to all the Members of the House. We now have the opportunity to allow this record to be expanded.

The investment of the 91st Congress has proved to be a sound investment. To renew its activities by reconstituting the Select Committee on Crime for the 92d Congress will, I am sure, allow this body to reap more and greater dividends. I wholeheartedly urge that you join with me in the reconstitution of the Select Committee on Crime.

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman from Illinois (Mr. McCLORY) such time as he may consume.

Mr. McCLORY. Mr. Speaker, I take this occasion to express my sincere misgivings regarding the proposal which we are considering today. While I greatly appreciate the work which the Select Committee on Crime has done in the area of narcotics investigations, I find my enthusiasm diminished upon a review of the amount of money which the American people have spent in order to have the benefit of some very basic observations. This extravagance has not been hidden from the American public, as the Washington Star reported on Sunday, February 28, 1971, that the \$900,000 spent over the past 20 months has paid for 13 public hearings in cities throughout the Nation, and has resulted in four reports and 53 legislative recommendations—none approved by the House.

Furthermore, Mr. Speaker, the August 1970 issue of the Washington Monthly contains a highly critical article on the Select Committee whose life we are being asked to extend and whose membership we are being asked to expand. I do not wish to detail the criticisms contained in this article; however, Members of this House have the responsibility to listen to such criticisms—especially when they reflect on the integrity of this great body.

Mr. Speaker, in addition to the poor economics involved in extending the life of the Select Committee on Crime, there are other reasons which compel me to point out that the machinery which we have set up is not reasonably adapted to accomplish the desired end—which is prosecution of wrongdoers. When a congressional committee compels testimony

from one suspected of criminal activities such individual possesses the constitutional privilege of immunity from criminal prosecution, and while it may be necessary and useful for Congress to compel such testimony within the limits of the fifth amendment, that tool should be used sparingly for obvious reasons.

Another matter which causes me a great deal of concern is the fact that we have created a committee to investigate matters which are within the expressed jurisdiction of permanent committees of this House, namely, the Committee on Interstate and Foreign Commerce, the Committee on the Judiciary and others. In the former case, I hasten to point out that the Subcommittee on Public Health and Welfare of the Committee on Interstate and Foreign Commerce held hearings in Washington during the last Congress and produced the Comprehensive Drug Abuse Prevention and Control Act. Furthermore, the Judiciary Committee, pursuant to its responsibility to examine measures intended to strengthen the Federal effort against organized crime, held hearings during the 91st Congress in Washington. The hearings were comprehensive and resulted ultimately in passage of the Organized Crime Control Act. These hearings were held at a fraction of what it cost to conduct the hearings of the Select Committee on Crime. Now we are told that the Select Committee plans to hold hearings in this same area during the present Congress.

Mr. Speaker, I hope that these will be no duplication of effort. The increased cost to the taxpayer which will result by extending the life of the Select Committee on Crime will, I hope, avoid interference with our duly constituted crime investigation agencies. I am thinking particularly of the special grand juries authorized by the organized Crime Control Act of 1970.

In the reconstitution of this Select Committee these are a great many pitfalls which the committee must avoid—if its existence is to be justified.

Mr. SMITH of California. Mr. Speaker, due to the fact that I have some time remaining, and the gentleman from Maryland (Mr. GARMATZ) has asked for 2 minutes, I now yield 2 minutes to the gentleman from Maryland.

Mr. GARMATZ. Mr. Speaker, I am pleased to rise in full support of the resolution now before us extending the life of the Select Committee on Crime. In doing so I am aware that I have something of an advantage over my colleagues. Almost a year ago I was privileged to observe this committee in action—not in the remote recesses of this Capitol—but in the heart of a community that could have been representative of many communities across the land. The occasion was the second day of a 2-day hearing in Baltimore, the focus of which was youth crime and juvenile justice. The hearing was held in the auditorium of Southern High School in Baltimore. In taking his investigation to that environment, Chairman PEPPER was fulfilling his pledge to examine the causes of crime and the adequacy of our criminal justice system at the grassroots level.

The testimony received in Baltimore was similar to testimony the committee took in other widely scattered areas of the country in that it demonstrated a clear need for vast improvements in the way juvenile offenders are now handled. The committee's efforts in the juvenile area ultimately resulted in a bill introduced by the chairman last September as H.R. 13227, the Juvenile Research Institute and Training Center Act of 1970. I am pleased to state that I cosponsored that measure. It will be reintroduced in this session and I am hopeful this measure will win the approval of the House.

The Select Committee on Crime has also worked closely with Maryland law enforcement agencies in another phase of its investigations: heroin addiction and the nefarious traffic and distribution of this drug—the cause of an enormous amount of crime in urban areas. In the course of its investigations the committee, for the first time, brought nationwide attention to the involvement of legitimate businessmen in heroin distribution. That is, businessmen who have profited by providing heroin dealers with the attendant paraphernalia, such as syringes, empty capsules, quinine, and other matter innocent in itself but essential to the deadly distribution of heroin. The committee presented 2 days of dramatic testimony and clearly demonstrated the need for legislation to take the legitimate businessman out of this illegitimate activity.

During that investigation the committee learned that the State of Maryland enacted a comprehensive drug control bill that included a section aimed at stopping this traffic in paraphernalia. The committee recommended that other States adopt similar statutes and has proposed that the Congress pass such legislation for the District of Columbia.

Juvenile justice and drug abuse are only two of this committee's wide areas of responsibility. However, I have cited these two because they serve to illustrate the ways in which the constructive work of this committee has been felt in my own city and State.

I am convinced that this committee has done all that could be expected of it in its short life. And I feel that Congress would be shortsighted in the extreme if it failed now to give the Select Committee on Crime a reasonable opportunity to achieve the objectives set forth in the resolution that created it in mid-1969. Most of its legislative recommendations, and there have been many, came too late in the 91st Congress to be referred to standing committees and to be enacted into law. If the committee were suddenly to cease to exist it is highly unlikely that these constructive recommendations would be converted into public laws.

Mr. Speaker, in my home city of Baltimore we are proud that, in contrast to most big cities, our crime rate, as reported in the FBI's annual statistics, has declined over the last year.

According to the FBI, major crime reported in Baltimore totaled 67,157 in 1968 compared to 1970's figure of 62,150. We are proud of that decline and we are proud, too, that the State of Mary-

land has assumed a position of progressive leadership among the States in its response to the demand for improved law enforcement and criminal justice. We are proud, but we are not complacent. We recognize that much more needs to be done.

But crime is a national problem. Congress finally recognized that fact when it enacted the Crime Control and Safe Streets Act, providing Federal funds for State and local law enforcement. If we can put a dent in crime in Maryland, then we can surely bring about a reduction in the national rate of crime as well. This is no time to relax our efforts. This is no time for the Congress of the United States to take a backward step. Let us, therefore, keep the Select Committee on Crime in business and offer the members of this committee every encouragement as they continue their difficult task of providing the rest of us in this House with firsthand, factual information and enlightened recommendations which can form the basis for enlightened legislation.

Mr. YOUNG of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I represent the 18th Congressional District of New York which is central Harlem. I wish I could have come down here with the luxury of knowing I would be fighting for legislation to improve the conditions in which my constituents live, especially in the area of housing, poverty, and education. I do not have this luxury because, unfortunately, unlike years ago when a mother used to hope and pray that her child might finish high school, mothers today hope and pray that their children will not succumb to the terrible disease that has struck my community called drug addiction.

Tragically, the record shows that central Harlem has now become the heroin addiction center of the world. If we should proceed to think about some of our other problems, we would soon find out that we cannot resolve any of those problems unless we decide what this Nation is going to do about this growing epidemic which is sweeping over us. If you want to talk about law and order let us talk in terms of lack of opportunity and the ever increasing use by children, children as young as 8 years old, of narcotics and the danger of their becoming addicted as a result of just attending school. The breakdown of quality education in the city of New York is directly related to the increase of drugs being peddled in New York City schools.

If I were to tell you about the problems we were having in our municipal hospitals caused by drug addiction, I would have to tell you about the terrible decisions that must be made by doctors as they try to decide whether a bed should be made available for the aged and sick or whether that bed should be made available for a young addict.

When our Nation talks about a volunteer Army, it necessarily will have to look to those people who really want to serve and who are physically and emotionally able to serve. Mr. Nixon would have to find out whether the poor of this Nation

are physically able to serve in the U.S. Army and, if so, whether they will become addicted to drugs in the Army.

We all know that the U.S. Constitution says a man is innocent until he is proven guilty. I speak as a former U.S. attorney and I can tell my colleagues that in the city of New York this is just not so. It is not so because we have dispensed with this part of the Constitution where we find in our criminal courts that 60 to 70 percent of the criminals charged with crimes are found to be addicts. Therefore, in our houses of detention we find men waiting for 1, 2 and even 3 years in jail awaiting trial even though they have not been proven guilty of any crime.

I suggest that in my community it seems pretty hopeless. We have tried to work effectively with our 30,000 New York City police and yet we find that the billions of dollars involved in drug traffic has even diseased some of New York's finest policemen.

There was a time when we had no hope at all that the world would be concerned with what we thought was a problem of central Harlem, but we see the problem has hit the suburbs and spread throughout the Nation to touch all American youth.

We thought with the Select Committee on Crime, as the committee came into our areas and held hearings, that we would find some light at the end of a very dark and very long tunnel. I ask the Members not to snuff out that light for a people for whom the situation has been almost hopeless.

Mr. YOUNG of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOWARD).

Mr. HOWARD. Mr. Speaker, I am very happy to support this resolution. Two years ago I was happy to be the second sponsor behind the gentleman from Florida in introducing this resolution. I believe the committee is very worthwhile.

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

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

Mr. PEPPER. Mr. Speaker, I am pleased to say the gentleman in the well was one of the strongest supporters of this resolution, previously. We are grateful to him for his support.

Mr. HOWARD. Mr. Speaker, I thank the gentleman from Florida.

Mr. Speaker, I was in on the formation of the committee, but not one of the previous Members appointed to it. I thought they were all very fine people, but I was disturbed by the decision of the leadership that it is going to look into, as the gentleman from Florida said, all aspects of crime, and the leadership decided that all Members on this committee must be lawyers and there should be none except lawyers on this committee.

Mr. Speaker, I submit crime is more than law or lack of law. Crime is really people and why they behave and why they misbehave as they do. The solutions and causes of crime in this country will not be found in the lawbooks of America, or in our statutes. We have to look at

things like narcotics, and we have to look at things like frustrations, and we have to look at deprivation in the cities, and we have to look at boredom in the suburbs if we are going to find out truly the causes of crime, and if we are going to be able adequately to eliminate crime from this country.

So I do hope we will get a broader prospectus. Crime may be psychological or physiological. Crime is not any one person. It deals with people. I do hope in the formation of the new committee we will deal with all aspects of people and people's activities if we are going to deal with all aspects of crime.

I would like to ask the gentleman from Florida if he agrees that having it limited only to lawyers may limit his work.

Mr. PEPPER. Mr. Speaker, if the gentleman will yield, I do agree with the gentleman. I think this subject is broad enough to cover all aspects of this national social problem.

Mr. YOUNG of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. MONAGAN).

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

Mr. MONAGAN. Mr. Speaker, I should like briefly to state some concerns I have with this legislation. I am going to support this resolution, particularly in view of the expression of the intention of the gentleman from Florida that this committee would terminate with the close of the present Congress.

I do believe, however, that there are questions relating generally to our setting up of commissions, both in the legislative branch and in the executive branch that must be considered. We are just too prone to setting up commissions.

A subcommittee of the Committee on Government Operations which I head recently made a study of this proliferation of committees and found that there were some 3,000 governmental advisory commissions in existence, with costs ranging from nothing up to millions of dollars and personnel reaching up to hundreds of people.

We have involved also with such bodies the question of jurisdiction, and of conflict with existing committees. That is so in this case, as has been stated by several speakers. There is a potential and actual conflict with the area of activity of the Committee on the Judiciary.

We also have a cost here of at least \$900,000, which to my way of thinking in many cases could better be distributed to existing committees. The Committee on Government Operations for example with all its duties and functions has a budget of approximately this amount. The Committee on Foreign Affairs with its wide-ranging and vital responsibilities has a budget far below the amount of \$900,000.

In addition, I have had some question about the operation of the committee itself. Representatives came to the State of Connecticut and visited a rehabilitation school for problem boys there, where all of us knew that there were problems that existed as exist in every similar in-

stitution throughout the country. It seemed to me that the main result was that there was a blaze of publicity. It was a 9-day wonder. It hit the pages of all the newspapers. Then the committee went away, and that was the effect of its impact upon that community and upon that problem.

So, Mr. Speaker, in this instance, because of the potential good that the committee may do that has been mentioned by the various speakers who support it, and because of my hope that it will be more specific in its achievements in this field, I am going to support it, but I do give notice of my own reservations and the problem that I would face if a renewal were to be propelled in the future, unless there were some change, of course, in the activity of this committee.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Speaker, I rise in support of House Resolution 115 to reconstitute the Select Committee on Crime. It is vital that the work of this committee be continued and indeed expanded upon over the next 2 years.

Over the past 20 months, the Select Committee on Crime has held investigations into many diverse segments of the crime problem in the United States. Its statements on the widespread use and abuse of amphetamine—speed—drugs were a disturbing revelation to the Congress and the public. Its report on amphetamines presents a clear picture of the problem and proposes methods of stemming its increase.

Perhaps the most terrifying aspect of the drug and crime problem in the United States is the growing use of heroin. Inexplicably, heroin addiction, dormant for several years, is on the rise again. Its tentacles have spread to every segment of our country irrespective of economic, social, or ethnic boundaries. Children in college, high school, and, yes, even elementary school are becoming addicted.

The Select Committee on Crime was the first group to take action to attack this malignancy on our culture. In two hard-hitting hearings the committee examined the smuggling of heroin into the United States, and the distribution of the narcotic once it has arrived. It examined the plight of the heroin addict, and the effect of his addiction in terms of crimes, violence, and instability upon the rest of the society.

The committee exposed so-called legitimate businessmen, who deal in the manufacture of the paraphernalia for the preparation and administration of this dread drug. Finally, the committee examined the scientific research now going on, and the early efforts through Methadone and other techniques to stem the need of the addict for the crippling substance.

These hearings resulted in a report outlining the heroin problem, and a series of legislative recommendations, many of which will be introduced shortly. The work of this committee, easily the

most definitive on the heroin problem to date, provides a definitive plan for the eradication of the disease of addiction in this country.

But there is far, far more than this, Mr. Speaker. The committee has done extensive investigation and reporting in areas of juvenile crime and corrections, problems of police and street crime and violence, and many other facets of our national tragedy of crime.

The Crime Committee has a great deal more work to do, and is now in the planning stages for several important investigations and hearings. Their work has been admirably begun, and I am sure that its future performances will be exceptional.

I cannot close without paying special tribute to the great American who heads up the Crime Committee. The committee's performance under his guiding hand and inspiration has proved a suspicion that I have long held. That is that the talents of CLAUDE PEPPER are so varied that any field he turns his attention and boundless enthusiasm to would prosper for the benefit of both this House and the Nation. The distinguished Representative from Florida (Mr. PEPPER) has approached the problem of crime with the same learned zeal and scholarship that he has focused on so many other problems confronting this Nation over the decades. I feel a vote to continue the committee is in no small part a personal tribute to the record of accomplishment compiled by the distinguished chairman.

Mr. Speaker, I strongly urge the reconstitution of this committee and look forward to its future endeavors.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. PICKLE).

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

Mr. Speaker, 2 years ago, I cosponsored the formation of the Select Committee on Crime. Today, I support the continuation of this committee.

Originally, I supported the creation of this committee because I felt that the mounting crime rate needed the attention of a special segment of the Congress whose sole function was to make an in-depth investigation and recommendations. I do not see that the need for this committee is any less today than it was 2 years ago.

With 20 months of experience to call on, the committee today is in an even stronger position to analyze the spiraling problems of crime. Specifically, I am interested in the continuation of the committee's work in the field of drug abuse and drug education.

Mr. Speaker, I salute the committee and I vote that they should have the time—certainly for the next 2 years—to maintain their on-going status.

Mr. JAMES V. STANTON. Mr. Speaker, the select Committee on Crime under the leadership of Honorable CLAUDE PEPPER should be continued by this House.

The need to stop drug abuse in this country calls for all efforts by this Congress to spotlight the effects of drugs on the children of the Nation.

In my district nothing strikes fear in the hearts of honest people more than the fear of drugs. Our leadership in this

area must continue through the Select Committee on Crime.

Drug addiction is the most serious menace that faces this country and calls for the best efforts of all its citizens to halt the purveyors of destruction who seek to destroy the fiber of young life.

I urge the support of all members to continue the Select Committee on Crime.

Mr. MURPHY of New York. Mr. Speaker, I strongly urge my colleagues in the House to vote in favor of continuation of the Select Committee on Crime. During its 20-month existence, this committee has contributed greatly to the knowledge of this body.

The Select Committee on Crime has conducted an intense investigation into heroin and heroin paraphernalia, which culminated in hearings held in New York City, my home. Heroin addiction, once confined to small areas of the city, is today present in every section of the five boroughs. My district in Staten Island and Brooklyn is no exception, I am sorry to say.

The New York City hearings of this committee, chaired by our distinguished colleague from Florida, CLAUDE PEPPER, along with the committee's hearings in other locales, have led to the examination of previously unquestioned aspects of the heroin trade. This information, coupled with the investigations in related drug abuse areas, has provided the basis for a major legislative program to curtail the distribution of illicit drugs in this country.

The Select Committee on Crime has proved to be a great source of information both for my own education about the drug problem as well as for distribution to constituents. The committee's reports on marihuana, amphetamines, and heroin and heroin paraphernalia, and its radio documentary, "Facts and Fables of Drug Abuse," have been invaluable sources of drug education material.

Nowhere is the need for action more dramatic than in the area of drug abuse. A drug problem exists in virtually every school on Staten Island, from the senior high schools to the elementary schools. Every family is touched, one way or another, by drug abuse. Clearly, every possible effort to eradicate this problem should and must be taken.

There is no way that we can measure the usefulness of the Select Committee on Crime in dollar terms. How can we estimate the value of saving one life, let alone thousands. But clearly we can see that the value of this committee greatly exceeds the cost of its operation.

The Select Committee on Crime's findings concerning heroin packaging have caused serious disruptions in the distribution of narcotic traffic in both the Metropolitan New York and Washington areas. Its efforts have substantially curbed the manufacture and sale of glassine envelopes and gelatin capsules. The committee's inquiry into the excessive legitimate production of amphetamines has led to a reevaluation of the use and distribution of this class of drugs. The proposed paraphernalia statute for the District of Columbia promises to be an invaluable aid to narcotics law enforcement in the Nation's Capital.

I agree with Chairman PEPPER that if

we can substantially reduce drug addiction, we will see corresponding reductions in our Nation's crime rate. The fact that more than 50 percent of all street crime is drug related is reason enough alone to continue this committee's activities.

It is clear that the work of this committee in the 91st Congress more than justifies expectations of greater returns from its work in this new Congress. We need the Crime Committee, and I urge you to join me in voting "yes" on House Resolution 115.

Mr. DANIELS of New Jersey. Mr. Speaker, I rise in support of House Resolution 115 to reconstitute the Select Committee on Crime.

My good friend and colleague, the Honorable CLAUDE PEPPER, has done an outstanding job leading the Select Committee on Crime in the last Congress. The committee's record justifies our continued support of its activities.

Since its inception, the committee has provided us with worthwhile and necessary studies on the problems of crime and law enforcement. The reports issued by the committee concerning drug abuse and narcotic addiction are outstanding. They have provided Members with the background information on the problems of drugs and many of us have made the reports available to constituents and police departments who have requested information and Federal assistance in dealing with this devastating law enforcement problem.

Mr. Speaker, the problem of law enforcement today is a problem which demands our continued attention. The statistics alone, not to mention the personal tragedies we read about or hear about and in many cases are touched by, cry out more eloquently than words the need for action.

In only 10 years, the rate of major crimes of violence increased 104 percent. In the last 3 years, the number of street crimes has increased at an increasing rate: between 1968 and 1969 the number of street robberies increased 13 percent; in the first quarter of 1970 they increased 15 percent.

I believe that the research and studies developed by the Select Committee on Crime have contributed immeasurably to our understanding and to our ability to reverse the trend borne out by the statistics. I believe that the war on crime must continue with all the weapons we have at our command, and I, therefore, support the continued activities of the Select Committee on Crime.

Mr. HARRINGTON. Mr. Speaker, it is a distinct privilege for me to have the opportunity to express my support for the resolution now before us reconstituting the Select Committee on Crime. No other committee has spent as much time working with local law enforcement officials and local representatives of our hard-pressed criminal justice system.

Until the formation of this committee, Congress had usually summoned such officials to meet with us here in Washington. In a certain sense, much of what we learned in that way was hearsay. We did not have an opportunity to confirm the testimony we received with on-the-spot visits to courts, police stations, and cor-

rectional facilities. Now, through the work of the Select Committee on Crime, Congress has been able to observe local and State crime control machinery in action within the community it serves.

I am pleased to point out that the committee launched its grassroots investigations and public hearings in my own State of Massachusetts with a 2-day hearing at Faneuil Hall in Boston. Some of the testimony received in Boston later appeared in the committee's first report to the Congress entitled, "Marijuana." This report has been widely distributed and has been most helpful to Members of Congress struggling to separate fable from fact in the national controversy over the use of this substance.

The Boston hearing also served as a starting point for the committee's investigation into the adequacy of juvenile justice in the United States, an investigation that convinced the members of the committee that greater Federal interest and support was needed now to facilitate badly needed improvements in the juvenile justice system. As a result, last September Chairman PEPPER introduced H.R. 19327, the Juvenile Research Institute and Training Center Act of 1970. The bill would be a major step along the road to providing adequate care and rehabilitation for the Nation's young people. If we are to have any success in reducing crime, surely it is obvious that we must begin with our young people. For this reason I was gratified to cosponsor this constructive legislation.

Another of the committee's more productive hearings was held in San Francisco where, for the first time, the incredible dimensions of amphetamine abuse were graphically and dramatically presented to the American people. As I see it, the Select Committee on Crime deserves commendation for its subsequent fight to amend last year's Comprehensive Drug Abuse Prevention and Control Act for the purpose of moving amphetamines from schedule III to schedule II of the act, thereby imposing a quota system on the manufacture of these deadly and overproduced drugs. Again, I was happy to cosponsor that amendment. Although it was not approved by the House, the all-out fight waged by the members of the committee for this legislation demonstrated, I believe, this committee's commitment to its stated objectives.

Still, this committee may have made its most significant contribution in another aspect of the Nation's drug problem: heroin addiction. All of us have received copies of the committee's report filed in January and entitled, "Heroin and Heroin Paraphernalia." It is the product of many hours of public hearings and many months of staff research and investigation. Its 21 recommendations taken together amount to an imaginative, comprehensive approach to the heroin-crime syndrome. Its objective is to reduce both the supply of and demand for this murderous drug. This report is worthy of serious consideration by all the Members of this body.

Up until Congress enacted the Omnibus Crime Control and Safe Streets Act of 1968, the Federal Government had

traditionally let the States and localities go it alone in the struggle to control crime in our Nation's streets. That act for the first time provided Federal funds to aid law enforcement. Its full effect will not be felt for some time to come. All of us want desperately to see it work. But we cannot assume that money alone can solve our crime problem. The creation of the Select Committee on Crime was further recognition of the new Federal interest in and responsibility for turning back this rising tide of crime. The committee has only begun its difficult assignment. Let us vote for reconstitution so that these members can continue their meritorious work.

Mr. SIKES. Mr. Speaker, it gives me great personal pleasure to rise today to speak in support of House Resolution 115, introduced by my esteemed colleague from Florida, CLAUDE PEPPER, to extend for the life of this Congress the Select Committee on Crime.

Under Chairman PEPPER's direction, this committee has earned the respect and admiration of Members of this body, of law enforcement agencies throughout the Nation, and the public as well. At a time when crime is one of our most pressing domestic problems, I take great pride in the fact that some of the most important and critical work in this field has been done by this body's own Crime Committee.

Chairman PEPPER's committee is preeminent in the field of drug abuse, and its work on amphetamine abuse, in particular, alerted the Nation to the dangers of these pills. The committee has also revealed the startling overproduction of amphetamines, many of which find their way onto the illegal market. The new consciousness of the dangers of these drugs is a direct result of the fine work of this committee.

I am also pleased to note that the Crime Committee has devoted its considerable talents to the study and investigation of heroin abuse. The killer drug heroin is so intimately connected with the rising crime rate in America today that drastic action must be taken. The Crime Committee's report on heroin presents this body with a far-ranging series of recommendations that would do much to provide this Nation freedom from heroin addiction. Many of these recommendations will reach us in the form of bills this session.

Mr. Speaker, I find it inconceivable that we would not vote to reconstitute the Select Committee on Crime. With its broad mandate, the committee has just the kind of approach needed to tackle the problems of crime. Crime respects no jurisdictional niceties; there is no reason why those fighting crime should be hampered in this regard. It is clear that the Crime Committee has carefully avoided wholesale invasion of standing committee jurisdiction while at the same time enjoying the benefits that its interdisciplinary approach offers.

But despite its fine record of accomplishment in the 91st Congress, there is still much to do. We must be realistic enough to recognize that crime is a problem that will not disappear overnight,

not even in the life of this Congress. That the Crime Committee is asking for two more years to solidify many of its accomplishments and seek new avenues of attack on crime seems to me totally justifiable and necessary. This body needs the Select Committee on Crime, we need its investigative talents, and we need the mass of information and specific proposals it has provided for us all. I strongly urge my colleagues to vote "yes" on House Resolution 115.

Mr. FASCELL. Mr. Speaker, at this important juncture in the Federal fight against crime in the United States, I think it entirely appropriate that we take advantage of the occasion of the consideration of House Resolution 115 to evaluate our efforts.

I want to say first that the Select Committee on Crime, and its able and distinguished chairman, CLAUDE PEPPER, deserve this vote of confidence in their progress toward the full investigation and control of crime in our country.

I am happy to say that the coordination of the efforts of the Congress and enforcement agencies has recently brought great improvements and accomplishments in our war on crime. We need look no further than the remarkable drop in the District of Columbia's crime rate to see evidence of this. The resurgence of confidence in the business community, where robberies are down as much as 50 percent in some areas, has been a real lift to the spirit of the Capital City.

The work is progressing, nevertheless there are several areas to be reviewed and explored which the expanded Select Committee on Crime can complete in the next 2 years. I believe the extension of the authority for the select committee in the 92d Congress will provide the opportunity for the committee to conclude its work in this important area.

Mr. PRICE of Illinois. Mr. Speaker, I support House Resolution 115 providing for the continuation of the House Select Committee on Crime. Under the able leadership of the gentleman from Florida (Mr. PEPPER) and his distinguished colleagues on the committee, the Select Committee has functioned effectively in developing a greater understanding and awareness of crime in the United States.

It is easy for us to state that we are opposed to crime; but in doing so we must provide the tools to wage the war against crime. The Select Committee through its hearings and reports has provided insight into the nature of crime. We have greater awareness of the need for comprehensive national policy for dealing with crime. The Select Committee has generated new data on the problem of organized crime in this country. Its studies on drug and narcotic addiction and abuse have been important contributions in understanding juvenile offenders.

At a time when considerable discussion and attention is being focused on reform of our criminal justice system, on criminal rehabilitation and penal reform, and on administration of justice, the existence of a Select Committee on Crime is of extreme importance. The mandate for such a committee was enunciated

some time ago by the President's Commission on Law Enforcement and Administration of Justice. That mandate nor the need for dealing with the menace of a growing crime rate in this country has not changed.

Previously, crime fighting may have been looked upon with a romanticized "gang buster" view; today it is recognized as a deadly serious business requiring skill, training and dedication. It touches every aspect of our life. The Select Committee can continue to help focus attention on the need to improve our law enforcement, crime deterrence and detection efforts. The committee can help make certain that our law enforcement officials have the support they need to function effectively.

If crime is viewed as a manifestation of our society, then we must have a framework which provides a rational, well-organized approach for dealing with it. The Select Committee can help provide that approach.

Mr. FULTON of Tennessee. Mr. Speaker, when our colleague from Florida first approached me with his proposal to establish a Select House Committee on Crime, I was eager to join with him in co-sponsorship. The reasoning in support of the resolution at that time was that there was no committee within the House which had broad jurisdiction over the problem of crime, a problem which was becoming more acute and disruptive in America.

It was my understanding that the gentleman from Florida intended to treat crime as an interdisciplinary rather than a categorical subject.

The idea of the Select Committee on Crime was to attempt to look at the crime problem as a whole rather than by categories, to probe "all aspects and elements of crime" in the United States and to report its findings to the House of Representatives, "together with such recommendations as it deems advisable."

The committee was established on May 1, 1969, with the overwhelming approval of the House, 343 to 18.

Since that time the committee has organized and commenced operation, having held 13 public hearings in as many cities across the Nation.

These hearings have dealt with the drug problem as it relates to crime, juvenile justice and corrections and improvement and reform in law enforcement and justices in the United States.

Obviously, Mr. Speaker, one group in so short a time cannot hope or aspire to finding solutions to crime in America. However, this committee has been productive and reported its findings, in detail, to the House of Representatives.

Mr. Speaker, I believe the very worthwhile work being carried on by the House Select Committee on Crime should be continued and I respectfully recommend passage of House Resolution 115.

Mr. WOLFF. Mr. Speaker, I rise in support of House Resolution 115, which would reconstitute the Select Committee on Crime, extend its investigative authority through the 92d Congress, and increase the committee's size from seven to 11 members.

As a sponsor of the resolution creating the select committee in 1969, I have viewed with pride the fine work done by the gentleman from Florida (Mr. PEPPER) and his colleagues. During its 20 months of existence, the Crime Committee has held 13 public hearings throughout the country, issued four reports—including reports of major significance on the traffic in heroin and amphetamines—and made 53 legislative recommendations.

In my judgment, the primary function of this type of special committee is to shed light on the conditions which exist in America today, and not necessarily to legislate. Without public support, very little can be accomplished in this country. It is the job of this select committee to make the public aware of the crime problem in the United States, and it is fulfilling its purpose through the issuance of reports and legislative recommendations. Hopefully, the legislative committees of the Congress will follow through on those recommendations by enacting the necessary legislation.

I would hope the committee will be permitted to continue its vital investigative work, for the problems we faced in 1969 are still with us. For that reason, I would like to include at this point in the RECORD the remarks I made on May 1, 1969, in support of the creation of the committee:

Mr. WOLFF. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, as a cosponsor of this important resolution I am pleased to speak for its prompt passage. We have only to read our daily newspapers and listen to our broadcast news reports to realize the gravity of the problem of crime in all parts of our Nation.

This problem stretches from organized crime with its many outlets to urban violence to suburban teenagers experimenting with dangerous drugs. The magnitude of the problem is truly awesome and prompt constructive action is necessary.

In order to best define the sources of the problem and therefore offer constructive suggestions for possible solutions, a thoroughgoing congressional investigation is clearly desirable. This is, of course, the purpose of this resolution and the reason why I have joined in sponsoring the legislation drawn by my able and distinguished colleague from Florida (Mr. PEPPER).

I trust our colleagues recognize the importance of initiating a complete study of the problem of crime at the earliest possible date and therefore anticipate immediate positive action. Not to act now would be a grave disservice to the tens of millions of law-abiding Americans. Finally I want to join in commending the gentleman from Florida for taking the lead on this vital subject.

Mr. BRASCO. Mr. Speaker, on Law Day, May 1, 1969, the 91st Congress created the Select Committee on Crime. During the remaining 20 months of that Congress, this committee, ably chaired by our colleague from Florida, CLAUDE PEPPER, has distinguished itself through its investigations, particularly in the area of drug abuse.

Through a series of hearings in virtually every section of the United States, the Select Committee on Crime has confirmed our most dreaded expectations. Drug addiction is a national problem, not simply confined to one section or one

economic class. Heroin addiction is no longer isolated in the ghettos of New York City; cocaine is no longer found only in Miami's Cuban district; the use of "speed" is no longer a west coast phenomenon alone. Today, drug addiction is just as visible in Lincoln, Nebr., as it is in the District of Columbia.

Today we are considering whether to continue the activities of the Select Committee on Crime for the 92d Congress. I strongly urge my colleagues to vote yes. The justifications for this favorable action are numerous.

Literally billions of amphetamines have been manufactured annually by legitimate drug manufacturers in this country. Amphetamines have become one of the most abused of all dangerous drugs. When taken improperly they have been found to cause rather strong reactions in the user. The committee discovered that half the illegal amphetamines sold on the streets were manufactured by legitimate drug firms. Until this was pointed out by the Select Committee on Crime during its San Francisco hearings, few were aware of the gravity of the problem.

The use of heroin is not new to this country. But heroin addiction has grown in epidemic proportion during the past 5 years. Many legitimate businesses have unwittingly been contributing to the heroin trade. Millions of glassine envelopes and gelatin capsules have been used to package this slavemaker. Until the Select Committee on Crime questioned the manufacturers of these products during hearings in New York City and the District of Columbia, how many of them were aware of the application of their products to the drug trade?

One dose of heroin as it appears on the street market contains at most 10 percent heroin. The rest of the compound is made up of quinine, mannite, and milk sugars. The only possible use of the combination of these cutting agents is in the heroin trade. Yet presently there are very places where arrests can be made upon finding these ingredients if heroin itself is not present. As a former prosecutor in New York City for 10½ years, I am aware of the frustrations of law enforcement when during a raid all the implements of the heroin trade were found, but not the narcotic itself. The Select Committee on Crime's proposed paraphernalia statute for the District of Columbia would serve to remedy this gap in our legal structure.

It is obvious that this Congress has benefited greatly from the inquiries started by the Select Committee on Crime. A vote for the reconstitution of this committee is a vote to continue our efforts to reduce crime in our Nation. I urge you to continue the life of this valuable committee.

Mr. HAGAN. Mr. Speaker, it is with great pleasure that I rise in support of the reconstitution of the Select Committee on Crime. If Congress is to meet its responsibilities in the fight against crime and drug abuse it must be armed with the facts. We appear to know all too well the effects of crime and drug abuse. It is the causes that need further

clarification. In its 20 months of existence the Crime Committee has begun to expose many of these alarming causes and has proposed specific remedies. It is essential that the committee continue its valuable work.

How many of us were aware of the dangers of the seemingly innocuous diet and pep pills before the Crime Committee alerted us to the effects of amphetamines? How many of us realized that the dangerous drug we knew of as "speed" was also being misused by unsuspecting housewives on diets and people in need of some pep? Through its hearings and extensive investigations, the committee revealed the vast overproduction of amphetamines. For these timely warnings the Nation and Congress will remain indebted to the Crime Committee.

The Special Subcommittee on Alleged Drug Abuse in the Military, of which I am privileged to serve as chairman, is particularly grateful to the Crime Committee for its thorough investigations into the overproduction of amphetamines. When in the course of the Crime Committee's investigations, it appeared that the military medical services were purchasing large amounts of amphetamines, Chairman PEPPER testified before our committee and provided us with all the information his committee had collected to date. On the basis of this, the special subcommittee held its own hearings to examine the military amphetamine purchasing policies and the need for these drugs.

It appears that the demand for these drugs is indeed decreasing. In fact, the Defense Medical Materiel Board has ordered that all amphetamine drugs be removed from survival kits. You may be sure that all amphetamine purchases and prescriptions for military personnel and dependents are being closely monitored. Cooperation of the type exercised by the Crime Committee has been most valuable to those of us charged with the specific responsibility of investigating alleged drug abuse in the military.

Amphetamine abuse, however, has been but one of the many aspects of crime examined by the Crime Committee. The committee has examined the extent and cost to society of heroin addiction. It has examined the plight of the addict trapped in a web of crime that begins in the poppy fields of Turkey and ends with the junky on the street. The findings and recommendations of the committee are contained in a report entitled "Heroin and Heroin Paraphernalia."

Armed with the facts and recommendations of this report and the reports on "Amphetamines" and "Juvenile Justice and Corrections" this Congress can hope to provide enlightened legislation to combat the problems of crime and drug abuse. However, we need more such reports, more investigations, and more research. The Crime Committee has the expertise to help and inform us all. We must permit and encourage it to perform the same valuable service in this Congress that it performed in the last. I strongly endorse its reconstitution.

Mr. PEPPER. Mr. Speaker, I welcome this opportunity to speak on behalf of House Resolution 115, which Mr. WIGGINS and I introduced, to reconstitute the Select Committee on Crime, which I had the pleasure and honor of chairing during the 91st Congress.

In recent years, the House of Representatives has exercised a wise discretion in the creation of select committees. We have been careful in establishing select committees, so as not to duplicate the work of the excellent standing committees of the House.

But I am here today to ask that you look favorably upon the reconstitution of the Select Committee on Crime because I believe that the nature of crime in America demands action that often cuts across ordinary committee lines, just as it cuts across local, State, and even Federal borders.

I would suggest that this interdisciplinary study is the function that the Select Committee on Crime has and can continue to perform to great benefit to the Nation. Crime is not a phenomenon of a single cause; rather, it has many and varied causes which all contribute to the starting rise in crime this Congress is pledged to halt. Laws on drugs, for example, are often referred to this body's Committee on Interstate and Foreign Commerce. Legislation on courts is referred to the Committee on the Judiciary. Without in any way casting the slightest aspersions on the excellent work of these and other standing committees, I submit that there is a compelling need for this body to have an investigating committee that can span the full range of the fight against crime, free to look into all aspects of crime and their interrelationship, while at the same time scrupulously honoring the rights and prerogatives of the standing committees.

In addition to the ability of a select committee to take an interdisciplinary look at crime, I think this body needs a committee with the investigative capacity to seek out specific kinds of abuses. Over 20,000 bills were introduced during the 91st Congress. Each of these bills was referred to a standing committee, where it received careful consideration. Consequently, I believe it is clear that we need an investigative committee whose staff is free of the weighty and important burden of considering the legislative proposals of the Members of this body.

Now that I have outlined what I consider to be the need for a Select Committee on Crime, permit me to say a few words about what, during its life in the 91st Congress, the Crime Committee did to fulfill this need.

I said at the start that I wanted the Select Committee on Crime to be the "action committee" in the fight against crime. Although 20 months—the life of the Select Committee on Crime in the last Congress—is a mere moment given the magnitude of the problem, I think I say with justification that we have done much to fulfill our goal.

The Select Committee on Crime has held 13 public hearings in as many cities

spanning the width of this Nation. We have been in the South, in the Northeast, in the Midwest, and in the West. We have, whenever possible, gone to the people to seek out information that could be of use to us.

Our first hearing, published under the title of "The Improvement and Reform of Law Enforcement and Criminal Justice in the United States," was held here in Washington over a period of 12 days. These hearings touched on all aspects of the crime problem and served as an overview, to help the members of the committee focus on specific problems in need of further study.

The committee traveled to Boston, Mass., in September 1969, to conduct its first field hearing. This hearing, "Drug Abuse and Criminal Justice," focused on the phenomenal increase in the use of narcotics and dangerous drugs and the critical necessity for better programs in the enforcement of narcotic laws, rehabilitation of drug addicts, and drug abuse education.

Another major theme of these hearings was the critical need for the improvement of our correctional institutions at the State and local levels and the role the Federal Government could play in this regard. The committee visited the Bridgewater Correctional Complex, the largest in Massachusetts, and talked at length with prison officials and inmates.

These two themes—drug abuse and correctional reform—were to become major components of the committee's program and led to the introduction of legislation which I will mention shortly.

In October 1969, the committee again traveled to the people to get a mid-America view of crime. The hearings in Omaha and Lincoln, Nebr., clearly demonstrated that the major problems of crime—narcotic and dangerous drug abuse, the rise in violent crimes, increasing involvement of juveniles in criminal activities—are the same in medium-sized cities of the Midwest as they are in the major urban concentrations of the country. The committee especially focused on the development of suggestions for areas in which the Federal Government could more effectively assist local government in meeting the crime problem. Specifically, the committee elicited much helpful testimony on the subjects of drug abuse and addict rehabilitation, juvenile justice and corrections, improvement and upgrading of police, and the eradication of the native marihuana supply in the United States.

Following up on information gathered at the Omaha/Lincoln hearing, the committee held a hearing in Washington later specifically addressed to the problem of the widespread use of marihuana. Testimony was received from acknowledged leaders in the field; officials of the Department of Health, Education, and Welfare; the National Institute of Mental Health; and doctors active in the field.

Later in October, the committee held 4 days of hearings in San Francisco, Calif., to determine what course of action should be taken by the Federal

Government to restrict the movement of dangerous drugs between legitimate manufacturers and illegitimate drug distributors. Testimony was received from Government officials, drug company representatives, and a number of witnesses subpoenaed to testify on illegal drug laboratories and the operation of illegal drug distributors.

Following up on its work in San Francisco, the committee convened a hearing in Washington in November in order to take additional testimony concerning the legitimate and illegitimate uses of amphetamines and methamphetamine. This testimony was considered important to the committee in its efforts to explore all aspects of this problem prior to recommending remedial legislation. This hearing and the San Francisco hearing became the foundation of the committee's drive to greatly curtail the legitimate but abused production of amphetamines.

Later in November, the committee convened 2 days of hearings in Columbia, S.C. The committee took two field trips during this hearing; first, to meet with the inmates of the Richland County Jail, and second, to visit the Columbia Pre-Release Center, an innovative program to equip inmates for the society they are reentering.

Of particular interest at the hearing was testimony concerning the new and successful programs of the South Carolina correctional system. These programs included extensive vocational training, prerelease centers, and programs to mobilize community support for underfinanced juvenile justice systems.

In December, the committee went to Miami, Fla., to take testimony on aspects of drug abuse, organized crime, court delay, and juvenile justice. We received testimony that indicated that cocaine, a narcotic previously used only by the wealthy, is now in strong competition with narcotics like heroin and is widely used now among the middle class. Testimony was also taken on the problems of cocaine smuggling, treatment and rehabilitation of the drug addict, and the need for better drug abuse education in the schools.

The committee also devoted time to the problems of violent street crime, youth crime and juvenile justice. A panel of local businessmen discussed street crime from the victim's point of view.

The committee's first hearing of 1970 took place in February here in Washington, but not on Capitol Hill. We were concerned with street crime and its effect on citizens, and we believed we would get a more accurate picture if we went out into the community. We held 2 days of hearings in elementary schools in the District and spent 2 days in the suburbs; one in Prince Georges County, the second in Fairfax, Va.

We heard a panel of small businessmen explain how crime has influenced their businesses, even to the point of forcing them out of business. We took testimony on the rising rate of crimes within the District schools.

Our hearings in the suburbs gave us an opportunity to learn a great deal about the so-called spillover of crime

from the District, as well as the indigent crime problems of these communities.

As a result of information gathered at the Washington hearing, members of the committee introduced a bill to provide crime insurance for businessmen in high crime areas.

"Youth in Trouble" was the topic of our Baltimore, Md., hearings, held in March 1970. The committee took wide-ranging testimony on the problems of youth crime, drug abuse, and corrections. We also listened to a panel of young people describe their views on the causes of crime and what can be done to keep young people out of criminal activities.

Our next hearing, held in New York City in June, was a major effort to collect information concerning the importation, distribution, and packaging of heroin. With at least 200,000 heroin addicts in the United States today, we are convinced that heroin addiction is one of the major causes of crime, particularly the types of crime that citizens fear most—burglary, robbery, mugging.

The committee received testimony for 5 days from acknowledged experts who told of the difficulty of halting heroin smuggling and the frustration of court delay in prosecuting those indicted. The committee also conducted an intensive investigation into the materials used to dilute and package heroin for street sale. This is an area that was virtually ignored by law enforcement officials. Our investigation and subsequent cutting off of much of these supplies caused a great shock wave in the heroin community in New York. I am pleased to report that with the cooperation of major envelope manufacturers, we have virtually eliminated the production of the small glassine envelopes usually used to package heroin.

One afternoon during the New York hearings, the committee took an unpublicized visit to a church in the south Bronx, where we met with members of a community devastated by the basement horrors of heroin addiction. The area—stripped of everything of value by dope addicts—looked like the bombed-out cities of Europe after World War II.

In July, the committee convened in Philadelphia, Pa., to explore the subject of youth crime and street gang violence. Our investigation revealed that there were 93 organized gangs operating in Philadelphia, with approximately 5,300 members ranging in age from 12 to 23. In 1969, 41 persons lost their lives in gang incidents, and as of June 30, 1970, 17 persons had been slain in gang-related rampages.

A long tied-up grant from LEAA was given to Philadelphia to fight gang warfare shortly after the committee hearings there, and the committee's work was cited at the time of the announcement.

The committee's final hearing of the 91st Congress was held here in Washington in October. The purpose of this hearing was to inquire into the possible need for new legislation to control the manufacture, distribution, and sale of the items used to dilute and package heroin, usually referred to as heroin paraphernalia.

Heroin paraphernalia is essential to the pusher to cut his heroin to street sale dosage units, and the committee discovered that many pushers were getting their supplies of capsules, envelopes, quinine, and mannite from so-called legitimate businessmen.

As a result of this hearing, the Parke, Davis & Co. announced that it was discontinuing production of the gelatin capsules most often used to package heroin. Eli Lilly & Co., the major capsule producer, announced that it would institute stricter controls over its shipments of the capsules.

Furthermore, as a result of our hearings, the Commonwealth of Pennsylvania instituted proceedings against a Pennsylvania pharmacist who testified at our hearing that he supplied paraphernalia to Baltimore heroin pushers.

White envelopes and capsules may seem like minor items given the magnitude of the heroin problem, we have received word from narcotics agents that the disruption caused by this committee's curtailment of these supplies has led to the identification of a number of heroin distributors whose identity was previously unknown to law enforcement agencies.

Much of the work of the Crime Committee's first 20 months is embodied in our four reports to the Congress. Rather than issue a comprehensive report alleging to report definitively on all aspects of crime, we chose instead to report only on those subjects which we had studied in such depth so as to offer substantive recommendations.

These reports, "Marihuana," "Heroin and Heroin Paraphernalia," "Juvenile Justice and Corrections," and "Amphetamines," have received widespread circulation among Members of the House and the general public. Well over 20,000 copies of the marihuana report were distributed by Members to their constituents.

The recommendations in the latter three reports constitute, we believe, a basis for important legislation. The heroin report, for example, outlines a wide-ranging program to attack heroin abuse both here and at the overseas source of the heroin.

The Juvenile Justice Report calls for passage of the Juvenile Research and Training Center Act, which this committee drafted with the cooperation of a distinguished panel of juvenile justice experts, headed by Judge Orman Ketcham of the District of Columbia Juvenile Court.

The report on amphetamines outlines the horrible extent of the abuse of these legally manufactured drugs. We call for an amendment to the present drug laws to tighten control over the production of these deadly drugs.

While the Select Committee on Crime is not a legislative committee, of course, one of the advantages we have over Presidential Commissions, for example, is that the members of our committee are also Members of the House and can introduce legislation to carry out the recommendations in a report. I think this one of our strong points.

When our investigations have uncov-

ered information that was clearly within the province of a standing committee, we have not hesitated to contact that committee and share our information with them. When we uncovered certain alleged violations of FHA regulations during the course of our investigation in Philadelphia, for example, we gladly shared this information with the Committee on Banking and Currency, which pursued the investigation.

During our investigation of amphetamine abuse, we discovered that the Federal Government, and the military in particular, was a large buyer of these dangerous drugs. After compiling statistics that indicated that the matter ought to be more closely scrutinized, I appeared before the Special Subcommittee To Investigate Alleged Drug Abuse in the Military to share our information with them.

The 53 recommendations set forth in the committee's final reports form the basis of several bills which members of the committee plan to submit to the 92d Congress. These bills can provide the basis of a broad range of remedial legislation in the fields of narcotics traffic, dangerous drug distribution, juvenile justice, and corrections.

In our studies of the multiple aspects of the dangerous drug problem, our committee has preliminarily concluded that we presently have sufficient synthetic substitutes for opium derivative drugs. Unfortunately, neither our governmental agencies nor our scientific community has discovered a nonaddictive substitute for opium.

If reconstituted, we would continue our study into this area and make recommendations relating to the possibility of the development of such drugs which could be used in lieu of the imported crude opium from countries like Turkey and Iran. We would also complete an investigation into the nature and extent of research presently undertaken by the Federal Government in the area of drug addiction. We have also investigated the question of the use of methadone maintenance and the decrease in crime of those addicts under such treatment. We would like to complete this investigation.

Our investigation in the drug area has inevitably led us into the complex problem of organized crime and its control of the illicit importation of heroin.

As a result of this investigation, we have touched upon the problems of organized crime's incursion into the legitimate business community. We would like to pursue this line of inquiry and to make recommendations to the House at the conclusion of our study.

Our investigation of the heroin crisis in America has revealed the relationship between drug related crimes and court delay. Court delay and the proliferation of criminal litigation are aspects of our crime problem which need immediate and thorough scrutiny. The heroin investigation has further revealed the deteriorating state of Federal and local correctional institutions and their tendency to harden criminals rather than rehabilitate them.

As I said at the opening of my statement, the Crime Committee, if reconstituted, can serve the House in these and related areas and can provide a pool of information which has been and can continue to be of inestimable value to the legislative committees and to the Members. I sincerely hope that we are given the opportunity to continue the enormous task which we assumed during the 91st Congress.

I want especially to thank all Members of the House who have cosponsored the resolutions setting up the Select Committee on Crime and who have supported our committee in its inception and in its labors.

We shall seek to vindicate the confidence of the House in whatever we may do in the discharge of our duties.

Mr. Speaker, one of the alert and most conscientious of the members of our committee in the 91st Congress until his retirement from the committee upon his being named U.S. district judge in Nebraska was Hon. Robert V. Denny—now confirmed by the Senate as district judge.

I include a telegram to me from Mr. Denny supporting the reconstitution of the committee:

FAIRBURY, NEBR.,
March 5, 1971.

HON. CLAUDE PEPPER,
Cannon House Office Building,
Washington, D.C.

DEAR CHAIRMAN CLAUDE: I am out of Congress waiting confirmation as a Federal District Judge, but it has come to my attention that the resolution for funding the works of the House Select Committee on Crime will be up next week, and this is to advise you I wish I could be there to testify, and if I was I would urge the committee to authorize the requested appropriation, as I think the one landmark thing the House Select Committee on Crime has done to excite the general public about the danger about the use of drugs in this country, and each political sub-division is now doing something about it. Best regards to you and the committee.

Mr. Speaker, in conclusion I would like to give a summary of the 53 recommendations which the House Select Committee on Crime made to the 91st Congress:

RECOMMENDATIONS SUMMARY

A. HEROIN AND HEROIN PARAPHERNALIA

The Heroin and Heroin Paraphernalia Report consists of seven sections, the final section contains the Committee's 21 Recommendations. The first six sections are in narrative form and detail the history and development of the addiction crisis in the United States. Sections 3 and 4, Smuggling and Distribution, survey the multiple problems which law enforcement faces in combating heroin trafficking, both inside and outside of the United States.

Section 5 is devoted exclusively to heroin paraphernalia, and this section draws heavily from our New York and Washington heroin hearings. The story of the 1½" x 1½" glassine envelope and the No. 5 empty gelatin capsule is portrayed in rather descriptive terms and emphasis is placed upon the testimony of several of our impressive and/or controversial witnesses.

Section 6, entitled Narcotics Research, reviews several of the findings which have been submitted to our Committee and staff concerning the development of methadone

maintenance programs in New York City, Washington, Boston and Miami, and also the narcotics research programs undertaken by NIMH, the university communities and certain independent studies by private industry.

Significant emphasis is placed upon the federal role in narcotics addiction research. The Report notes that in the two-year period, 1969 to 1971, while law enforcement expenditures are expected to soar by 130%, spending for narcotics research will rise only 35%.

A sub-section within the Research section is devoted to the development of synthetic analgesics or manufactured opium substitutes. The section on synthetic substitutes reviews the testimony of witnesses at our New York hearings and also the information and documents supplied to the staff by scientists, clinicians and physicians who have worked toward the development of synthetic substitutes. This section should be used to buttress Recommendation 2, wherein the Committee calls upon the Congress to outlaw the importation of crude opium into the United States. The Report states that although the search for synthetic analgesics has been successful in that pain killing drugs, as effective as opium base drugs, have been compounded and marketed, it calls for continued research toward the development of high potency synthetic substitutes which do not produce dependency and addiction. This section may also be used to support Recommendation 1, wherein the Committee advocates the total eradication of cultivated opium.

The final sub-section of the section on Research details the need for continued addiction research and sets the stage for our future hearing wherein we will explore, among other things, methadone maintenance programs, non-addictive synthetic substitutes, and narcotic antagonists or blockage drugs such as naloxone and cyslazocine.

Recommendations

Recommendations 1 through 10 are primarily concerned with the international aspects of the heroin problem. The thrust of the Recommendations are geared to a multi-lateral rather than a bilateral approach to solving our problems of the illicit importation of opiates. The first recommendation calls for the total eradication of opium cultivation throughout the world. (There are 12 opium-producing countries in the world today.) Additionally, our Committee calls for the outlawing of all legal importation of crude opium and morphine. It should be noted that the terms "opium" and "morphine" are often used interchangeably. However, morphine is a refined or processed opium which is derived from crude opium. We import annually approximately 125,000 kilos of crude opium. We also import significantly smaller amounts of morphine. Recommendations 1 and 2 are supported by our conclusion (which is in turn supported by weighty scientific opinion) that we now have synthetic substitutes which will not only kill pain, but provide a euphoria-type effect for physicians treating patients with terminal diseases, like cancer.

Our Committee calls upon responsible medical and scientific leaders to join us in our fight for the acceptance of synthetic pain killers in lieu of opium derivative drugs.

In Recommendation 3, we offer a proposed short-term solution to the opium cultivation problem in that we encourage opium crop substitution and diversification programs in underdeveloped countries. We do not concede that our first Recommendation is impossible of obtainment, but rather we argue that while we are working toward total eradication, interim measures are undoubtedly necessary.

In Recommendation 4, we propose amendments to the 1961 Single Convention which would enable our international organizations to use enforcement machinery in order to implement the licensing provisions of the Single Convention and also aid international organizations in working toward the goal of total eradication of opium cultivation. We also propose that a comprehensive multilateral plan to attack worldwide drug addiction be submitted by the United States to the United Nations. We encourage the use of embargo provisions through a multilateral rather than a bilateral method. Additionally, we recognize that there is a need to impress upon the world community the fact that addiction is an international as well as a national problem.

In commenting upon opium crop substitution, we also recognize that certain responsible people have proposed preemptive purchasing as a method of stopping illicit seepage from Turkey, and other opium producing countries. The Report concludes that as a result of conferences with leading and knowledgeable officials, it is the considered judgment of the Committee that preemptive purchasing would stimulate rather than stifle the production of the opium poppy.

In Recommendations 5, 6, 7, 8 and 9, we concentrated upon the existing international organizations which are charged with the responsibility of controlling the licit and illicit flow of opium. We recommend that the Commission on Narcotics Drugs, the International Narcotics Control Board, and the Division of Narcotics Drugs be expanded and strengthened in personnel and in responsibilities. We also recommend that active international organizations like the World Health Organization, the Food and Agricultural Organization, the International Labor Organization and NATO be employed to effect our short and long range objectives of controlling illicit narcotics flow and eventually eradicating total opium cultivation.

In Recommendation 10 we suggest that serious consideration should be given to the research and development of certain technical approaches, including a satellite surveillance system, an international computer bank, remote sensor devices and the development of chemical trace elements which could be applied to soil in order to make the products grown from that soil susceptible to detection by sensor devices.

Recommendations 11, 12 and 13 suggest new approaches for the issuance of visas to foreign travelers, for reinstating the practice of keeping lists of passengers by flight or ship, and for increased border searches and the elimination of pre-flight clearances, in certain limited cases.

Recommendation 14 ties in closely with Recommendation 2 since our Committee's conclusion set forth in Recommendation 2 is that we now have effective synthetic substitutes for opium, but that we must work toward developing non-addictive synthetic analgesics. Additionally, the Recommendation calls for increased research in order to develop effective narcotic antagonists and blockage drugs.

In Recommendation 15 we call for an improvement in our efforts and legal machinery in order to adequately cope with the problem of court congestion (much of which is directly associated with heroin and heroin related cases.)

Our Committee requests a re-evaluation of the present exclusionary policy, wherein probative and relevant evidence is excluded because of mistake, inadvertence, or unlawful activity on the part of a police officer.

We emphasize the fact that inequities are sometimes effected because of the exclusion of otherwise probative and relevant evidence. Our Committee calls for an exploration of possible avenues of relief, short of total evidentiary exclusion, for unlawful searches and seizures.

In Recommendation 16 the Committee calls for the establishment of expanded treatment facilities in federal and state prisons and detention centers.

Recommendation 17 is in three parts. The first part of the Recommendation calls for an increase in penalties for ball jumping in narcotics cases so that the court could sentence a defendant convicted of ball jumping up to the maximum allowable prison term or fine which that defendant could have received had he been convicted on the underlying narcotics or narcotics conspiracy charges. This Recommendation is supported by substantial testimony taken at our New York hearings, as well as a thorough study of ball jumping in narcotics cases in the federal districts in the country; namely, the Southern District of New York.

The second part of Recommendation 17 concerns a request that the Congress should give serious consideration to amending the Ball Reform Act in order to allow a court to exercise its discretion, in certain limited narcotics cases (prior to trial or after conviction, pending appeal) where the court finds that the narcotics trafficker poses a danger to the community at large or to any specific person in the community. It should be noted that this Recommendation asks the Congress to give serious consideration to a simplified preventive-detention statute in certain classes of narcotics trafficking cases. It also recommends that speedy trials should always be available to defendants in narcotics cases and that such speedy trials are of benefit not only to the defendant, but to the prosecution as well.

The final part of Recommendation 17 concerns the question of trial *in absentia*. The Recommendation requests that the Congress give serious consideration to legislation which would empower a court to proceed with a trial *in absentia* of a defendant in a narcotics trafficking or conspiracy case, where the defendant, after being advised by the court of his responsibility to reappear for trial, upon responsible notice, voluntarily flees the jurisdiction. The Committee suggestion is buttressed by two recent cases wherein the Second Circuit and the Supreme Court used a theory of waiver to justify the exclusion of the defendant from the courtroom and the continuation of his trial in his absence.

In Recommendation 18, the Committee suggests that the provisions of the Narcotic Addict Rehabilitation Act of 1966 be fully implemented. The Committee also recommends that states follow the example of New York and California which are the only two states to sponsor and support major comprehensive programs for civil commitment and addict rehabilitation.

In Recommendation 19, the Committee requests that the Congress determine the effectiveness of drug education programs before they further fund any additional educational programs.

Recommendation 20 embodies the Committee's findings as a result of its hearings in New York and Washington concerning the sale, distribution and transfer of narcotics paraphernalia. The Committee recommends that our proposed District Paraphernalia statute be used as a model statute by states and encourages the adoption of similar regulatory schemes. Also, the Recommendation concludes that since private industry has failed to exercise self-restraint in the manufacture and distribution of narcotics paraphernalia, Congress should give serious consideration to several proposed federal regulatory schemes including registration, licensing and prescription scheduling.

The Committee's final Recommendation (21) concerns the prospects of expanding the methadone maintenance programs, wherein such programs would be made available for all those heroin addicts who can

profit from such treatment. The Recommendation does not preclude other types of treatment and emphasizes the fact that there is no substitution for total narcotic abstinence, where such abstinence is possible. The Recommendation endorses programs such as Synanon, Daytop Village, Encounter and Phoenix House where the treatment modality is abstinence rather than the distribution of narcotics like methadone.

This is the first time that the Congress, or any federal agencies, has embraced and encouraged methadone maintenance as an acceptable treatment approach.

B. JUVENILE JUSTICE AND CORRECTIONS

As a result of several hearings in the area of juvenile crime and delinquency, the Committee has found, based upon abundant evidence, that juvenile crime has been increasing at a far greater rate than our country's juvenile population. Juveniles between the ages of 15 to 17 years old make up the single largest age group of arrests in the United States.

Several experts on juvenile delinquency who testified at our hearings repeatedly stated that there is a substantial relationship between juvenile crime and the environment or living conditions of young people. Slum and ghetto dwellings without basic accoutrements of light, heat or hot water often drive young people into the streets. Once young people are in the streets, there is an immediate potential for deviant activity. The Committee recommends an increase in federal funds for the construction of low income housing.

The Committee also recognizes that the lack of medical facilities in many disadvantaged or low income areas is an increasing source of bitterness and frustration. The Committee urges that medical schools make available health facilities to people with limited financial resources. Those medical schools receiving federal funds should be required to devote a portion of their resources to community medical and mental health needs. The educational systems in this country share deeply in the blame for many of the problems we have encountered with our young people. Educational methods have been rigidly stultified and cannot cope with problem children, slow learners and the culturally deprived child. New methods must be formulated so that educators can adapt to the type of students confronting them. This Nation cannot justify, nor can it afford to have high school graduates who are functionally illiterates.

Many students would be more willing to attend school, and could indeed profit more from the availability of vocational education than from traditional academic curricula. These youth have no desire for higher education. They want to learn a trade. Many dropouts have indicated that had vocational education been available, they would have readily finished school. Adjudged delinquents have also indicated that lack of vocational training cooled their enthusiasm for school. There is legislation in effect providing funding for vocational programs in schools. This should be expanded and implemented as soon as possible.

The Committee found that statistically there is a great relationship between dropping out of school and juvenile crime. Dropping out is a severe problem that could be corrected by a revamping of educational methodology and increasing vocational courses. However, there will always be dropouts. Programs must be made available for retraining and reeducating dropouts so that they may play a useful role in society.

Several jurisdictions have experimented with "on the street" techniques in attempting to prevent juvenile crime. One of the most successful programs in the country is Courtesy Patrol of Washington, D.C. This group utilizes the young people in the neigh-

borhood in a variety of capacities. The members, all wearing bright orange team jackets, patrol the neighborhood after dark. They will escort women alone on the street, watch for fires and disturbances, and report anything of an unusual or criminal nature they observe on the street. Not only does the program give the youth involved a feeling of pride and accomplishment, but crime can be significantly affected and reduced by such programs.

The police officer, of course, is an integral part of the juvenile justice system. The youthful offenders' first contact with the law will come through our policemen. The Committee urges all police departments to make sure that the greatest possible amount of training is given to police officers in the area of handling juveniles. Youthful offenders, it must be clear, are not to be treated in the same manner as adult arrestees. In addition, each department should have a juvenile division in it with officers extensively trained in juvenile justice procedures.

There will be instances where young people will have to be arrested. It may still be possible for the young person to avoid the ignominy of incarceration, at least at the early stages of the adjudicatory process, if the situation is handled correctly.

Several jurisdictions have made use of "intake consultants." These people review each case before it gets to trial. They may feel it more beneficial to refer a young person to a social service agency, school counselor, or family counselling agency. In some circumstances, the intake consultant may order the youth to provide restitution for any damage done. Sometimes a talk with the youth and his family is enough. In any event the use of the intake consultant technique may enable the young person to avoid the always traumatic, often futile, adjudicatory process.

When it is necessary to incarcerate a young person, either before or after trial, there are certain guidelines that should be followed. Juveniles should never be mixed with adults. At best, the two groups should be in separate institutions. At the very least, they should be kept in completely separate sections of the same facility. The adult felon has much to teach and too often the young offender becomes an avid student.

The *Kent*, *Gault* and *Winship* cases have brought significant changes in the administration of justice in the juvenile courts. As a result of these cases, it is now definitively stated that young people being tried in juvenile delinquency cases are entitled to notice of charges against them, the right to confront and cross examine their accusers, the privilege against self incrimination, the right to a transcript of proceedings, and the right to appeal. In addition, in cases against juveniles wherein they conceivably could be deprived of their liberty, the burden of proof is now to be determined to be "guilt beyond a reasonable doubt."

Local courts are slowly reacting and adjusting their procedures. The Committee urges all jurisdictions to conform to the Supreme Court mandate as quickly as possible.

The Committee also suggests that there should be a reconsideration of the sentencing system in the juvenile courts.

The juvenile court is often scorned as an inferior court. However, the job of the juvenile court judge is probably the most important on the bench. The status of juvenile court must be upgraded at very least to the level of the highest trial court in the jurisdiction. The best possible people should be employed to become judges on these courts.

However, there are other personnel whose work is of great impact in the juvenile justice system. Many attorneys, both prosecution and defense, appear frequently in juvenile court but have little conception of the philosophy underlying it. Advanced

training courses should be made available to legal personnel making frequent appearances before the juvenile courts.

Probation officers, too, are exceedingly significant in the rehabilitation of youthful offenders. Yet too often these men are ill trained (or not trained at all) and immensely overworked. Continuing training should be available for all probation workers and they must be urged to take advantage of it. Caseloads must be reduced until they are near the 35 cases per worker recommended by the President's Crime Commission. Adequate salaries must be paid to keep the most qualified, highly trained workers in the field.

The youth corrections system in the United States is, on the whole, a travesty. We have hundred year old correctional institutions, flogging and corporal punishment, and lack of proper rehabilitation facilities.

This Committee visited several juvenile institutions, and part of our Report concerns the Committee's findings relative to these facilities.

There must be an immediate massive effort to renovate, both physically and procedurally, our juvenile incarceration facilities. Money and effort must be expended to bring these institutions into the twentieth century.

The Committee was most impressed, however, with one facility located in Red Wing, Minnesota. The advanced technique used with the young people there, known as "guided group interaction" has proven eminently successful.

Unfortunately, the Federal response in the juvenile justice area has been dismal. Over fifteen agencies of the Executive Branch have some responsibility in the juvenile justice area, and none are doing an adequate job.

We once again must reiterate our support of this Committee's bill, in the Juvenile Research and Training Center Act of 1970. The Act, in essence, would create a new agency whose sole interest is in the field of juvenile delinquency. It would coordinate the Federal response in the area while having central authority over all research in the area, the training of professionals in the juvenile justice system and the funding of all programs dealing with the juvenile justice system in the United States. The bill will be reintroduced at the beginning of the 92nd Congress.

C. AMPHETAMINES

No problem confronting our Nation today is more serious or critical than the matter of narcotics and dangerous drug abuse. Of all the dangerous drugs available for abuse, amphetamine-type drugs, whose street name is "speed", cause the most bizarre and sometimes violent behaviour.

Our laws are not adequate to cope with the "speed" problem. The Committee believes that there are five major areas that account for the prevalence and growth of "speed".

First, the annual overproduction of 8 billion "speed" pills by legitimate manufacturers provides enough for 40 doses for every man, woman and child in the United States, while the estimated legitimate medical need runs in the thousands. Over 50% of these drugs are diverted into illicit channels.

Second, controls over the export of dangerous drugs are inadequate. It is estimated that over 60% of the amphetamines and methamphetamines exported to Mexico are smuggled back into the United States black market.

Third, there is little federal or state control over the purchase of the immediate precursors or chemical ingredients needed to manufacture amphetamine-type drugs. It is all too easy for clandestine laboratories to purchase the necessary raw materials to make "speed."

Fourth, amphetamine-type drugs find their

way into the illicit drug market through overprescription; especially by diet doctors.

Fifth, "speed" drugs can be purchased through mail order houses by almost anyone with a little ingenuity.

During 1969 and 1970, the Select Committee on Crime held hearings documenting the abuse of central nervous system stimulant amphetamine-type drugs. Two hearings in particular focused solely on "speed"—San Francisco, California, October, 1969, and Washington, D.C., November, 1969—producing the largest body of evidence in the United States on the nature and extent of amphetamine abuse.

The Committee's investigations have revealed that the most dire predictions concerning the abuse of amphetamines appear to be coming true. The problem has reached down into the elementary schools destroying the futures of helpless children. In the patterns of multi-drug abuse that are developing "speed" is an important feature, as abusers switch from psychedelics to amphetamines to barbiturates to heroin and back again. As long as amphetamine-type drugs remain readily available, comparatively inexpensive, painless to ingest orally and easily injectable, they will continue to present a temptation and danger to the abuser and a menace to society.

The non-controversial legitimate medical uses for amphetamines are very limited. In fact, it has been said that for every treatment requiring amphetamine drugs there is an adequate, less toxic drug that could be substituted. Some medical authorities have gone as far as to say that the danger and abuse potential of amphetamine drugs so outweigh their therapeutic value that their continued production is no longer justified.

Amphetamines may legitimately be prescribed for the treatment of narcolepsy (an uncontrollable impulse to fall asleep hundreds of times daily), the treatment of hyperkinetic children (inexplicable hyperactivity), and the first few weeks of diet control. The latter use is open to a great deal of medical debate. For these few uses the need has been estimated in the few hundred thousand.

The abuse of amphetamines could be broken into three categories. There are those people who take large doses of pills to remain alert or supercharged for a specific amount of time, such as cramming for an examination or sports events. There are those who have been prescribed amphetamines for such things as weight control, but who continue to take the pills in increased amounts long after the diet effort is over in order to enjoy the pep-up effect. However, the most extreme form of abuse is that which involves the injection of massive doses of amphetamines to achieve a euphoric rush.

The last form of abuse, shooting "speed", is the most alarming. The "speed freak" becomes both physically and psychologically addicted. Physical addiction means that an abuser develops a tolerance to the drug and experiences withdrawal symptoms when the drug is discontinued. A "speed freak" is subject to fits of panic and paranoia; he is likely to suffer from malnutrition; he is susceptible to nervous breakdowns and many infections. There has been some discussion that high dosage amphetamine abuse can result in brain cell damage, and a very recent discovery suggests that the abuse can result in a progressive disorder of the arteries (necrotizing angitis) which is fatal.

The amphetamine psychosis can produce dangerous virulent reactions. "Speed freaks" have been known to commit violent acts while suffering from acute paranoia. This presents a constant danger to both the abuser and society.

Widespread central nervous system stimulant abuse of epidemic proportions is relatively new in the United States. Since two

countries have lived with this problem longer than we, the Committee has reviewed the Swedish and the Japanese experiences in the hope that we might better understand our own problem and to find some solutions.

Japan has struggled with the problem since the end of World War II. During the War, soldiers and production workers had used amphetamine-type drugs in an attempt to increase their efficiency. At the end of the War, the drug companies decided to dispose of their surplus stock through clever advertising campaigns to a frustrated public, susceptible to anything that would boost the morale. The effort was successful and snowballed into an amphetamine abuse epidemic by 1948.

The Japanese Government first attempted to control amphetamine abuse by enacting the Drug Abuse Control Law of 1948, which designated central nervous system stimulants as dangerous drugs. Next, the manufacture of amphetamines was controlled. At first only injectable amphetamines were permitted until it became evident that abusers preferred injections to pills and powder, at which time they too became subject to manufacturing controls.

In 1951, the epidemic was still raging. The Japanese Diet then passed a central nervous system stimulant law which subjected amphetamines to the same type of controls exercised over narcotics. Following this legislation, however, the illicit manufacture of amphetamines burgeoned, black markets developed, and the abuse continued. In response, in 1954, the government increased the criminal penalties for violations of the control law. In 1955, precursors were brought under control and penalties were further increased.

Coincident with the 1955 amendments, a national campaign against central nervous system stimulants was launched to enforce the laws, educate the public to the dangers of amphetamine abuse and to provide treatment for abusers. Hospital facilities were provided for treatment.

By 1958, the number of arrests for violations of the drug laws had decreased from a peak of 55,664 in 1954 to 271. From start to finish the Japanese epidemic lasted about 10 years and was not wiped out until the drug, as well as its precursors, was strictly controlled, violators prosecuted, treatment provided for addicts, and the public educated to the dangers of the drug.

Sweden, however, has not had the same success with its efforts to control its amphetamine abuse epidemic. When it became evident in 1943 that amphetamine-type drugs were being abused, they were designated prescription drugs and the medical profession warned its members of the dangers. In 1944, amphetamine sales were restricted in the same manner as were narcotic sales. Though sales decreased for a few years, by 1959 they soared to a record of 33 million doses. As each new central nervous system stimulant drug was introduced on the market it was abused and the government was forced to subject it to the same controls exercised over narcotics. Unfortunately, Sweden has not been able to control the precursors, or the illegal importation of amphetamine-type preparations and so has been plagued by the products of clandestine laboratories and the black market.

We learn from the Swedish experience that all central nervous system stimulants involve the risk of abuse. Amphetamine abusers are not restricted to amphetamine drugs. They will switch readily to any central nervous system stimulant. We also learn that without some form of international cooperation, it is difficult for a country to outlaw a drug without encouraging smuggling.

In the Committee's estimation, the largest illicit domestic source of amphetamines is the overproduction by the so-called legal

manufacturers. As mentioned earlier, over 8 billion pills are produced each year of which over 50% are diverted into illegal channels. Amphetamines appear to be diverted either through mail order drug houses or through the export of amphetamines and their subsequent imports to the United States black markets.

The Committee's investigations prior to the San Francisco hearings revealed the ease with which a certain BNDD agent, posing as a doctor, had purchased vast amounts of amphetamines from a mail order drug house, with only the feeblest of attempts to verify his credentials.

The investigations also revealed the export of quantities of amphetamine drugs to a so-called pharmacy in Mexico which, in fact, turned out to be the 11th hole of the Tijuana Golf Course.

Clandestine laboratories are also a source of black market speed. The Committee was told of the ease with which the formulas can be learned, the precursors purchased, and a lucrative business launched. Without control of the precursors of amphetamines, the United States will be faced with the same problem that faced Japan when it tightened its controls of the legitimate production of amphetamines without controlling the raw materials.

The Committee looked into the existing legislation that has permitted the overproduction and diversion to occur. It appears that in 1965, when the Drug Abuse Control Amendments were introduced, there already existed an amphetamine abuse and overproduction problem. This was recognized by the Congress at that time, and it was stated that the Amendments were the first step to attempt to control the problem, and that if they did not succeed, more stringent controls would have to be introduced. The Committee does not believe that the 1970 Drug Abuse Bill has provided the necessary controls.

The Committee also considered the international controls that have been proposed in the Draft Psychotropic Drug Protocol, which is to be discussed and ratified by the international community at a conference in Vienna in late January and February of 1971. At the present time, there are no international controls governing the production or trade of psychotropic drugs. The Committee believes that the proposed controls of the Protocol should be adopted and that the United States export controls should be implemented in such a way so as to conform to the intent of the Protocol.

During the course of the Committee's investigations, it was discovered that the United States Military is one of the largest purchasers of amphetamine-type drugs. The Committee questioned the Military's purchasing practices, its controls over these drugs, its prescriptions policies and its large pill per person ratio. All of its findings were turned over to the Armed Services Committee on Alleged Drug Abuse in the Military. The Crime Committee was concerned both about the possibility of diversion from military stockpiles and about the creation of an artificial demand by the maintenance of inordinately large stockpiles.

Recommendations

As a result of its investigations and hearings, the Committee has made seven recommendations:

First, Congress should immediately transfer all "speed" drugs from Schedule III to Schedule II by an amendment to the "Comprehensive Drug Abuse Prevention and Control Act of 1970". The amendment would have the effect of:

1. imposing manufacturing quotas on amphetamines, methamphetamine, methylphenidate and phenmetrazine;
2. requiring approved order forms for the transfer of all "speed" drugs;

3. requiring the maintenance of separate and segregated records;

4. providing for non-refillable prescriptions;

5. imposing stricter import and export controls, and

6. reducing the availability of amphetamine precursors.

Not only would these changes curb the domestic diversion and abuse of amphetamines, but they would also bring the United States controls in line with those proposed by the international community in the Draft Psychotropic Drug Protocol.

Second, the United States should press for immediate adoption of the proposed draft protocol on psychotropic substances, for the abuse problem cannot be solved without international cooperation.

Third, to prevent bribery at the borders, a system of monetary rewards for seizures should be established.

Fourth, if recommendation number one fails to prevent diversion from mail order drug houses, then Congress should seriously consider prohibiting the shipment of dangerous drugs through the mail. Though the Committee does not feel that it has received sufficient testimony to call for such a prohibition without further investigations, it notes with interest that the California State Legislature has recommended just such a ban on mail order sales of dangerous drugs.

Fifth, should recommendation number one fail to prevent diversion of export shipments to Mexico, then Congress should seriously consider requiring all shipments of "speed"-type drugs in bond.

Sixth, the Committee recommends that inquiry be made as to what additional controls need to be imposed on barbiturates to prevent their unconscionable diversion into illegal channels.

Seventh, manufacturers, distributors and dispensers should monitor their sales more carefully. No amount of government regulation can be as effective as the strict self-regulation by the industry. We would hope in the future that the drug industry, individually and collectively, will do a better job in seeing that their dangerous drugs are used legitimately.

D. MARIHUANA

The Committee's Report on Marihuana attempted to collect and synthesize the massive and often contradictory evidence and testimony offered on the dangers and nature of marihuana and its use. On the basis of evidence presented at Committee hearings and staff investigations, the Committee estimated that the number of regular marihuana users in the United States today may well total three million persons, and their annual expenditure for this illegal drug is estimated at \$850 million.

The use of marihuana is especially prevalent among young people, and there are indications that in certain high schools, 50 percent or more of the student body has had some experience with marihuana. There is also growing evidence that marihuana experimentation is making inroads in the Nation's elementary schools.

As the testimony quoted in the Report indicates, there is nowhere near unanimity concerning the dangers and health hazards of marihuana use. Therefore, the Committee called for a definitive study to be undertaken by the Surgeon General, similar to the study on the dangers of cigarette smoking. The Committee suggested that such a study encompass the following areas:

1. The extent of the use of marihuana in the United States, including the number of users, number of arrests, number of convictions, amount of marihuana seized, type of user, nature of use;
2. An evaluation of the efficacy of existing marihuana laws;

3. The relationship of marihuana use to the commission of crime;

4. The relationship between the use of marihuana and the use of other drugs; and,

5. The physiological, psychological and behavioral effects of the use of marihuana.

In conclusion, the Committee noted that the penalties for marihuana use and possession are frequently not imposed, and that jail sentences are the exception rather than the rule. This situation, the Committee noted, was highly undesirable, since the criminal statutes must be uniformly and fairly enforced, or they make a mockery of the effective administration of criminal justice. The selective enforcement of the criminal law, the Committee believes, leads to disrespect for law enforcement in general.

Mr. MATSUNAGA. Mr. Speaker, in May of 1969, when the House of Representatives was first considering legislation to create a Select Committee on Crime, I voiced the belief that the formation of such a committee "would be a first and important step in the direction of a new legislative initiative in coping with the appalling increase in the crime rate of this Nation."

In retrospect, Mr. Speaker, I must reiterate that judgment. The Select Committee on Crime, under the able leadership of the distinguished gentleman from Florida (Mr. PEPPER) has proved its worth countless times over.

In its 2 years of existence, the Crime Committee held more than a dozen hearings, in more than a dozen cities, covering a broad range of subjects related to crime and society's methods of dealing with it.

The tangible results included a number of specific recommendations for new legislation, and four outstanding committee reports.

One of the reports on marihuana, so impressed me that I furnished every high school in Hawaii with a copy. The demand for it has since far exceeded the supply.

The educational value of these reports has been inestimable. Not until the committee directed the cold spotlight of public inquiry at certain practices did most Americans realize that the illegal sale of heroin depended in large part on the legal sale of certain drug paraphernalia, like glassine envelopes or gelatin capsules.

The committee's report on amphetamines brought out the incredible fact that, while legitimate medical needs for these pills total several hundred thousand a year, actual production—all strictly legal—is over 8 billion pills a year. We also learned that most amphetamines which are exported find their way back to the United States through illicit channels. By now almost everyone in America has heard that one legitimate buyer of speed, which received about 15 million tablets over several years, turned out to be the 11th hole of a golf course in Tijuana, Mexico.

The Crime Committee's recommendation that speed production be controlled by legislation is one that I will join when it is introduced.

These are but a few examples, Mr. Speaker, of the worth of the select committee as demonstrated in the 91st Congress.

I look forward to further positive steps toward controlling the cancer of crime in America.

On Law Day, May 1, 1969, the House overwhelmingly approved the creation of the Select Committee on Crime. The vote, I believe, was 343 to 18. I urge the House today to reconstitute the Select Committee on Crime by passing House Resolution 115 by a unanimous vote. Let us keep a good thing going.

Mr. MURPHY of Illinois. Mr. Speaker, recent statistics indicate that this country's urban areas have more than half the reported crimes in the Nation. As a Chicagoan and Representative from the Third District in Illinois, I am seriously concerned about the extensive amount of crimes committed in our cities. It is for this reason that I lend my support to the 2-year extension of the Select Committee on Crime.

Crime and its ramifications do not lend themselves easily to investigation. There are numerous aspects for consideration—police effectiveness, drug addiction, organized criminal groups, and the environment of the inner city. These difficulties, however, are no excuse for our failure to grapple with the issue of crime and its prevention.

I concur with the conclusion of the National Urban Coalition's statement on national priorities that one of the principal difficulties in evaluating present procedures and instituting reforms in the area of crime is the lack of research and data in this field. It is for this reason that I wholeheartedly support the extension of the Select Committee on Crime.

The argument has been raised by some of my distinguished colleagues that the Select Committee on Crime invades the jurisdictions of standing committees—particularly the Judiciary Committee. The legislative problems associated with crime are so numerous that it is necessary to have a committee whose prime responsibility is to investigate and report. Much care must be taken, however, to guarantee against the intrusion of one committee into the realm of another.

During the 91st Congress, the Select Commission on Crime uncovered violations under the jurisdiction of other House committees, namely the Banking and Currency Committee and Special Subcommittee To Investigate Alleged Drug Abuse in the Military. Three violations were subsequently reported to the respective committees. This record of cooperation and jurisdictional respect speaks for itself and further justifies my support for this resolution.

Mr. DRINAN. Mr. Speaker, just as crime is not restricted to any one area, age group, income bracket or business, so drug abuse has permeated and endangers the whole fabric of our society. This has been vividly portrayed through the hearings and reports of the Select Committee on Crime.

The cost of crime to society has been estimated in dollars, but what of the emotional costs, the fear and suspicion that haunt so many; have those ever been estimated? Are we in Congress to sit and wait for others to propose remedies or are we to face our responsibilities

and tackle the cankers that plague society? Those of us who have the power to affect change cannot, in good conscience, ignore what needs to be done. The citizens of this country look to their Representatives for help and protection. We will have failed them if we do not provide the necessary legislation. However, to draft enlightened legislation, the Congress needs facts, statistics, reports and recommendations. The Crime Committee has ably provided these in the past and I believe should be encouraged to continue doing so.

As dean of Boston College Law School and vice president of the Massachusetts Bar Association, I was painfully aware of the complex problems encountered in the administration of criminal justice. But neither the law schools nor the bar associations are equipped to examine all aspects of crime. While they examine the legal aspects of crime, they lack the facilities to research such things as the sociological and psychological causes and effects of crime. The Congress needs a committee that can draw on all the disciplines, synthesize the information, suggest new areas of research and make recommendations. This the Select Committee on Crime has done.

Through its impressive hearings around the country, the Crime Committee unfortunately illustrated that no area is free of crime and the tragedies of drug abuse. The hearings have shown that, contrary to public belief, heroin traffic is not limited to New York City, cocaine is not limited to the southeast and dangerous drug abuse is not solely the problem of the West Coast. Yet these problems, though nationwide, have to be solved on the local and State level. The Crime Committee has sought the opinions of those intimately involved on the local level to learn what has to be done and in what way the Federal Government can and should help.

While the hearings touched on many aspects of crime, the committee reports focused on four topics: marihuana, heroin and heroin paraphernalia, juvenile justice and corrections and amphetamines. The marihuana report was one of the first congressional documents that set forth expert views on the use of marihuana.

The heroin and heroin paraphernalia report presents a most comprehensive study of the web of crime that surrounds the heroin trade from the poppy fields in Turkey to the addict in the street. The report brought into focus some alarming facts.

More people from New York State were killed by heroin in 1969 than were killed in the Vietnam war in the same year. Neither killer can be tolerated. Nor can the profits made by so-called legitimate businessmen in the heroin paraphernalia trade. Before the Crime Committee's exposé, how many of us realized that heroin could not be sold without first being cut with quinine or lactose and packaged in glassine envelopes or No. 5 capsules, all provided by legitimate businesses. These and many other quirks of the heroin trade the committee discusses in its re-

port and provides an impressive number of far-reaching legislative recommendations.

The committee examined with the same thoroughness the problems surrounding the administration of juvenile justice and corrections. The committee realized and reminded us that just as schools train the young to become adults, so many jails are making adult criminals out of young offenders. Our young people are too valuable to waste or lose in wars, through drug abuse, or in juvenile justice systems that corrupt rather than correct. The committee furnished some enlightened recommendations for additional research and changes.

The Nation and Congress are indebted to the committee for the timely warning of the dangers of amphetamine abuse. It is the Crime Committee we have to thank for revealing the overproduction of 5 to 8 billion doses of amphetamines annually by legitimate manufacturers. There is something gravely amiss when the profit motive and not medical need is permitted to dictate the volume of drugs produced. It is my hope that this Congress, with the leadership of the Members of the Crime Committee, will see fit to correct this imbalance.

The Crime Committee's record speaks for itself. While it has done an unquestionably fine job in the 20 months of its existence, it hardly needs to be said that there is a great deal more to be done in the struggle against crime. The standing committees and the Members need the continued expert help and advice of the Crime Committee. I strongly urge that we vote for its reconstitution.

GENERAL LEAVE TO EXTEND

Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on this resolution in the RECORD.

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

There was no objection.

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.

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. Without objection, it is so ordered.

There was no objection.

VIETNAM LAND REFORM BILL

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

Mr. MOSS. Mr. Speaker, today I am introducing with nine of the most distinguished Members of the House legislation designed to encourage and accelerate South Vietnam's new land reform program. It is our considered opinion that adoption of this amendment to the Foreign Assistance Act will speed U.S. troop withdrawals, save American lives, and leave something in Vietnam of enduring value.

We earnestly urge the Congress and the President to unite in support of this important measure which we sincerely feel will end the war more quickly. For the first time, the agrarian peasantry of South Vietnam will be given a real stake in the future of that country.

I am inserting at this point in the RECORD the text of the bill and a statement explaining its provisions and rationale:

H.R. 5764

A bill to amend chapter 4 of part I of the Foreign Assistance Act of 1961 to provide additional authorization in supporting assistance for the national land reform program enacted March 26, 1970, by the Government of Vietnam.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 4 of part I of the Foreign Assistance Act of 1961, which relates to supporting assistance, is amended by adding at the end thereof the following new section:

"Sec. 404. Vietnam Land Reform Program.—There is authorized to be appropriated to the President not to exceed \$100,000,000 in the aggregate for the fiscal years 1972 and 1973 to encourage and support rapid implementation of the national land reform program enacted March 26, 1970, by the Government of Vietnam. The use of supporting assistance funds for land reform in Vietnam shall be contingent upon the attainment of mutually agreed goals of accomplishment stressing economy, efficiency, and advanced implementation of the program by July 1, 1973. Land reform assistance to the Government of Vietnam shall be made at quarterly intervals based upon satisfactory achievement toward the 1973 target goal. Amounts appropriated under this section are authorized to remain available until expended."

PRESS STATEMENT ON VIETNAM LAND REFORM BILL

Ten House Members today introduced legislation designed to accelerate South Vietnam's new land reform program. Faster completion would speed U.S. troop withdrawals and save American lives, the Congressmen maintain.

The bipartisan bill was proposed by five Democrats and five Republicans led by Representative John E. Moss, D-Calif. The sponsors included: Reps. Ogden R. Reid, R-N.Y.; Cornelius E. Gallagher, D-N.J.; William S. Broomfield, R-Mich.; Clement J. Zablocki, D-Wis.; John S. Monagan, D-Conn.; F. Bradford Morse, R-Mass.; Frank Horton, R-N.Y.; Torbert H. Macdonald, D-Mass.; and Gilbert Gude, R-Md.

United States contributions totaling up to \$100 million would be tied to actual performance by the Vietnamese. This amount is less than two days' cost to the United States of waging the war in Vietnam, Moss said in a statement.

"Land reform is the best chance we have of helping to transform South Vietnam into a true democracy," Moss said, "and considering the great sacrifices in blood and money America already has made there, we should

leave something of enduring benefit to the people of Vietnam which will help to justify those sacrifices so they will not have been made in vain."

The legislation states that "the use of supporting assistance funds for land reform in Vietnam shall be contingent upon the attainment of mutual goals of accomplishment stressing economy, efficiency and advanced implementation of the program by July 1, 1973."

Under the bill, land reform assistance to the Government of Vietnam would be made at quarterly intervals based upon satisfactory achievement toward the 1973 target goal. The original plans by the Vietnamese called for completion of the program in four years instead of three as contemplated under the House bill.

Moss said the Communists have been successful in past years recruiting South Vietnamese peasants to fight as Vietcong guerrillas with "false" promises of land ownership.

"More than half of the American war deaths in Vietnam have been due to Vietcong-planted mines and booby traps and the mute silence of the peasants as they watched our troops walk into them," Moss said.

Moreover, he said, all enemy main force actions are dependent upon village labor to bury supplies in advance.

"With substantial numbers of peasant farmers attracted to our side by gaining ownership of the land which they have tilled paying high rents to landlords," Moss said, "enemy recruitment of guerrillas and support would drop dramatically."

CONCURRENT RESOLUTION FOR UNITED NATIONS INVOLVEMENT IN VIETNAM

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

Mr. SEIBERLING. Mr. Speaker, not a day passes that I do not receive letters, calls, and visits from constituents, both young and old, imploring me to do what I can toward bringing a prompt end to the tragedy of American military involvement in Indochina. I suppose that every Member of this House is having a similar experience.

The frustrations of a large and growing majority of American people over our Nation's course in Indochina are, I am sure, matched by the frustrations of a large number of the Members of Congress. One response has been a whole series of bills to establish a definite cutoff date on American military activity in Vietnam. Another series of bills would prohibit U.S. military activity in or over Cambodia, Laos, and North Vietnam. I have supported several of these bills and believe that they merit early and favorable consideration by the Congress.

Meanwhile, the war goes on. Worse yet, in the name of protecting the withdrawal of American troops, the administration is following a policy leading to an ever-widening circle of conflict. Yesterday it was Cambodia. Today Laos. Tomorrow maybe North Vietnam. Obviously this presents a growing risk of military confrontation with the People's Republic of China.

Mr. Speaker, we in this House have an obligation to do all we can to break this vicious circle and to avoid such a confrontation.

One possible solution which has not been seriously explored is an effort once more to bring in the United Nations. Accordingly, I am offering a resolution expressing the sense of the Congress that the President of the United States should urge the United Nations to undertake the responsibility for ending the conflict in Southeast Asia and reconciling the warring parties.

I do not claim the authorship of this resolution. I am proud to say that it was drafted by a group of individual citizens, all members of Trinity Lutheran Church of Akron, Ohio. Several years ago, some members of that church, believing they had an obligation as Christians to work for peace, organized themselves informally under the title "Concerned Group Seeking Alternatives to War." I think it is a tribute to our free society and to the continued strength of our spiritual heritage that this group of people has produced a resolution of the depth and the practicality as the one that I now offer.

I include the resolution as part of my remarks and refer it to the appropriate committee for further consideration.

H. CON. RES. —

Whereas the war in Southeast Asia is now in its seventh year, making it the longest war in our history, and has cost us more casualties than any foreign war except World War II; and

Whereas many thoughtful and patriotic people question the legal and moral basis for the present U.S. involvement in Southeast Asia; and

Whereas many Americans believe that our priorities should be shifted and feel that only a fraction of the billions of dollars now being spent in Southeast Asia would permit us to help solve the many major domestic problems of poverty, race, education, health, and pollution; and

Whereas we have been supporting a government in South Vietnam that many feel is a regime opposed to many of our concepts of freedom and justice; and

Whereas the problem of ending the conflicts in Southeast Asia and reconciling the opponents is not solely an American responsibility, but should be an international responsibility; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President of the United States should urge the United Nations to undertake the responsibility for ending the conflicts in Southeast Asia and reconciling the warring parties.

SEC. 2. It is further the sense of the Congress that at the same time the President should announce that American military involvement in Southeast Asia, will be completely terminated by a specific date within the next six to twelve months whether or not the United Nations acts.

SEC. 3. It is further the sense of the Congress that the United States agree, if the United Nations accepts this responsibility, to assist the United Nations financially for a specified period of time in carrying out peace-keeping operations, providing for elections, and rebuilding the country, by contributing a fixed percentage of the amount of money the United States spent in 1969 or 1970 for military activities in Southeast Asia, but this amount should not exceed 25 percent of such expenditures.

SEC. 4. It is further the sense of the Congress that all the members of the United Nations be urged to participate financially and otherwise, but that our participation not be contingent on other participation.

STATUS OF PENDING CONTRACT MATTERS BETWEEN UNITED TRANSPORTATION UNION AND THE RAILROADS

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

Mr. STAGGERS. Mr. Speaker, I am in receipt of a letter from the president of the United Transportation Union with respect to the current status of matters between the union and the railroads, which I feel it is in order for the House to have. I do not have time to read it, but I am going to place it in the RECORD.

Let us hope that this information will be followed shortly by judicial resolution of the matters in question in a form which can simultaneously avoid impairing national health and safety and preserving to labor its cherished right to make its collective bargaining effective.

I believe that it will be done, if what they say in their letter is followed.

Mr. Speaker, I include the letter in the RECORD with my remarks.

The letter is as follows:

UNITED TRANSPORTATION UNION,
Washington, D.C., March 8, 1971.

Re: Status of pending contract matters between United Transportation Union and the railroads.

HON. HARRISON A. WILLIAMS, JR.,
Chairman, Senate Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

HON. HARLEY O. STAGGERS,
Chairman, House Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.

MY DEAR MR. CHAIRMAN: I thought it in order to give you a current report on the situation between the United Transportation Union and the railroads.

As you know of course, the negotiations were indefinitely recessed Saturday morning. Thereafter, in support of its position in the national negotiations and in the hope of bringing some progress to the bogged down negotiations, the United Transportation Union authorized the withdrawal of service on the Burlington Northern and the Seaboard Coastline Railroads to commence 12:01 a.m. Monday, March 8. Simultaneously, the United Transportation Union sent a letter to the President of the United States with copies to the Secretaries of Transportation, Labor, and Defense, as well as to you two gentlemen, advising of the action so taken and further advising that service would be available on the two railroads in question with respect to the transportation essential to the protection of the national safety and health.

Late yesterday, Sunday afternoon, March 7, Washington counsel for United Transportation Union were advised that the railroads, acting through the National Railway Labor Conference, would at 6 p.m. appear at the home of Judge Howard Corcoran of the United States District Court for the District of Columbia in an effort to obtain a temporary restraining order to enjoin the foregoing selective strike. At the hearing on the railroads' motion, counsel for the United Transportation Union stated to the Court that, to avoid emergency or "midnight" consideration of so important an issue as the resolution of the question whether the United Transportation Union could engage in such a selective strike so to avoid affecting the national safety and health, the United Transportation Union would voluntarily suspend its proposed action with respect to the

two railroads (or any other railroad) until at least 2 p.m. Thursday, March 11. This proposal was made by the United Transportation Union to give the Court adequate opportunity to explore fully all of the issues.

On the basis of the United Transportation Union's proposal, no action was taken by Judge Corcoran, but the matter presumably will be considered in a more orderly way during the interim provided.

It is, of course, our hope that the District Court will find, within the framework of existing law, that selective strikes in support of national positions but which do not involve or impair the national safety or health are permissible, thus avoiding any necessity for congressional intervention.

We will keep both of you gentlemen fully and promptly advised of any further developments in this matter.

Respectfully,

CHARLES LUNA,
President.

RAILPAX IN WYOMING-UTAH

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

Mr. RONCALIO. Mr. Speaker, on February 26, Senator FRANK CHURCH introduced in the Senate a bill to amend the Rail Passenger Service Act of 1970. If enacted, the Secretary of Transportation will designate, under the basic system, rail passenger service to at least a major population center in each of the 48 contiguous States.

In his introductory comments he made two major points: that the object of the bill was to insure that each of the 48 contiguous States is included in the basic system, as Congress intended in the enabling act; and, second, that the time for action is short.

Mr. CHURCH said his bill was inspired by the fear that five States, Idaho, South Dakota, Vermont, Maine, and New Hampshire, would be excluded from the basic system, and that a sixth State, Wyoming, was not certain of inclusion.

He noted that if a legislative remedy were not enacted, rail passenger services in these States would be canceled, and that restoration would be an unjust, unnecessary, and expensive responsibility assigned to those States excluded.

Therefore, in addition to the efforts of public officials and Members of Congress for these States, I am jointly sponsoring, with the gentleman from Utah (Mr. MCKAY), a companion bill in the House for the Church amendment.

We are offering this bill—H.R. 5715—in the House to expedite legislative relief for those States facing exclusion from the system and to support and back up the efforts already undertaken to insure a truly national rail passenger system.

We are hopeful that the House will see fit to act promptly to carry out the intent of the Rail Passenger Service Act of 1970 that all regions of the continental United States enjoy designation in the basic system.

Enactment of this amendment will underscore the sentiment of Congress that the 48 contiguous States are in fact represented in the basic system and that none of the States be discriminated against in this vital public service.

Mr. Speaker, H.R. 5715 is part of a sustained campaign on the part of Wyoming citizens and officials to preserve rail passenger service and to insure Wyoming's inclusion in the basic system.

In this effort, the Governor of Wyoming, Stanley K. Hathaway, and U.S. Senators GALE MCGEE and CLIFFORD HANSEN have ably presented the merits of this case, not only from the viewpoint of Wyoming's needs, but also from the perspective of a basic national system providing the best possible service to passengers from throughout the Nation.

My efforts have been in cooperation with these presentations. On January 14, I met with Secretary of Transportation John Volpe and with Federal Railroad Administrator Carl V. Lyon. As a followup to this meeting, I requested that the Secretary postpone his decision until Wyoming's case could be presented. On that day, a memorandum to the Wyoming communications media was issued by the entire congressional delegation. On the following day, the delegation jointly signed a letter to Secretary Volpe urging inclusion of Wyoming in the basic system.

The Wyoming State Legislature on January 22 forwarded a joint memorial requesting every effort to safeguard rail passenger service and to include Wyoming in the basic system.

Secretary Volpe responded to my letter of January 14 with a letter on January 28 stating that the final decision left with the Corporation would be in accordance with the intent of the Rail Passenger Service Act of 1970.

On February 4, I sent a more detailed letter to Administrator Lyon expressing my fear that the final report issued by Secretary Volpe on January 28 put Wyoming's route in an alternate status. It appeared that his office was recommending that the designated route put four lines into Denver and send them west through Grand Junction and Salt Lake. I pointed out that at least one route from Omaha should go through Cheyenne, across Wyoming to Ogden.

The basis for this request was the fact that the Wyoming route is the most direct, involving less time and mileage; that Wyoming's trackage and equipment are superior to the facilities available through the Denver-Grand Junction-Salt Lake route; and that assigning Wyoming to an alternate status would impose a terrible blow to the economy of Wyoming and the services of her communities.

I met with four members of the National Railroad Passenger Corporation on February 15 and was granted time for a short presentation outlining the desirability of including Wyoming in the basic system.

On February 17, I addressed the House on this matter and submitted for the consideration of my colleagues an excellent editorial from the Riverton, Wyo., Ranger newspaper again outlining Wyoming's case.

On February 26, I submitted a written report to the chairman of the National Railroad Passenger Corporation, Mr. David Kendall, providing him with a comprehensive report.

Mr. Speaker, this is a highlight of what has been done through my office to assist the overall effort of Wyoming citizens and officials. Throughout this campaign, my office has been advised and supported by many groups, including the Wyoming Public Service Commission, the Rawlins Chamber of Commerce, the Laramie Chamber of Commerce, the United Transportation Union, the Retired Railway Employees Club, from petitions signed by residents in Laramie and Rock River and from other individuals, vitally concerned with the Corporation's decision. I am indebted as well to a member of the Wyoming House of Representatives, Rodger McDaniel, who provided me with additional correspondence from State and municipal bodies, chambers of commerce, and individuals.

As you can see, Mr. Speaker, in Wyoming the residents take a personal interest in government and participate directly in campaigns to persuade the Federal Government that eliminating services vital to community growth, cannot but hamper Wyoming's future development and well-being.

I ask my colleagues to give every consideration to moving H.R. 5715 to enactment as soon as possible because it guarantees that no State will be discriminated against and that no State will ironically find its rail passenger service not improved, but destroyed, by the Rail Passenger Service Act of 1970. I cannot speculate about the consequences for other States, but for Wyoming, elimination of rail passenger service would be a bitter blow at the historical foundation of our economy and a sorry omen for that economy's future.

RAILPAX SHOULD INCLUDE BUFFALO TO CHICAGO AS END POINTS

The SPEAKER pro tempore (Mr. PEPPER). Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 60 minutes.

(Mr. KEMP asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. KEMP. Mr. Speaker, since the publication of the final report on the national rail passenger system issued by the Secretary of Transportation, it has been evaluated and commented upon by experts at the Interstate Commerce Commission and the Public Service Commission of New York State. I have studied this report as well as the subsequent comments and evaluations, and I have come to the conclusion that it is imperative that we convey to the Railpax Corporation the need for the inclusion of Buffalo to Chicago as end points into the basic system. As a result I have introduced legislation commensurate with this purpose in the form of Bill H.R. 4570.

A final decision by Railpax whether to continue rail service west of Buffalo by designating Buffalo as a stop on the mandated New York-Chicago route is imminent; however, the Committee on Interstate and Foreign Commerce may not have the time to call witnesses and hold hearings to confirm my thoughts on this subject before this decision is

made. Therefore, I would like to take the time today to discuss them. I have invited fellow members with a direct interest in this matter to attend and I urge them to write to Railpax and Secretary Volpe in the very near future to make their views known on this important matter.

When the national rail system begins operation in May, there will be passenger service from New York to Buffalo, but there is no requirement to continue service west of Buffalo. It is possible that Buffalo will be left without even a minimum of reliable rail service to the west. I find this untenable for a number of reasons.

A: POPULATION

The population of the major cities along this route between New York and Chicago via Buffalo for 1970 are as follows:

New York City area.....	11,448,480
Albany, Troy, Schenectady area..	710,602
Utica area.....	335,809
Syracuse area.....	629,190
Rochester area.....	875,636
Buffalo area.....	1,334,485
Erie area.....	136,000
Cleveland area.....	2,043,389
Toledo area.....	685,455
South Bend area.....	135,000
Chicago area.....	6,892,509

Total ----- 25,226,555

The point is that this corridor by sheer numbers alone exhibits great passenger volume potential on an efficiently run railroad.

B. PASSENGER VOLUME

In arguing for a Buffalo to Chicago rail route, probably the most important issue is whether there will be sufficient passenger revenues generated to warrant service west of Buffalo. In this context, let me say that I was appalled to find that the condition of the rolling stock and of the service itself from Buffalo to Chicago was largely unpalatable to passengers and has artificially depressed patronage on the Buffalo to Chicago route. Let me say that I do not think that an objective decision can be made on this matter by merely viewing the present poor state of affairs and that we must look at the past record and also the future potential of this line through reasonable remedial measures.

In my study, I have found that since 1969, there has been a deliberate downgrading of passenger service by Penn Central to make a case for discontinuance due to financial difficulties. As a specific example, take the cases of trains Nos. 27, 28, 63, 64, 51, and 98. They all run between Buffalo and Chicago along the "South Shore" route; that is, along the southern shore of Lake Erie through Cleveland. Trains Nos. 51 and 98 formerly carried "through" coaches which were interchanged at Buffalo between the subject trains and trains that run to and from New York City. However, Penn Central eliminated these through coaches, and passengers were then required to change trains, with their luggage, at the Buffalo station.

The case of train No. 98 deserves special note. For many years this train has been known as No. 90 and was operated as a through train between Chicago and

New York. On December 3, 1967, Penn Central discontinued it between Buffalo and New York and instituted a connection with train No. 74 at Buffalo which required passengers to wait at Buffalo for 3½ hours between trains. After much urging by the Public Service Commission of New York, Penn Central finally, effective April 26, 1969, changed the schedule of train No. 98 so that it would arrive at 10:15 a.m. in time to make a 15-minute connection with Empire Service train No. 72. However, the railroad did not show the 10:30 a.m. departure out of Buffalo as the connection in its public timetable but continued to show train No. 74 which leaves at 2:30 p.m. This was not corrected until the spring timetable of 1970.

Another complaint has been poor on-time performance. Performance reports brought to my attention indicate in altogether too many instances the delays are attributable to defective equipment and facilities, slow orders, holding passenger trains for freight trains, and other similar causes. For example, the report of train 51's performance on March 28, 1970, indicates that it arrived in Chicago 3 hours and 15 minutes late. The delay listings are as follows:

30 minutes Buffalo, cars off 71; 19 minutes Buffalo, switch ACL 1653 from headend to rear account broken steam line; 6 minutes Bay-View-Berea, slow orders; 46 minutes east of QD held account SLK-1 on plant at QD with car failure; 1 hour 54 minutes Porter-Chicago block on SV-13 and manual block operation.

And, I have seen no indication of any action that has been taken by Penn Central to correct such deficiencies. On time performance data for trains Nos. 28, 64, and 98 has also been very erratic. Although they are sometimes on time, there have been many occasions when they have arrived far behind their scheduled arrival. It is generally accepted that dependable and on-time operation is one of the primary advantages of railroad travel. However, it is clear that Penn Central's service has been stripped of this advantage.

I have also read numerous reports of equipment deficiencies along this route such as air-conditioning failures, equipment breakdowns, failure to clean accommodations, and other deficiencies which by design or otherwise, have had the effect of driving passengers away. As an illustration, I am setting forth in the RECORD the testimony of one of New York's leading railroad experts in connection with the conditions encountered on his trip from Albany to Chicago through Buffalo on train 61/27 on the night of June 28, 1970:

Q. Now, during the course of your trip out here to Chicago did you make any observations concerning the equipment which was in service on Trains 61/27 that you rode?

A. Yes, I was assigned Roomette 10 in Car 614, which was No. 4219. Upon entering the train the porter said to me, 'I'm sorry, sir, we don't have any air-conditioning, and I am operating on emergency lighting.' . . .

Upon talking with the conductor, whom I know, I mentioned the fact of the problem in Car 614 and he said, 'Well, I'll give you another roomette,' so he said to the porter, 'Would you put this man in Roomette No. 3,

Car 613, Car No. 4334?' Thereupon a few minutes later the porter came back and he said, 'I'm sorry but I can't put him in that car, the carpet is all wet, the toilets are leaking.'

So I asked the porter if I could see that, and he took me back and I saw that. And in the meantime, why, they assigned me Roomette 8 in Car 613, No. 4334, and the window was broken in that, and I noticed that all the passengers were riding backwards in Car 613. The window by the porter's seat was broken, the window was broken in Bedroom E. The public toilet in that car was just a mess, the sink and toilet were leaking. The car rode very, very hard. In fact, I think probably the last couple of hours on the train I went in the sleeper, 4219, which was much more comfortable. It was amusing that the train was 15 minutes late leaving Waterloo, Indiana, and we passed a slow order for track work and arrived in Elkhart ten minutes early. I got off the train with the conductor and the fireman nonchalantly walked up and said, 'Well, we don't have an engineer.'

Time came for the departure time and we still didn't have an engineer, and finally about eight minutes after departure time we saw the engineer walking across the street towards the depot, and nonchalantly up to the headend, and we finally left about 11 or 12 minutes late. But that didn't really make any difference because he had plenty of time, and the train was held out of Union Station in Chicago ten minutes, and we still arrived five minutes ahead of time.

Other than that I had a very nice trip. Q. And did you make any observations concerning the coaches that were in service on this train?

A. Yes, sir. I went through the coaches, of course it was at night, and from what I observed, as far as cleanliness is concerned, I looked in the men's room, I didn't bother to look in the women's room—Coach 2908 was hot; Coach 2924 was cold. And I told the rear conductor about that and he went up and corrected that.

And Coach 2952 was also hot. And Sleeper 4306 for Detroit, water was leaking out of the toilet and it was leaking so bad it came right under the partition and onto the rug in the hallway. That's Stateroom F.

And also the porter told me—I didn't witness this—he had to turn the air conditioner off at each station stop because the batteries just wouldn't carry the load for the electricity.

I have also been informed that due to merger difficulties in December 1969, Penn Central had a backlog of 1,000 cars which required extraordinary cleaning and which have not been given such a cleaning for over a year.

Further, instances when bus transportation provides faster service than Penn Central's trains have been brought to my attention. In view of this, it is ironic that Penn Central has made no attempt to eliminate the unnecessary running time from its trains so as to place itself in a stronger competitive position. It is rather incredible that trains operating New York and Chicago via Buffalo consume more running time today than in 1952, despite the fact that fewer station stops are made today. One reason for the longer running times is layovers of great duration which take place at certain intermediate points. For example, passengers on train 51 between Buffalo and Chicago have a 50-minute layover at Cleveland, along with an additional 26-minute layover at Toledo.

Appendixes A, B, and C which I have entered in the RECORD indicate the

amount of running time added to trains over the former New York Central route between New York and Chicago since April 1967. Under the timetable of April 30, 1967, a passenger could board a train at 4:30 p.m. and arrive in New York at 9:30 the next morning. Today, that passenger would have to board at 2:35 p.m. and would not arrive in New York until 10:10 a.m. A comparable situation exists in the westerly direction.

Appendix A illustrates the lengthening of the schedules of trains 27 and 28 which has gradually been taking over the past 2½ years. Whereas the leaving time from Chicago had been a convenient 4:30 p.m., that time has gradually been advanced so that No. 28 now leaves during the middle of the afternoon at 2:35 p.m. This schedule is hardly conducive to the needs of business travelers. Appendix B illustrates that train No. 63 used to leave New York at 11 p.m. and arrive in Chicago the next day at 4:30 p.m. It now leaves New York one-half hour earlier but does not arrive in Chicago until 7:25 p.m. and now misses the connection with Santa Fe's "Super Chief." Since December 1967, 1 hour and 10 minutes additional running time has been added to this train on the 340-mile leg between Cleveland and Chicago.

Although this matter was raised at the hearings before the Interstate Commerce Commission in finance docket No. 26106, "Penn Central Transportation Co. Discontinuance of 34 Passenger Trains," the need for such additions to scheduled times or long layovers at intermediate points was never explained by Penn Central. In view of this, two things are blatantly obvious: First, it is no wonder why patronage of this route has been declining, and second, I see no reason why the schedules could not be amended and the long layovers eliminated so as to make this route conducive and attractive to the needs and wishes of potential revenue-paying customers.

Because of the recent downgrading of service on this route, the present patronage is a poor barometer by which to measure public demand for it. Thus, I think that greater weight should be given to traffic data prior to 1969. Counts for the year 1968 for trains 63, 64, 27, 28, 51, and 98 I have introduced in the RECORD to illustrate my point—exhibit No. 24 of finance docket 26106, included at end.

In addition the Public Service Commission's staff has analyzed the weekly average number of passengers traveling between points on the Buffalo-Chicago route between May 1965 and April 1966. During this period a weekly average of 1,367 passengers had origins or destinations in the territory between Buffalo and Cleveland. In addition, 4,280—3,390 coach and 890 first class—traveled between points on the New York-Buffalo-Cleveland route to Chicago. An analysis has also been made of counts taken by the former New York Central on trains 25 and 26 "20th Century Limited"; 17 and 18 "Wolverine"; 57 and 6 "Cleveland Limited" during October 1966 and October 1967. Examination of this data

reveals that even during the light-traveled month of October, the trains on this route carried relatively heavy loads. For example, during October 1966 the "20th Century Limited"—trains 25 and 26—carried a total of 6,967 passengers which equates to an average of 112 patrons per trip. During the same month in 1967 these trains carried 5,034 passengers. Likewise, during October 1966 the eastbound and westbound "Wolverines" carried a total of 7,289 passengers and during the same month in 1967 they carried 6,336 passengers. Furthermore, during October 1966 the eastbound and westbound "Cleveland Limiteds"—overnight trains between New York and Cleveland—carried a total of 10,823 passengers and during October 1967 they carried 9,524 passengers. And even in the bad year of 1969 trains 27 and 28 handled 36,727 and 47,623 passengers, respectfully, while trains 51 and 98 handled 15,848 and 12,853 passengers respectfully. I contend, along with the Public Service Commission of New York, that these patronage levels from the recent past clearly demonstrate that an attractive, properly merchandised service between New York, Buffalo, Cleveland, and Chicago would be economically viable and should be operated by the Corporation.

When Penn Central attempted to discontinue all passenger service west of Buffalo 2 years ago, the ICC directed, in Finance Docket 26106 the continuance of two of the three roundtrips between Buffalo and Chicago. Specifically, it said on page 92 of its decision:

We conclude that Trains 27, 28, 51 and 98 should be continued in operation to serve the public convenience and necessity over the "south shore" route between Buffalo and Chicago.

Lately, on December 29, 1970, the ICC submitted its review of the preliminary report on the basic national rail passenger system. The significance of their review is that in it, ICC specifically recommended a Buffalo to Chicago route.

As a matter of fact, Mr. Speaker, Chairman George Stafford wrote to me March 8, 1971, and I quote from his letter:

The Commission, in accordance with section 202 of Railpax, submitted its review of the preliminary system to the Secretary of Transportation on December 29, 1970. One important observation the Commission made was that "... the (National Railroad Passenger Service) Corporation is given such wide latitude of route choices between some widespread end points that some vast areas of the country may be left without service and the corporation cut off from revenues available in those areas ... This is too wide a latitude of choice. Vast areas are in danger of losing all passenger service by rail."

In this respect, the Commission, in addition to general comments, offered specific recommendations regarding the inclusion of certain cities as designated end points. One of these recommendations was the operation of a through service between Chicago and Boston. Historically, and operationally, such service has been operated via Buffalo. Unfortunately, the Secretary did not adopt our recommendation for continuation of this service in his final designated plan.

Another issue which must be brought out is whether there is alternate transportation available with the ability and the willingness to handle the public which used to travel the train from Buffalo to Chicago. In this context, let me say that if this Nation is ever to overcome the almost crisis conditions which prevail at busy airports, it is imperative that more medium-distance travel as from Buffalo to Chicago be made by train. To add the present rail passengers to the already heavy air travel would only worsen the situation. Air transportation is conspicuous by its absence at many of the smaller-sized cities served by the subject trains. For example, what air service could be used to travel between Poughkeepsie, N.Y., and South Bend, Ind.? There are many other examples of trips which can now be conveniently made by train and which would otherwise require circuitous routes to be made by air.

It is a well-known fact that many persons, for various medical and other reasons, cannot or will not fly. Train service on this route is essential to these people. Further, air fares are up to twice as much as the train fares, and are simply beyond the reach of many members of our society.

Some of the same problems are encountered with bus travel. For example, no bus service exists between New York and Ada, Ohio, where a college is located, or between New York and Crestline, Ohio. Michigan City, Ind., and La Porte, Ind., have no bus service connecting them with the East. Between Elkhart, Ind., and New York there is only one bus a day, and two changes are required en route. A trip from Painesville, Ohio, to Amsterdam, N.Y., entails a distance of 415 miles and can presently be made in about 8 hours on trains. The same trip by bus would mean changes at Buffalo and Utica, with an overnight stay in Buffalo. Total time of the bus trip, including the unavoidable overnight stay in Buffalo: almost 23 hours!

In the context, the point is that before a decision is made by Railpax to positively not require service west of Buffalo, positive evidence must be presented that competing carriers have the ability and the willingness to handle the displaced Buffalo-Chicago train passengers, and to my knowledge, no such evidence has been forthcoming. While ample use is made in this geographical area of the automobile, airplane, and bus. I believe that the era of railroad passenger transportation has not passed so far out of the picture that a huge section such as between Buffalo and Chicago can be dropped without considerable hardship being caused to present and potential users of the service.

C. NO REASONABLE EFFORT

In addition to these other practices which have had a negative effect on patronage, there has not been a reasonable effort made lately to promote passenger service on this route. The reservation and information system which has been used by Penn Central is antiquated and unsuitable. Unless one made his own call from New York to the Chicago re-

servation bureau, it took about 4 or 5 days to obtain return reservations. One reservation system in New York handles all calls which originate in the New York area, Newark, Trenton, Albany, Schenectady, Buffalo, Rochester, Cleveland, Toledo, and New England cities. And the point is that the New York staff has been found by the Public Service Commission of New York to be understaffed and uninformed for the huge size of the operation. It is clear that such a system did not please customers and induce them to do business in such a manner again.

Additional aggravating factors which contributed to declining passenger volume were failure by Penn Central to advertise its east-west service, Penn Central stopped paying commissions to travel agencies, which both competing carriers do, and timetable information has often been misleading. Penn Central made no effort to reach many people who were undoubtedly completely unaware of its services.

D. EFFECT ON TRAIN SERVICE BETWEEN NEW YORK OR BUFFALO

One set of data that Railpax must consider is that submitted by the Public Service Commission of New York in reference to the financial effect that discontinuance of train service west of Buffalo will have on its New York to Buffalo route. The loss of through passengers from New York to Chicago via Buffalo will be a hard blow to the New York-Buffalo service. For example, the great majority of passengers traveling on the New York-Chicago trains began or ended their trips at Chicago. About 80 percent of the passengers originating east of Buffalo were destined to or beyond Chicago on train 27, while some 56 percent of the passengers at Chicago on train 28 road to destinations east of Buffalo. The following amounts were derived by the empire service trains from traffic originating or terminating west of Buffalo:

Train number:	Passenger service	Mail revenue
63	\$63,220	\$212,520
64	48,626	153,714
61-27	470,037	36,632
61-17	461,821	65,945
62-28	454,621	62,595
62-14	427,725	0
71-51	54,229	218,737
71-351	52,991	89,517
74-52	72,071	0
74-98	14,882	259,309
Total	2,110,224	1,098,969
Total passenger and mail revenue		3,209,193

In the event that the decision is made to have no train service west of Buffalo, Railpax trains in the New York-Buffalo corridor will possibly lose over \$3,000,000 in annual passenger and mail revenues. Besides this, much of the lost passenger revenue will go to Canadian trains, as passengers, to continue westward, will disembark at Buffalo, then transfer to Canadian trains at Fort Erie, Canada, and continue their trip westward from there. It is clear then that Railpax will be hurt financially if it does

decide to discontinue service west of Buffalo.

E. ALTERNATE ROUTE

It is my understanding that there is the possibility Pittsburgh may be chosen by Railpax as the alternate route between New York and Chicago instead of Buffalo. I respectfully submit that Pittsburgh, under the new system, will be connected between the east and west by their inclusion on two east-west routes: the New York-Kansas City route and the Kansas City-Washington route. My point is that in any case, Pittsburgh will not be cut off from east-west service.

F. CONCLUSION

In conclusion, I would again like to reiterate that both the Interstate com-

merce Commission and the Public Service Commission of New York support my contention that train service must be continued west of Buffalo. The poor present state of affairs on the Buffalo-Chicago route can be reasonably remedied. The deliberate downgrading of service and the nonfeasance characteristic of this route will be eliminated when Railpax takes over the system in May. The Interstate Commerce Commission will set the adequacy requirements for the route, and it will be impossible to have a recurrence of the deplorable conditions which have literally driven away passengers and revenue. In view of the evidence, I am confident that passenger patronage can be stimulated along this route to the point where it will be an

economically viable investment for the Railpax Corp. Finally, let me say that I think it is essential that rail passenger service be maintained between New York and such large metropolitan areas as Erie, Cleveland, Toledo, and South Bend. Likewise, it is equally essential that service be assured between upstate New York points—Poughkeepsie through Buffalo inclusive—and Cleveland, Toledo and Chicago. Failure to specifically include service west of Buffalo could result in the cutting off of the entire population of upstate New York from the Western United States via Chicago.

Mr. Speaker, at this point I include extraneous matter to which I previously referred:

APPENDIX A

SCHEDULES FOR TRAINS NOS. 26 TO 28/62 AND TRAINS NOS. 25 TO 61/27 BETWEEN NEW YORK CITY AND CHICAGO

Schedule effective	Train No. 26				Train No. 28/62		
	Apr. 30, 1967	Nov. 5, 1967	Dec. 3, 1967	Oct. 27, 1968	Apr. 27, 1969	June 29, 1969	Oct. 26, 1969
Leaving Chicago	4:30 p.m.	4:45 p.m.	4:00 p.m.	3:45 p.m.	3:15 p.m.	3:15 p.m.	2:35 p.m.
Arriving Buffalo		2:32 a.m.	2:00 a.m.	2:00 a.m.	2:00 a.m.	1:55 a.m.	1:35 a.m.
Leaving Buffalo			2:30 a.m.	2:30 a.m.	2:30 a.m.	2:30 a.m.	2:30 a.m.
Arriving Albany	6:33 a.m.	7:25 a.m.	7:10 a.m.	7:10 a.m.	7:10 a.m.	7:10 a.m.	7:10 a.m.
Arriving New York	9:30 a.m.	10:20 a.m.	10:10 a.m.	10:10 a.m.	10:10 a.m.	10:10 a.m.	10:10 a.m.

Schedule effective	Train No. 25			Train No. 61/27			
	Apr. 30, 1967	Nov. 5, 1967	Dec. 3, 1967	July 15, 1968	Oct. 27, 1968	Apr. 27, 1969	Oct. 26, 1969
Leaving New York	6:00 p.m.	6:00 p.m.	6:30 p.m.	6:30 p.m.	6:30 p.m.	6:30 p.m.	6:30 p.m.
Leaving Albany	8:43 p.m.	8:43 p.m.	9:30 p.m.	9:30 p.m.	9:30 p.m.	9:30 p.m.	9:30 p.m.
Leaving Buffalo			2:15 a.m.	2:30 a.m.	2:30 a.m.	2:35 a.m.	2:35 a.m.
Arriving Chicago	9:00 a.m.	9:40 a.m.	10:30 a.m.	10:30 a.m.	10:45 a.m.	11:15 a.m.	11:30 a.m.

APPENDIX B

SCHEDULES FOR TRAINS NOS. 6 TO 64 AND NOS. 59 TO 63 BETWEEN NEW YORK CITY AND CHICAGO

Schedule effective	Train No. 6				Train No. 64		
	Apr. 30, 1967	Nov. 5, 1967	Dec. 3, 1967	July 15, 1968	Oct. 27, 1968	Apr. 27, 1969	Oct. 26, 1969
Leaving Chicago	9:30 a.m.	9:20 a.m.	9:05 a.m.	8:45 a.m.	8:30 a.m.	8:35 a.m.	8:35 a.m.
Arriving Cleveland	5:01 p.m.	4:51 p.m.	4:40 p.m.	4:30 p.m.	4:30 p.m.	4:30 p.m.	4:40 p.m.
Leaving Cleveland	5:33 p.m.	5:23 p.m.	5:25 p.m.	5:15 p.m.	5:15 p.m.	5:15 p.m.	5:25 p.m.
Arriving Buffalo	9:20 p.m.	9:20 p.m.	9:20 p.m.	9:20 p.m.	9:20 p.m.	9:15 p.m.	9:15 p.m.
Leaving Buffalo	10:05 p.m.	9:55 p.m.	10:00 p.m.	10:00 p.m.	10:00 p.m.	10:00 p.m.	10:00 p.m.
Arriving Albany	4:05 a.m.	3:35 a.m.	3:35 a.m.	3:35 a.m.	3:35 a.m.	3:35 a.m.	3:35 a.m.
Arriving New York	7:15 a.m.	7:25 a.m.	7:10 a.m.	7:10 a.m.	7:10 a.m.	7:10 a.m.	7:10 a.m.

Schedule effective	Train No. 59			Train No. 63			
	Apr. 30, 1967	Nov. 5, 1967	Dec. 3, 1967	July 15, 1968	Oct. 27, 1968	Apr. 27, 1969	Oct. 26, 1969
Leaving New York	11:00 p.m.	11:00 p.m.	10:30 p.m.	10:30 p.m.	10:30 p.m.	10:30 p.m.	10:30 p.m.
Leaving Albany	2:15 a.m.	2:22 a.m.	2:05 a.m.	2:05 a.m.	2:05 a.m.	2:05 a.m.	2:00 a.m.
Leaving Buffalo	7:40 a.m.	8:20 a.m.	8:25 a.m.	8:25 a.m.	8:25 a.m.	8:25 a.m.	8:25 a.m.
Arriving Cleveland	10:57 a.m.	11:59 a.m.	11:59 a.m.	12:05 p.m.	12:05 p.m.	12:05 p.m.	12:05 p.m.
Leaving Cleveland	11:22 a.m.	12:55 p.m.	12:55 p.m.	1:00 p.m.	1:00 p.m.	1:00 p.m.	1:00 p.m.
Arriving Chicago	4:30 p.m.	6:10 p.m.	6:10 p.m.	6:35 p.m.	6:50 p.m.	7:00 p.m.	7:25 p.m.

APPENDIX C

SCHEDULE FOR TRAIN NOS. 90 TO 98/72 TO 98/74 BETWEEN CHICAGO AND NEW YORK CITY

Schedule effective	Train No. 90				Train No. 98/74			Train No. 98/72, Apr. 26, 1970.
	Apr. 30, 1967	Nov. 5, 1967	Dec. 3, 1967	July 15, 1968	Oct. 27, 1968	Oct. 26, 1969		
Leaving Chicago	9:45 p.m.	9:45 p.m.	9:45 p.m.	9:30 p.m.	9:15 p.m.	9:15 p.m.	9:15 p.m.	
Arriving Cleveland	5:45 a.m.	5:40 a.m.	5:45 a.m.	5:45 a.m.	5:45 a.m.	5:15 a.m.	5:15 a.m.	
Leaving Cleveland	7:05 a.m.	6:35 a.m.	6:55 a.m.	6:55 a.m.	6:55 a.m.	6:25 a.m.	6:25 a.m.	
Arriving Buffalo	11:05 a.m.	10:30 a.m.	11:00 a.m.	11:00 a.m.	11:00 a.m.	10:15 a.m.	10:15 a.m.	
Leaving Buffalo	11:30 a.m.	11:05 a.m.	11:05 a.m.	2:30 p.m.	2:30 p.m.	2:30 p.m. ¹	10:30 a.m.	
Arriving Albany	4:50 p.m.	4:20 p.m.	7:15 p.m.	7:15 p.m.	7:15 p.m.	7:15 p.m.	3:15 p.m.	
Arriving New York	8:45 p.m.	8:25 p.m.	10:10 p.m.	10:10 p.m.	10:10 p.m.	10:10 p.m.	6:10 p.m.	

¹ Earlier train at 10:30 a.m. was not shown as connection in timetable.

PENN CENTRAL TRANSPORTATION CO., "FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 27 OPERATING BETWEEN BUFFALO, N.Y. AND CHICAGO, ILL. PERIOD MAY 1 TO 7, 1968, INCLUSIVE

From—	To—							Total	Average per day
	Toledo	Waterloo	Elkhart	South Bend	Gary	Englewood	Chicago		
Beyond Buffalo.....	11	2	11	16	5	4	458	507	72.4
Buffalo.....	1	1	2		1		33	38	5.4
Toledo.....				1	2	2	42	47	6.7
Waterloo.....				1			1	1	.1
Elkhart.....				7	1	1	37	46	6.6
South Bend.....						2	10	12	1.7
Total.....	12	3	13	25	9	9	580	651	93.0
Average per day.....	1.7	.4	1.9	3.6	1.3	1.3	82.9		

PERIOD NOV. 1 TO 7, 1968, INCLUSIVE

Beyond Buffalo.....	18	5	6	14	8	2	381	434	62.0
Buffalo.....	6		1	3			22	32	4.6
Toledo.....			1	3			42	46	6.6
Waterloo.....			1				1	2	.3
Elkhart.....				2	1		27	30	4.3
South Bend.....							17	17	2.4
Total.....	24	5	9	22	9	2	490	561	80.1
Average per day.....	3.4	.7	1.3	3.1	1.3	.3	70.0		

PERIOD JAN. 1 TO 7, 1969, INCLUSIVE

Beyond Buffalo.....	60	22	27	136	23	9	1,004	1,281	183.0
Buffalo.....	9	2		3		1	107	122	17.4
Toledo.....				1	6	3	122	132	18.9
Waterloo.....				1			6	7	1.0
Elkhart.....						1	43	44	6.3
South Bend.....							11	11	1.6
Total.....	69	24	27	141	29	14	1,293	1,597	228.1
Average per day.....	9.9	3.4	3.9	20.1	4.1	2.0	184.7		

PENN CENTRAL TRANSPORTATION CO., "FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 28 OPERATING BETWEEN CHICAGO, ILL. AND BUFFALO, N.Y. DURING THE PERIOD MAY 1 TO 7, 1968, INCLUSIVE

From—	To—										Total	Average per day
	Gary	Laporte	South Bend	Elkhart	Waterloo	Toledo	Cleveland	Erie	Buffalo	Beyond Buffalo		
Chicago.....	1	22	24	52	1	83	93	10	20	529	835	119.3
Englewood.....		3	1	7	1		1			4	17	2.4
Gary.....		1		2						9	12	1.7
La Porte.....							1				1	.1
South Bend.....				1						15	16	2.3
Elkhart.....						1	2			5	8	1.1
Waterloo.....							2			1	3	.4
Toledo.....							3	1		18	22	3.1
Cleveland.....								2	4	52	58	8.3
Erie.....										12	12	1.7
Total.....	1	26	25	62	2	84	102	13	24	645	984	140.6
Average per day.....	0.1	3.7	3.6	8.9	0.3	12.0	14.6	1.9	3.4	92.1		

PENN CENTRAL TRANSPORTATION CO.: "FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 28 OPERATING BETWEEN CHICAGO, ILL., AND BUFFALO, N.Y., NOV. 1-7, INCLUSIVE, 1968

From—	To—										Total	Average per day
	La Porte	South Bend	Elkhart	Waterloo	Toledo	Cleveland	Erie	Buffalo	Beyond Buffalo			
Chicago.....	22	18	44	1	45	82	6	23	318	559	79.9	
Englewood.....		1	2			3		2	4	12	1.7	
Gary.....	3				2	2			10	17	2.4	
La Porte.....		1			5				7	3	.4	
South Bend.....			1		1					7	13	1.9
Elkhart.....					1	2			7	10	1.4	
Waterloo.....						1			5	6	.9	
Toledo.....						8		1	11	20	2.9	
Cleveland.....							8	7	43	58	8.3	
Erie.....								1	5	5	.7	
Total.....	25	20	47	1	55	98	14	34	409	703	100.4	
Average per day.....	3.6	2.9	6.7	0.1	7.9	14.0	2.0	4.9	58.4			

JAN. 1 TO 7, INCLUSIVE, 1969

Chicago	11	54	110	2	87	136	12	30	678	1,120	160.0
Englewood	1		9		3	2		5	10	30	4.3
Gary					1	4			13	18	2.6
LaPorte			1		1	2				4	.6
South Bend				1	1	8			41	51	7.3
Elkhart					2				21	23	3.3
Waterloo						4		1	14	19	2.7
Toledo						15	2	2	37	56	8.0
Cleveland							46	10	111	167	23.9
Erie									20	20	2.9
Total	12	54	120	3	95	171	60	48	945	1,508	215.4
Average per day	1.7	7.7	17.1	.4	13.6	24.4	8.6	6.9	135.0		

MAR. 1 TO 7, INCLUSIVE, 1969

From—	To—										Total	Average per day
	Gary	LaPorte	South Bend	Elkhart	Waterloo	Toledo	Cleveland	Erie	Buffalo	Beyond Buffalo		
Chicago	1	17	25	65	7	41	57	9	30	302	554	79.1
Englewood		1	6	5		1	2		1	1	17	2.4
Gary	2					1			1	3	7	1.0
LaPorte		1		1							2	0.3
South Bend				1	1	2	5	1		14	24	3.4
Elkhart							1			9	10	1.4
Waterloo							4		2	5	11	1.6
Toledo							4	1		21	26	3.7
Cleveland								4	4	40	48	6.9
Erie										7	7	1.0
Total	1	20	32	72	8	45	73	15	38	402	706	100.9
Average per day	.1	2.9	4.6	10.3	1.1	6.4	10.4	2.1	5.4	57.4		

APRIL 1 TO 7, INCLUSIVE, 1969

From—	To—										Total	Average per day
	LaPorte	South Bend	Elkhart	Waterloo	Toledo	Cleveland	Erie	Buffalo	Beyond Buffalo			
Chicago	17	25	92	4	96	80	13	57	376	760	108.6	
Englewood	3		1		1	1			13	19	2.7	
Gary	1		2	1	8	2		2	7	23	3.3	
LaPorte		1									3	0.4
South Bend			9	1	3	14	10	13	68	118	16.9	
Elkhart					3	6			4	13	9	1.3
Waterloo					1	1			7	9	1.3	
Toledo						3		2	22	29	4.1	
Cleveland							10	4	61	75	10.7	
Erie									5	5	0.7	
Total	21	26	104	6	112	109	35	78	563	1,054	150.6	
Average per day	3.0	3.7	14.9	.9	16.0	15.6	5.0	11.1	80.4			

PENN CENTRAL TRANSPORTATION CO., "FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 51 OPERATING BETWEEN BUFFALO, N.Y., AND CHICAGO, ILL DURING THE PERIOD MAY 1-7, 1968, INCLUSIVE

From—	To—										Total	Average per day	
	Dunkirk	Westfield	Erie	Ashtabula	Cleveland	Sandusky	Port Clinton	Toledo	Gary	Englewood			Chicago
Beyond Buffalo	1	3	11		26			1		11	53	7.9	
Buffalo	1	1	5	3	8			1		12	31	4.4	
Dunkirk			1		1				1		3	.4	
Westfield					1					2	3	.4	
Erie				1	8				1	8	18	2.6	
Ashtabula					2					3	5	.7	
Cleveland						1				62	63	9.0	
Elyria										1	1	.1	
Sandusky								1		6	7	1.0	
Toledo										19	20	2.9	
Elkhart										7	7	1.0	
South Bend										7	7	1.0	
Total	2	4	17	4	46	1	1	2	2	1	138	218	31.1
Average per day	0.3	0.6	2.4	0.6	6.6	0.1	0.1	0.3	0.3	0.1	19.7		

PENN CENTRAL TRANSPORTATION CO., "FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 51 OPERATING BETWEEN BUFFALO, N.Y. AND CHICAGO, ILL. DURING THE PERIOD NOV. 1-7, 1968, INCLUSIVE

From—	To—												Total	Average per day	
	Dunkirk	Erie	Ashtabula	Cleveland	Elyria	Sandusky	Toledo	Bryan	Elkhart	South Bend	Gary	Englewood			Chicago
Beyond Buffalo.....	4	10		18						1			11	44	6.3
Buffalo.....	1	7	1	7			1			3	1		13	34	4.9
Dunkirk.....		1		2					2					5	.7
Westfield.....				1										1	.1
Erie.....				7						4			6	17	2.4
Ashtabula.....				5							1			6	.9
Cleveland.....					1	1	6		2	1	1	1	40	53	7.6
Elyria.....														1	.1
Toledo.....								2	1	2	1		10	16	2.3
Elkhart.....													15	15	2.1
South Bend.....													3	3	.4
Total.....	5	18	1	40	1	1	7	2	5	11	4	1	99	195	27.9
Average per day.....	0.7	2.6	0.1	5.7	0.1	0.1	1.0	0.3	0.7	1.6	0.6	0.1	14.1		

DURING THE PERIOD JAN. 1-7, 1969, INCLUSIVE

From—	To—														Total	Average per day
	Dunkirk	Westfield	Erie	Ashtabula	Painesville	Cleveland	Elyria	Sandusky	Toledo	Elkhart	South Bend	Gary	Englewood	Chicago		
Beyond Buffalo.....	12	2	39	5	2	58			3		10			65	196	28.0
Buffalo.....	15	3	34	1	5	30				1	19		3	30	141	20.1
Dunkirk.....						3								11	14	2.0
Westfield.....						9									9	1.3
Erie.....						15		2	2		7			25	51	7.3
Ashtabula.....						7					1	2		10	10	1.4
Cleveland.....								5	9	1	1	9	5	112	143	20.4
Elyria.....													1	2	3	.4
Sandusky.....														21	27	3.9
Port Clinton.....														1	1	.1
Toledo.....									5		1			41	41	5.9
Elkhart.....														24	24	3.4
South Bend.....														4	4	.6
Total.....	27	5	73	6	7	122	5	11	11	2	47	7	5	336	664	94.9
Average per day.....	3.9	0.7	10.4	0.9	1.0	17.4	0.7	1.6	1.6	0.3	6.7	1.0	0.7	48		

PENN CENTRAL TRANSPORTATION CO.—"FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 63 OPERATING BETWEEN BUFFALO, N.Y., AND CHICAGO, ILL., JAN. 1 TO 7, INCLUSIVE, 1969

From—	To—								Total	Average per day	
	Erie	Ashtabula	Painesville	Cleveland	Toledo	Elkhart	South Bend	Chicago			
Beyond Buffalo.....		34	1		94	13		11	45	198	28.3
Buffalo.....		10	1	1	44	10	1	14	62	143	20.4
Erie.....			2		29	5	3	19	31	89	12.7
Ashtabula.....					11			2	2	15	2.1
Painesville.....									4	4	.6
Cleveland.....						8	7	40	145	200	28.6
Toledo.....							3	9	76	88	12.6
Elkhart.....								1	35	36	5.1
South Bend.....									7	7	1.0
Total.....	44	4	1	178	36	14	96	407	708	111.4	
Average per day.....	6.3	0.6	0.1	25.4	5.1	2.0	13.7	58.1			

MAR 1-7 INCLUSIVE, 1969

Beyond Buffalo.....	17			25	3		9	54	7.7
Buffalo.....	3		3	20	2		8	38	5.4
Erie.....		3		14	4		12	33	4.7
Ashtabula.....			60	11			1	72	10.3
Cleveland.....					13	2	6	44	6.3
Toledo.....						1	4	29	4.1
Elkhart.....							2	33	5.0
South Bend.....								10	1.4
Total.....	20	3	63	70	22	3	14	336	48.0
Average per day.....	2.9	.4	9.0	10.0	3.1	.4	2.0	20.1	

APR. 1-7, INCLUSIVE, 1969

Beyond Buffalo.....	21	9	6	71	2	1	4	135	19.3
Buffalo.....	4	3	1	12	5	1	8	54	7.7
Erie.....		3		31	1	1	3	61	8.7
Ashtabula.....				9				12	1.7
Painesville.....				2				3	.4
Cleveland.....					24	6	9	69	15.4
Toledo.....						5	6	51	8.9
Elkhart.....								48	6.9
South Bend.....								7	1.0
Total.....	25	15	7	125	32	14	30	490	70.0
Average per day.....	3.6	2.1	1.0	17.9	4.6	2.0	4.3	34.6	

NOV. 1 - 7, INCLUSIVE, 1969

From—	To—								Total	Average per day
	Erie	Ashtabula	Painesville	Cleveland	Toledo	Elkhart	South Bend	Chicago		
Beyond Buffalo.....	5	2		23	2	1		16	49	7.0
Buffalo.....	1			3	2	1	1	4	12	1.7
Erie.....				20	2	2		8	32	4.6
Ashtabula.....			194	8				2	206	29.4
Cleveland.....					7	1		7	60	8.6
Toledo.....						4	4	13	21	3.0
Elkhart.....								24	24	3.4
South Bend.....								3	3	.4
Total.....	6	2	194	54	13	9	14	115	407	58.1
Average per day.....	.9	.3	27.2	7.7	1.9	1.3	2.0	16.4		

PENN CENTRAL TRANSPORTATION CO. "FROM AND TO" RECORD OF REVENUE PASSENGERS CARRIED ON TRAIN NO. 64 OPERATING BETWEEN CHICAGO ILL. AND BUFFALO N.Y. DURING THE PERIOD MAY 1-7, 1968, INCLUSIVE

From—	To—														Total	Average per day
	Gary	La Porte	South Bend	Elkhart	Toledo	Sandusky	Elyria	Cleveland	Painesville	Ashtabula	Erie	Westfield	Buffalo	Beyond Buffalo		
Chicago.....	2	11	15	22	28	5	4	58	1	1	7	2	20	30	206	29.6
Englewood.....				2	2			3			1		1		9	1.3
Gary.....		2		1				4							9	1.3
La Porte.....			1												2	.3
South Bend.....				73	1	1	2	3			1		2		89	12.7
Elkhart.....					2			2					1		6	.9
Toledo.....							1	16		1	2	1	5	3	29	4.1
Sandusky.....								5			1				6	.9
Cleveland.....											24	3	29	25	93	13.3
Painesville.....											1		2		3	.3
Ashtabula.....										12			1		2	.4
Erie.....													2		2	.3
Westfield.....													1		1	.4
Dunkirk.....														2	2	.1
Total.....	2	13	16	98	40	6	7	91	1	15	37	6	65	64	461	65.9
Average per day.....	0.3	1.9	2.3	14.0	5.7	0.9	1.0	13.0	0.1	2.1	5.3	0.9	9.3	9.1		

DURING THE PERIOD NOV. 1 TO 7, 1968, INCLUSIVE

From—	To—														Total	Average per day	
	Gary	La Porte	South Bend	Elkhart	Toledo	Sandusky	Elyria	Cleveland	Painesville	Ashtabula	Erie	Westfield	Dunkirk	Buffalo			Beyond Buffalo
Chicago.....	1	6	3	29	20	4		29		2	3	1		8	10	116	16.6
Englewood.....		1		1	1			1						1		5	.7
Gary.....				1	3		2	2						2		10	1.4
La Porte.....			1							1						3	.4
South Bend.....					7		1	1			2		1	2		14	2.0
Elkhart.....					3			8								11	1.6
Toledo.....							1	7		1	1	1			3	14	2.0
Sandusky.....								3								3	.4
Elyria.....								2								2	.3
Cleveland.....									3	18	22	3	2	21	13	82	11.7
Painesville.....											1					1	.1
Ashtabula.....											2					3	.4
Erie.....													3	5	1	9	1.3
Westfield.....														1	2	3	.4
Dunkirk.....														1	1	1	.1
Total.....	1	7	4	32	34	4	4	53	3	22	31	5	6	41	30	277	39.6
Average per day.....	0.1	1.0	0.6	4.6	4.9	0.6	0.6	7.6	0.4	3.1	4.4	0.7	0.9	5.9	4.3		

DURING THE PERIOD JAN. 1-7, 1969, INCLUSIVE

From—	To—														Total	Average per day		
	Gary	La Porte	South Bend	Elkhart	Toledo	Sandusky	Elyria	Cleveland	Painesville	Ashtabula	Erie	Westfield	Dunkirk	Buffalo			Beyond Buffalo	
Chicago.....	2	1	12	34	71	8	6	96		1	17			41	59	348	49.7	
Englewood.....		1			5			2								8	1.1	
Gary.....				1	2		2	1						2	2	10	1.4	
La Porte.....			2													4	0.6	
South Bend.....					13		3	13			2			7	5	43	6.1	
Elkhart.....					4			4		1	3				3	15	2.1	
Toledo.....								12		1	1	6			5	6	31	4.4
Port Clinton.....															1	1	0.1	
Sandusky.....								9							6	4	19	2.7
Cleveland.....									5	24	41	2	2	37	31	142	20.3	
Painesville.....											1			1	7	9	1.3	
Ashtabula.....											3			3	7	13	1.9	
Erie.....														33	34	67	9.6	
Westfield.....														2	6	8	1.1	
Dunkirk.....															8	8	1.1	
Total.....	2	2	14	35	95	8	11	137	6	27	73	2	2	139	1,173	726	103.7	
Average per day.....	0.3	0.3	2.0	5.0	13.6	1.1	1.6	19.6	0.9	3.9	10.4	0.3	0.3	19.9	24.7			

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

Mr. KEMP. I yield to my distinguished colleague.

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

Mr. Speaker, I think the gentleman is rendering a significant service by bringing this matter to the attention of the House by the legislation he has introduced. Certainly, the bipartisan support of the New York delegation will be forthcoming I know because he is speaking in behalf of a very significant part of the economy of our State and a matter of great convenience to the residents of the State of New York when he calls for the inclusion of the Buffalo-Chicago routes into the basic Railpax system.

I rise in support of H.R. 4570 and congratulate my colleague from New York for his efforts on behalf of a Buffalo to Chicago rail passenger route. Further, I strongly urge the Railpax Corporation to adopt the Buffalo-Chicago route as part of the National Rail Passenger Service, before it begins operations in May.

Last year, I supported the legislation which authorized the creation of Railpax, because I felt it held out the hope of an economical and more efficient rail service for all the citizens of this Nation. But the failure to extend the New York-Buffalo line logically on to Chicago, ignores the traditional and best route for residents of upstate New York to travel to the Midwest and West. I am hopeful that this oversight, detrimental to the residents of my own 28th Congressional District and all the residents of upstate New York, will be quickly remedied.

Again, I commend my colleague, Congressman KEMP, for his efforts in this matter.

Mr. KEMP. Mr. Speaker, I thank my distinguished colleague for his remarks and support.

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

Mr. KEMP. I yield to my distinguished colleague.

Mr. KING. Mr. Speaker, I want to commend the gentleman from the western part of our State for the position he has taken and for the legislation he has introduced. I join him in it and would be pleased to be a cosponsor of any such legislation together with the gentleman.

I wonder if the gentleman has any information whether or not there is a possibility of extending that railpax service from Albany to Montreal? Do you know anything about whether or not they have included that?

Mr. KEMP. I thank my colleague for his comments.

At this point, I am not aware of that type of service being included in the Railpax basic system.

Mr. KING. I would be very glad to join you in your request.

Mr. KEMP. I appreciate that.

Mr. ASHLEY. Mr. Speaker, it is entirely understandable and appropriate for the House Members assembled on this occasion to present the case for their principal city being included as an intermediate stop on the prospective New York City-Chicago and Washington, D.C.-Chicago routes of the national rail passenger system. Passenger trains, after

all, are a vanishing species and the limited intercity rail service will benefit only a fortunate few of our urban centers.

It was not always so. In 1929 some 2,000 passenger trains—an essential component of any modern balanced transportation system—provided service to communities of every size and description. At the end of last year, alas, the number had dwindled to fewer than 400, many of which continued in business with demonstrated reluctance and only at the insistence of the Interstate Commerce Commission.

The next rung on the ladder, as we all know, was reached when private enterprise was finally allowed to abandon passenger service and Public Law 91-518 was enacted establishing a semipublic corporation to operate passenger trains between points designated by the Secretary of Transportation as part of a national basic rail system.

Pursuant to this legislation, the Secretary of Transportation has designated the points between which intercity passenger trains shall be operated and—again pursuant to Public Law 91-518—he is now in the process of identifying routes over which service may be provided.

Our colleague from Buffalo (Mr. KEMP) has presented a convincing case for extension of the New York City-Buffalo passenger service west to Chicago. I support his position wholeheartedly. But my interest—representing the greater Toledo area—goes further. Passenger service between New York City-Chicago and Washington-Chicago has been specified by the Secretary of Transportation and whether either or both of the intercity routes connecting these cities will include Toledo is to be decided in the immediate days ahead. The Toledo Area Chamber of Commerce has already filed a brief describing Toledo as a major transportation hub—one of the Nation's largest rail centers, eleventh largest port in the country, the leader in the Great Lakes and St. Lawrence Seaway traffic, and so forth—and has done a good job in cataloging population growth and the expanding industrial, commercial and agricultural activity throughout the Toledo standard metropolitan statistical area and northwestern Ohio.

Rather than expand on these data and other metropolitan virtues, let me simply say that the case for including Toledo in the inter-city routes—New York-Buffalo-Chicago or New York-Chicago via a southern route, and Washington-Chicago—is convincingly made and supported by the very criteria developed by the Secretary of Transportation, in keeping with the guidelines set forth in the act, for election of "points" which Railpax will be required to serve.

The first of these criteria provides that the availability of alternative transportation modes and the existing travel patterns should be considered to insure that the designated rail passenger network will make an optimum contribution to the Nation's total transportation system.

Blessed by its geographic location, Toledo is served by land, sea, and air. Easy access to Toledo is available via Interstate Routes 75 and 475, the Ohio

Turnpike, and 11 State and U.S. routes. Ohio Turnpike traffic, measured at two interchanges in Toledo in 1970, was over five and a half million vehicles. Air passenger service is also immediate and substantial. During 1970, Toledo had an air passenger count of 424,925 and CAB data for 1969 showed 67,920 to and from Chicago, 73,730 to and from New York City, 19,170 to and from Washington, D.C., and 9,670 to and from Cleveland.

Toledo also is in excellent position to meet the criteria stipulating that anticipated rail ridership should be substantial and that projected ridership levels should enable the proposed rail service to operate at a cost which is competitive with the costs of alternative modes.

While Toledo's air service has increased in recent years, the fact remains that the city's proximity to Detroit and Cleveland makes it difficult to secure the number of flights and the diversity of direct service that is available to these larger communities. This very fact, of course, underscores the potential of the Toledo area if sufficient, updated rail passenger service is available.

No city better meets the criterion that selection should include cities that can be efficiently served by the Corporation as part of an integrated national rail passenger network.

Toledo's position as one of the Nation's major rail centers speaks clearly for itself. One of the reasons for Toledo's long and prominent role in rail passenger transportation is the number of large cities that can be served from Toledo through short-haul service. Within the 300-mile range that is used to define short-haul service, Toledo is in a position to serve and be served by Chicago, Cleveland, Erie, Buffalo, and Pittsburgh, with Harrisburg, Philadelphia, and Albany only slightly further in distance.

The population criterion provides that the route options between the major points should touch a large number of intermediate-population centers.

Toledo is certainly such a center. The SMSA which includes Lucas and Wood Counties in Ohio and Monroe County in Michigan climbed to 691,649 in 1970 and is listed by the U.S. Census Bureau as one of the 50 largest metropolitan areas in the United States. More importantly, Toledo's retail trading zone, comprising 12 counties in northwest Ohio and two in southeast Michigan, has a population of more than 1,175,000. From the standpoint of rail passenger potential, the composition of this population must be considered superior. More than a dozen national corporations are headquartered in retail areas just described and more than 40,000 students are currently attending colleges and universities in northwestern Ohio alone. Approximately 4,000 of these students are from out-of-State, many from the East.

From the standpoint of profitability, corporate flexibility and capital improvements required for inclusion in an intercity route, Toledo must be ranked at the top of the list. The city's pioneering role in rail transportation has been handed down generation to generation and managerial and technical competence re-

quired is already there, as is an experienced labor force.

Mr. Speaker, all of us here this afternoon are acting in the capacity as advocate for the District we represent. As the staggering highway death tolls continue to increase and as our airports become more and more congested, we recognize ever more clearly the need for a balanced transportation system and the essential role of rail passenger transportation in such a system. How quickly this can be achieved will depend in large measure on the care and consideration that is given to selection of the cities to be included in the routes soon to be established.

As an advocate for Toledo, I have tried to stress the importance of the contribution that our community can make if it is included. But from the standpoint of the Nation, the really important task is to move forward effectively in establishing rail passenger service as a component of a balanced transportation system. Fortunately, what is important to Toledo and that which is important to the Nation are in no way incompatible or inconsistent. We are anxious to participate in this new undertaking and look forward to doing so.

Mr. REID of New York. Mr. Speaker, I rise in support of the remarks of the gentleman from New York (Mr. KEMP) urging the establishment of Buffalo and Chicago as end points in the basic national rail passenger system.

Inclusion of this route in the national system is vital to the continued growth and prosperity of all the people of New York State.

Without a passenger rail line westward from Buffalo, the nearly 4 million people who live in upstate New York along the Albany-Buffalo axis will be deprived of feasible rail transportation to the Midwest and West.

The currently planned national system already incorporates the New York City-Buffalo route. To terminate this route abruptly in Buffalo would make no sense whatsoever. It would consign this route to being little more than a regional spur rather than a national trunkline. Only by its extension to Chicago can this important route serve as a truly useful link in the commerce of the Nation.

I commend the gentleman from New York (Mr. KEMP) for his initiative and heartily add my support for H.R. 4570 to establish passenger service from Buffalo to Chicago.

Mr. TERRY. Mr. Speaker, I rise in support of my colleague from Buffalo. New York is certainly a State that has done its share in trying to maintain passenger service. It has provided property tax relief to the railroads operating within the State. It purchased outright the Long Island Rail Road and is now seeking to upgrade and improve the service. In 1967, the State approved a \$2.5 billion transportation capital facilities bond issue to help the suburban passenger service. In 1970, over \$15 million was allocated for emergency maintenance work on the Long Island Rail Road and the Hudson, Harlem, and New Haven divisions of the Penn Central Transportation Co. So New York State has

been acting to meet this crisis as it developed.

New York State has the empire service—New York City-Albany-Buffalo—and this is excellent. However, under the new Railpax no through service is planned to Chicago via this route. In my view this is a serious mistake to cut off passenger service across the northern tier of New York, Ohio, and Indiana to those who wish to travel to Chicago via rail. As a young college student, I took this route to Notre Dame. My family, furthermore, on both sides have been in railroading and it is a proud family tradition. There are still many persons, such as my own wife, who prefer the train to a plane, if the former is available. With our upstate weather, we have to have alternative means of transport available, if this last winter is any indicator of the future. My strong feeling is that the National Rail Passenger Corporation will prove to be a wise act and with the wholehearted cooperation of local, State, and Federal authorities, the United States can again have a good rail passenger system that we can all be proud of. To achieve this goal, the Buffalo to Chicago route needs urgently to be added to the National Rail Passenger Corporation.

GENERAL LEAVE TO EXTEND

Mr. KEMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on this subject.

The SPEAKER pro tempore (Mr. PEPPER). Without objection, it is so ordered. There was no objection.

HEARINGS SET ON ABOLISHING DETENTION CAMPS

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

Mr. KASTENMEIER. Mr. Speaker, as chairman of Subcommittee No. 3 of the Committee on the Judiciary, I wish to announce that a public hearing will be held on March 18, 1971, at 10 a.m., in room 2226 Rayburn House Office Building, on H.R. 234, a bill introduced by Mr. MATSUNAGA for himself, Mr. HOLIFIELD, Mr. MIKVA, and myself, to amend title 18, United States Code, to prohibit the establishment of emergency detention camps and to provide that no citizen of the United States shall be committed for detention or imprisonment in any facility of the U.S. Government except in conformity with the provisions of title 18.

The principal purpose and effect of H.R. 234 is to repeal the Emergency Detention Act which was enacted as title II of the Internal Security Act of 1950. That act establishes procedures for the apprehension and detention, during internal security emergencies, of individuals deemed likely to engage in acts of espionage or sabotage. Unfortunately, the legislation has given rise to the belief that it may be used to apprehend and detain citizens holding unpopular beliefs. Also, some groups look upon the legislation as permitting a recurrence of

the roundup and detention of Americans of Japanese ancestry during World War II.

H.R. 234 is one of 12 identical measures now pending in the House. Including multiple sponsorships, these measures reflect the view of 149 Members of the House, concurred in by the Department of Justice, that the Emergency Detention Act of 1950 should be repealed.

MODERNIZING FEDERAL ANTITRUST LAWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PRICE) is recognized for 15 minutes.

Mr. PRICE of Texas. Mr. Speaker, exactly 1 month ago today, I introduced legislation establishing a National Commission on the Revision of Federal Antitrust Laws. This afternoon I am reintroducing this measure with 15 cosponsors representing both political parties and a wide spectrum of political thought.

Joining me in introducing this measure are: Mr. ANDERSON of Illinois, Mr. ARCHER, Mr. BLACKBURN, Mr. COLLINS of Texas, Mr. GIBBONS, Mr. HARRINGTON, Mr. HOSMER, Mr. JOHNSON of Pennsylvania, Mr. KUYKENDALL, Mr. MANN, Mr. MAYNE, Mr. MICHEL, Mr. RAILSBACK, Mr. RARICK, and Mr. BOB WILSON.

The rationale behind this proposal is a simple one. The Federal laws which regulate the form and shape of business activity are vital ones, yet they have not been updated in over 20 years despite its rapidly changing nature and structure. Moreover, no systematic efforts have been made to determine what the current legislative needs even are in the antitrust area.

By impaneling a National Commission comprised of 24 eminent personages representing the public and the private sectors, empowering them for 1 year to make investigations and hold hearings, and requiring them to submit a report of their findings and recommendations to the President and to the Congress, a much needed perspective could be obtained on the state of Federal antitrust regulation.

Armed with this new perspective Congress can then swiftly move to update antitrust laws where needed and to shore up Federal regulations where weakened by disuse or misuse.

Mr. Speaker, the task set forth for the Commission is a task that should have been undertaken in the last Congress. Those of us who introduce this measure today can only hope that our colleagues will band together in a nonpolitical and nonpartisan spirit and approve this bill.

If impaneled, the National Commission on Revision of Federal Antitrust Laws will well serve both the interests of commerce and the interests of consumer.

NEED FOR BRIDGE IN BIG SPRINGS, TENN.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. QUILLEN) is recognized for 15 minutes.

Mr. QUILLEN, Mr. Speaker, "You can not get there from here" is not an empty phrase for the people of the Big Springs community.

They live across the river and the only way to get across is by driving some 34 miles through another State in order to get to their county seat.

For more than 100 years the people of this small community in Hancock County, Tenn., which is located in the northeast corner of my congressional district, have suffered isolation.

For the purpose of bringing my story into the proper perspective, I would like to add that, according to statistics from the U.S. Department of Commerce, Hancock County is the Nation's seventh poorest county.

Back in 1966, a group from the Big Springs community presented me with a petition asking that I help them get a bridge across the Clinch River, which runs through the county.

If you were to ask where Big Springs is located, people would say, "just across the river." If you were to ask residents of Big Springs where everything else is, the answer would probably be the same—"just across the river." But getting across the river is another thing—"you just cannot get there from here."

Over the years, some of the residents of the community have moved away in order to make contact with the outside world. Those who remain do so because they feel connected with the land they live on and the friendship they hold for their neighbors. They are staying, but they are staying against all odds, for the truth of the situation is that isolation has hemmed itself around their lives, hurting them most when they can afford it least.

Just how isolated is Big Springs? By all normal yardsticks, the answer would have to be "incredibly so." Some of the houses and roads are not even found on the county map. The lack of a bridge connecting Big Springs to the outside world necessitates the residents having to drive over 26 miles of dirt road that at times is simply bedrock and at other times greasy mud, in order to get to the nearest store or gas station. The time it takes to get anywhere sometimes prohibits men in Big Springs from getting an outside job while living at home.

I have been working on this project for more than 5 years, but we still do not have a bridge constructed across the river, although in recent months there have been encouraging developments.

The Big Springs community is involved in a unique situation. In the true sense of the word, the people of this mountain community are isolated from the rest of the world.

One hundred and sixty-three people live in Big Springs and its rich bottomlands and rolling stones are cherished by local farmers for crops and pasture. Almost everyone would have to say that the Clinch has given Hancock Countians a good life—everyone except the people of Big Springs, for here in a hidden valley the Clinch has taken life away.

Big Springs residents, like other residents of Hancock County, want to share their community with others, and they desire to have better access to commer-

cial centers, health and educational facilities, farm markets, and jobs.

Last year, more than 53 percent of the household heads were farmers, 19 percent were retired or unable to work, and 28 percent had nonagricultural jobs in addition to part-time farming.

A majority of Big Springs families depend on the sale of crops for their income. Tobacco is the major crop, with some corn, hay, and vegetables being sold. The tobacco markets most used by farmers in the Big Springs area are in Weber City and Gate City, both of which are in Virginia. The Kingsport, Rogersville, and Sneedville tobacco markets in Tennessee are used to a lesser degree.

Cattle, hogs, and chickens are sold in Gate City, Kingsport, Rogersville, and Sneedville livestock markets.

The farmers of Big Springs are highly efficient. They know their work and they know how to get the most out of every dollar. But they are seriously handicapped. Sure, they can grow abundant crops of practically everything they farm, but getting it to the markets is another story.

In order for the residents of Big Springs to get to the county seat of Hancock County, which is Sneedville, they must travel 34 miles. If they could cross the Clinch River at a point just south of the Big Springs community, the trip would be only 18 miles, a savings of 16 miles each way, or, 32 miles for each trip. This same mileage holds true for a trip to any point to the south or west of the Big Springs community.

If they are to get to the doctor and commercial centers, and if the children of the community are to get to school, they must travel dangerously.

For instance, several years ago Hancock County consolidated its high schools, but the Big Springs children still have no way to catch the schoolbus on their side of the river. Instead, the parents of high school students must watch as their children each morning walk down to the river and paddle across the water in a leaky wooden boat. These children are in danger and the parents understandably fear for their lives. In the winter, they often have to break the ice as they negotiate the cold river. Because of these personal hardships, many of the children fail to attend high school due to the rigors of getting there. Many go through life with an eighth grade education. The community has a one-room schoolhouse, but it is outdated. When the children go out to play during a recess, they have nothing to do. The school sits on a knob and, therefore, there is no land for a playground. Some children play under the school and more times than not they are lucky if they are not cut by broken glass, old tin cans, and rusty nails. Others play bingo with kernels of corn.

I could talk for many hours telling you a variety of stories about the plight of these people, but I feel from my previous colloquy that you understand the community's unique position.

So, what can we do to help these poor people?

When I was first asked to intervene in this matter, my idea was to contact the proper authorities at the State level, and this I did.

Mr. Speaker, I strongly support the

sovereignty of all States; let the States do for themselves what they can without the intervention of the Federal Government. But, in this case, it seems that it is a matter of either letting the Federal Government help or overburdening the State and county.

Consequently, I went to the Appalachian Regional Commission for whatever assistance this arm of the Federal Government could provide.

At the present time, the news that we have received from the Appalachian Regional Commission is encouraging, and I am optimistic that financial aid will be forthcoming. I would like to point out that a clause included in the ARC Act provides financial assistance for any poverty area within the Appalachian region if it would facilitate school consolidation. In the case of Big Springs, it would make it possible for students to get to school. So, it appears to me that this would be the basis for constructing a bridge across the Clinch.

If we receive a commitment from the Appalachian Regional Commission, we have promises of other help from the State Highway Department, the Upper East Tennessee Economic Opportunities Authority, the Tennessee Valley Authority, and Hancock County.

Mr. Speaker, we must not let these people suffer any longer. They are distressed and heartbroken and I sympathize with them.

Let us hope that this matter will be resolved once and for all at the very earliest date.

CORPS OF ENGINEERS' PROPOSED REGULATIONS ON THE REFUSE ACT PERMIT PROGRAM ARE INADEQUATE AND MUST BE REVISED

THE SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, the recent hearings held on February 18 and 19 by the Senate Subcommittee on the Environment and members of the House Subcommittee on Conservation and Natural Resources, concerning the administration's proposed 1899 Refuse Act permit program reevaluated that the proposed regulations of the Corps of Engineers must be strengthened.

They were published on December 31, 1970 (35 F.R. 20005) and on January 21, 1971 (36 F.R. 983), to carry out the President's Executive Order 11574 of December 23, 1970, directing the Corps and the Environmental Protection Agency to establish the Refuse Act permit program. On February 4, 1971, I inserted into the CONGRESSIONAL RECORD our subcommittee's letter of December 23, 1970 analyzing many of the deficiencies in them and urged that these be revised.

The proposed Refuse Act permit program will not achieve the objectives the public expects, unless several defects in the regulations are eliminated. The most significant of these is the failure to require industrial plants discharging their polluting wastes into intrastate waters to comply with federally established effluent standards.

On February 26, 1971, we wrote letters

to the Chairman of the Council on Environmental Quality, the Administrator of the Environmental Protection Agency, the Attorney General, and to the Corps, about these defects. We urged specific revisions to improve the regulations and procedures for administering the Refuse Act permit program and for enforcing more effectively the 1899 Refuse Act.

I insert at this point in the RECORD our subcommittee's three letters of February 26, together with Senator HART's letter of March 1 to the Chairman of the Council on Environmental Quality, and an editorial from the Washington Post of February 28, 1971:

FEBRUARY 26, 1971.

Mr. RUSSELL E. TRAIN,
Chairman, Council on Environmental Quality,
722 Jackson Place NW., Washington,
D.C.

DEAR MR. TRAIN: The hearings on February 18 and 19 before the Senate Subcommittee on the Environment and Members of the House Subcommittee on Conservation and Natural Resources on the Administration's proposed 1899 Refuse Act permit program helped to pinpoint a number of areas where we believe the proposed regulations of the Corps of Engineers should be strengthened.

As you no doubt are aware, Administration witnesses agreed that a number of revisions in the regulations were needed. They also agreed to consider all the criticisms and suggestions for improvement of the regulations made at the hearings and those expressed in letters of the House Subcommittee to the Corps, the Environmental Protection Agency, and your Council. This is certainly encouraging.

We commend especially the testimony by the Army's General Counsel, Robert E. Jordan, in which he listed several of the amendments he proposes to make in the regulations in order to incorporate the suggestions made by the subcommittees and public witnesses.

There are a number of amendments to the regulations which, on the basis of the hearings, we believe most important for a proper structuring of the proposed Refuse Act permit program.

We believe that these revisions will make the program more effective and achieve the President's, and our, objective of providing "a major strengthening of our efforts to clean up our Nation's waters."

Proposed revisions in Executive Order 11574 of December 23, 1970 (35 F.R. 19627) have been previously discussed and detailed in our Subcommittee's letters of February 4, 1971, to the President and to you.

Before dealing with our specific recommendations, we want to emphasize our conviction that the merit of the 1899 Refuse Act permit program lies not only in the fact that it will supply more accurate data concerning effluents, but, more importantly, will also, for the first time, enable the Federal Government to insist that all dischargers eliminate the polluting and hazardous effects of their waste discharges. Effective use of the Refuse Act means that we will not be satisfied with the status quo but, on the contrary, will insist, as a condition to the issuance of a permit, that the discharger take positive and timely steps to eliminate such effects.

It would be an empty gesture toward pollution control, and a cruel hoax upon the American public, if the Government were to issue permits which fail to treat, for example, intrastate dischargers in the same way as interstate dischargers. Such a failure would probably create significant economic disadvantages for industries discharging into interstate waterways and involved in business competition with those discharging into intrastate waters.

Industry needs the permit system in order

to avoid prosecution under the Refuse Act for failure to have a Corps permit covering industry's refuse discharges into navigable waterways. The Corps is obligated to provide such a system. But it should be a system which effectively protects all waterways subject to the Refuse Act from the polluting effect of these discharges by retarding and eliminating them in a timely fashion.

Once issued, these Federal permits will immunize a discharger from prosecution under the 1899 law, except in cases where there is a violation of the permit conditions. No such immunity should be granted unless the Federal Government is assured that effective measures, requiring use of the best available technology for treatment of wastes, are included in the permit which will lead to a reduction or total elimination of pollution by the discharger.

Our comments and recommendations concerning the Corps' proposed regulations of December 31, 1970 (35 F.R. 20005), as amended on January 21, 1971 (36 F.R. 983), follow. Since the proposed regulations are all in section 209.131, this letter refers to the specific paragraphs and subsections in that section. The new language we recommend is underlined, and the deletions we propose are shown in brackets.

I. PUBLIC INTEREST CONSIDERATION

A. Section 13 of the 1899 Refuse Act prohibits the discharge or deposit of "any refuse matter of any kind or description whatever," except sewage, into navigable waterways or their tributaries. It, however, authorizes the Corps to "permit" the discharge or deposit or refuse "within limits to be defined and under conditions to be prescribed" by it.

Thus, the 1899 Federal law authorizes the Corps, in its discretion, to issue Federal permits governing the emission or discharge of refuse into navigable waterways. Yet the only non-procedural limits for issuing permits prescribed by the Corps in the proposed regulation are three provisions in paragraph (d) (2). These three provisions severely circumscribe the Corps' discretionary authority under the Refuse Act because they say that the Corps may deny or issue a permit on the basis of "the impact of the discharge or deposit on" only three matters:—(1) "anchorage and navigation," (2) Federally approved "water quality standards" established under the Water Quality Act of 1965, which apply only to interstate waters; and (3) "fish and wildlife resources which are not directly related to water quality standards."

Paragraph (d) (2) of the proposed regulation fails to mention any criteria for the Corps to issue or deny a permit on the basis of the "impact of the discharge or deposit on" water quality of intrastate waters for which there are no Federally approved water quality standards.

We understand that there are at least seven states which have no water quality standards for their intrastate waters. Yet there is no provision in the regulations describing what happens when no certification is required under section 21(b) of the Federal Water Pollution Control Act because "there are no applicable water quality standards." The regulation ignores the requirement of section 21(b) (9) (A) which specifies in such case that the Federal permitting or licensing agency must impose as a condition of such license or permit "a requirement that the licensee or permittee shall comply with the purposes" of the FWPC Act.

Section 21(b) (1) of the FWPC Act prevents the Corps from issuing a permit until a State certification has been either denied, obtained, or waived. It does not, however, require that the Corps issue a Federal permit where such certification is obtained. Further, where there is "no applicable water quality standards" or, if they exist, they are inadequate, the Corps is not required by section 21(b) to issue a Federal permit which would

immunize the discharger from prosecution under the 1899 law.

Mr. Quarles of EPA testified at our Hearing on February 19 that EPA need not accept a State certification on face value. He said that, as to the permit program—

"Where state certification applied to a discharge on navigable intrastate waters, EPA and the Corps of Engineers may review and reject state certification of a discharge in intrastate waters where an error has been made in the application of the standard to a particular discharge, or the discharge contains a hazardous substance not covered by water quality standards or there are conflicting fish and wildlife considerations. (Transcript, P. 333)."

Mr. Quarles also stated that even these steps, which we regard as inadequate, "have not yet been spelled out" in the proposed Corps' regulations or Memorandum of Understanding. (Transcript, p. 406).

We note too that these steps "have not yet been spelled out" in EPA's proposed regulations of February 5, 1971 (36 F.R. 2546) issued under section 21(b) of the FWPC Act. Section 615.13 of those regulations provide for EPA "review" of "applications and certifications," but that review appears to be solely limited to a determination under the statute that there is or is not "reason to believe that a discharge may affect the quality of the waters" of more than one State. It does not appear to encompass the review Mr. Quarles speaks of.

Even as to fish and wildlife resources, paragraph (d) (2) of the regulation directs that the Corps may not base its decision on the impact of the discharge or deposit on these resources if the discharge or deposit involves water quality standards. This limitation on the Corps' scope of review makes no distinction between Federally approved interstate standards and intrastate water quality standards which are not Federally approved.

The regulations ignore the scope of the review now made by the Interior Department pursuant to the 1967 Army-Interior Memorandum of Understanding of proposed Corps' permits under the 1899 law. That document recognizes the "responsibilities" of the Secretary of the Army under Section 13 of the 1899 Refuse Act "relating to . . . the control of refuse . . . and the interrelationship of those responsibilities with the responsibilities of the Secretary of the Interior" under three named environmental statutes, and, of course, the National Environmental Policy Act, "relating to . . . the conservation of the Nation's natural resources and related environment, including fish and wildlife and recreational values therein. . . ." In *Zabel v. Tabb*, 430 F. 2d 199 (C.A. 5, 1970), cert. denied, — U.S. —, 39 U.S. L.W. 3356 (Feb. 22, 1971), the court referred to this document and said that this "Executive action had almost a virtual legislative imprimatur from the 1967 Report of the House Committee on Merchant Marine and Fisheries . . . (H. Rept. 90-989; see also Senate Commerce Committee's report, S. Rept. 90-1419). As a result of the effective operation of the Interdepartmental Memorandum . . . , the Interior Department and the (House) Committee concluded that it was not necessary to provide for dual permits from Interior and Army."

Sollicitor Mitchell Melch of the Interior Department testified on February 18, 1971 (Transcript, p. 135):

"Finally, the Department has broad responsibility to protect the quality of the environment for outdoor recreation. The Department of the Interior believes that the Refuse Act procedures can be established in conjunction with the EPA, the Corps and the CEQ which will permit the Department to fulfill its statutory duties."

The severe restrictions which paragraph

(d) (2) of the proposed regulation place upon the recommendations which may be made under the Fish and Wildlife Coordination Act effectively abrogate the 1967 Memorandum of Understanding, and gravely ignore both the Interior Department's, and the National Oceanic and Atmospheric Administration's "broad responsibility to protect the quality of the environment for outdoor recreation."

We believe that adequate authority now exists under the 1899 law for the Corps to consider whether or not the issuance of a permit is in the public interest. The scope of the Corps' review of proposed discharges or deposits of refuse for which a Refuse Act permit is sought is not limited by the 1899 law to the three narrowly defined matters set forth in paragraph (d) (2) of the proposed regulation. The Corps recognized this fact in its regulations of April 10, 1970 (E.C. 1145-2-303).

For these reasons, we recommend that paragraph (d) (2) of the Corps' proposed regulation be amended as follows:

"(2) The decision as to whether a permit authorizing a discharge or deposit will or will not be issued under the Refuse Act will be based on an evaluation of the impact of the discharge or deposit on all factors affecting the public interest, including, but not limited to navigation, anchorage, fish and wildlife, water quality, economics, availability of technology for pollution control, conservation, aesthetics, recreation, water supply, ecosystems and, in general, the needs and welfare of the people. No permit shall be issued unless, in the judgment of the person authorized to make the decision, its issuance will be in the public interest. [(1) anchorage and navigation, (ii) water quality standards, which under the provisions of the Federal Water Pollution Control Act, were established "to protect the public health or welfare, enhance the quality of water and serve the purposes" of that Act, with consideration of "their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses," and (iii) in cases where the Fish and Wildlife Coordination Act is applicable (where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modified the stream or body of water into which the discharge is made), the impact of the proposed discharge or deposit on fish and wildlife resources which are not directly related to water quality standards.]"

In light of the foregoing revision of paragraph (d) (2), we recommend that paragraph (d) (5), which is based on (d) (2) and which sets forth when a District Engineer may deny a permit, should be revised to read as follows:

"(5) In the absence of any objection by the Regional Representative to the issuance of a permit for a proposed discharge or deposit, District Engineers may take action denying or granting a permit in accordance with the provisions of paragraph (d) (2) above. [a permit only if:

"[(1) Anchorage and navigation will be impaired; or

"[(11) Where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modifies the stream or body of water into which the discharge is made, and after the consultations required by the Fish and Wildlife Coordination Act, the District Engineer determines that the proposed discharge or deposit will have a significant adverse impact on fish and wildlife resources.]"

B. We believe that the Corps has adequate authority to promulgate EPA's advisory guidelines as standards applicable to Refuse Act permits issued for discharges and deposits into both interstate and intrastate

waterways. On February 10, 1971, the United States District Court for the Southern District of Texas, in *Bass Anglers Sportsman's Society of America v. U.S. Plywood-Champion Papers, Inc.*, (C.A. No. 70-H-1004), considered whether the Refuse Act requires the Corps to "develop and implement a set of pollution standards governing emissions into the navigable waters," and stated that the Secretary of the Army has "adequate authority," under the Refuse Act and 33 U.S. Code 419, "to develop and implement general standards for a permit system. . . ."

EPA has entered into contracts with several research firms to collect data and establish effluent levels for 20 or more industries. These firms will provide reports to EPA within the next few months. We understand that these reports will be used by EPA to develop advisory guidelines for the treatment of industrial effluents by each of these industries, and that EPA intends to apply them in the Refuse Act permit program with respect to refuse discharged or deposited into interstate waterways. EPA believes, although others do not share this belief, that it lacks authority to promulgate these guidelines and enforce them under section 10(c) of the Federal Water Pollution Control Act.

When these advisory guidelines are developed, we recommend that the Corps, after affording the public opportunity for comment, promulgate them as additions to the proposed regulations for the Refuse Act permit program. We note that Mr. Jordan has assured us, in his letter to us of January 19, 1971, that "implementation of the permit program will not await their [the guidelines] completion and promulgation" by EPA.

II. RELATIONSHIP OF THE CORPS PERMIT PROGRAM TO THE FISH AND WILDLIFE COORDINATION ACT

Three paragraphs of the regulation would appear to paraphrase incorrectly, and thus to fail to set forth the mandatory provisions of, section 2(a) of the Fish and Wildlife Coordination Act (16 U.S. Code 602(2)). This error, which can have disastrous consequences on our Nation's fish and wildlife resources, should be corrected by using the statutory language rather than paraphrasing it. The three paragraphs are: (c) (3); (d) (2) (iii); and (d) (5) (ii).

Mr. Atkeson of CEQ in his letter of February 17, 1971 to the House Subcommittee, seeks to meet this criticism by stating that since Congress provided in section 10(c) of the FWPC Act that water quality standards take into consideration the "use and value" of an interstate waterway for "propagation of fish and wildlife," the "substance of the consultation" required by the Fish and Wildlife Coordination Act, in the case of all permits, will, "where this has been properly done . . . have taken place." We do not agree with him for the following reasons:

In the first place, the Coordination Act applies to *all* waterways, not just interstate waterways. Section 10(c) of the FWPC Act applies *only* to interstate waterways. No similar requirement now applies to intrastate waterways. Thus, "the substance of the consultation" required by the Fish and Wildlife Coordination Act, in the case of intrastate waterways, cannot, by any stretch of the imagination, be said to "have taken place" under section 10(c) of the FWPC Act.

Even as to interstate waterways, the Congress did not state or imply that if the setting of water quality standards under section 10(c) of the FWPC Act were "properly" carried out, the Interior and Commerce Departments should rest easy and not "consult" with the Corps on how individual discharges would affect fish and wildlife resources, including those effects which are "reflected in water quality considerations."

Solicitor Mitchell Melich of the Interior Department emphasized this when he testified on February 18. He said his Department "did not feel . . . that our participation in

the establishment of the Federal water quality standards fully discharged our responsibility to the fish and wildlife resources and recreational values under our jurisdiction." Under the Fish and Wildlife Coordination Act, the Corps has a statutory duty to "consult" with these two Departments, and they are, according to Mr. Melich, "charged with the duty under the Fish and Wildlife Coordination Act of making recommendations to the Corps . . . with particular reference to the effect on fish and wildlife of all deposits or discharges of contamination and pollutants." (Transcript, pp. 133-135).

We believe this duty is not discharged by the water quality standards program.

We recommend that paragraph (c) (3) of the proposed Corps' regulation be revised as follows:

"(3) The concern of the Congress with the conservation and improvement of fish and wildlife resource is indicated in the Fish and Wildlife Coordination Act (16 U.S. Code 661-666c) [wherein consultation with the Department of the Interior is required regarding activities affecting the course, depth, or modification of a navigable waterway]. Section 2(a) of that Act (16 U.S.C. 662(a)) requires that 'whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever . . . by any public or private agency under Federal permit or license' the permitting or licensing agency 'first shall consult with the United States Fish and Wildlife Service, Department of the Interior,' the National Oceanic and Atmospheric Administration of the Commerce Department, and the appropriate State fish and game agency 'with a view to the conservation' of fish and wildlife resources."

The Fish and Wildlife Coordination Act clearly applies to both (a) permits which authorize impoundments, diversions or channel deepening of a waterway, and (b) permits which authorize activities resulting in a waterway being "otherwise controlled or modified for any purpose whatever."

Paragraphs (d) (2) (iii) and (d) (5) (ii) refer to a discharge which "impounds, diverts, deepens the channel, or otherwise controls or similarly modified (sic) the stream or body of water." The word "similarly" plainly distorts the whole scope of the Act by limiting the phrase "controls or modifies" to only those activities which "impounds, diverts, deepens the channel." There are all sorts of discharges of wastes, chemicals, refuse, etc., which modify a body of water, with terrible consequences to fish and wildlife, but do not impound, divert, deepen, or decrease the channel. Mr. Atkeson, in his letter of February 17, 1971, to the House Subcommittee said that this "was not intended as anything more than a paraphrase of the statute as written." Unfortunately, the "paraphrase" does not accurately reflect the plain words of the statute. Accordingly, we urge that the word "similarly" be removed from these two paragraphs.

We have made the same recommendation in regard to Executive Order 11574.

Similar changes should be made in paragraph 6(ii) of the proposed EPA-Army Memorandum of Understanding as published in the Federal Register of January 21, 1971 (36 F.R. 983).

III. PUBLIC INFORMATION

Paragraph (g) (1) of the proposed regulation describes what information the applicant for a Refuse Act permit will be required to file with an application. No mention, however, is made in the regulation about the availability of the information to the public.

Mr. Jordan of the Army testified on February 18, 1971 (transcript, pp. 14 and 55) that this information will be available to the public. Mr. Quarles of EPA, however, on February 19, 1971, said (transcript, p. 338) that

all "data received from applicants unless trade secrets are involved will be made available for public inspection." In addition, Mr. Atkeson of CEQ on February 19, 1971 said (transcript, p. 349):

"The General Counsel of the Army has already said that applications for Refuse Act permits and all information, records and statements filed with these applications should be matters of public record subject to the protection of trade secrets. We anticipate the same rule on effluent data as applies to emission data on the Clean Air Act Amendments enacted last December."

Mr. Quarles testified (transcript, p. 384) that Mr. Jordan's testimony on this "is probably entitled to greater weight," but then said "there may be some legal requirements that are involved . . . and I gather from talking to Mr. Atkeson that this is not entirely resolved . . ."

This matter of disclosure of data was discussed in great detail in the report of the House Committee on Government Operations (H. Rept. 91-1717, Dec. 10, 1970) entitled "The Establishment of a National Wastes Inventory" (pp. 24-33). The report states (pp. 29-30):

"It is highly doubtful that the responses to the questionnaire would involve disclosure of any trade secret, because the questions relate not to processes or methods of operation, but only to effluents discharged into the waterways. If a discharger clearly shows that disclosure of any portion of the data in the responses to the questionnaire would involve disclosure of its trade secrets or secret processes, the committee assumes that FWQA will readily and simply resolve the problem at that time in line with the principle suggested in the subcommittee chairman's letter of September 18, 1970. Even where trade secrets or secret processes are involved, the committee believes, in line with this principle, that the public interest in controlling pollution demands that Federal agencies not be hindered in their enforcement function merely because of the discharger's private interest in protecting his trade secret or secret process."

At hearings before the House Subcommittee on Conservation and Natural Resources on September 17, 1970 which preceded the above report, Mr. Jordan testified (pp. 30-31):

"I don't believe that 'processes' and 'operations' include simply the act of dumping out a particular kind of effluent at the end of the pipe."

"I think 'processes and operations' refers to what takes place inside the plant that produces the effluent."

"And if I had to interpret that section in connection with our responsibilities, I would not give 'processes and operations' an expansive interpretation but a narrow one, which I think is wholly consistent with what I understand to be the legislative history of that act."

"So that solves a large measure of the problem, because our basic concern is with what is coming out at the end of the pipe and not how it got to be that way."

"Secondly, I don't believe that section was ever intended to apply to a public official pursuant to a lawfully established public program who, in discharging his responsibilities, found it necessary to make certain information available."

In connection with our Refuse Act program, furnishing information on effluent is not going to be voluntary. It's going to be required—required in the sense that if you want to get a permit, you must furnish the information."

The Senate Committee on Public Works discussed this trade secret problem also in its report on the Clean Air Act Amendments of 1970 (S. Rept. 91-1196, Sept. 17, 1970) as follows (pp. 31-32):

"The purpose of 18 U.S.C. 1905 is to prevent the unauthorized disclosure by Federal employees of data obtained in connection with any authorized Federal activity which would, if divulged, reveal trade secrets of secret processes. It is not aimed at preventing the disclosure of such data by Federal agency officials as part of their duty to effectively control and prevent air pollution."

"Moreover, the committee believes it is not in the public interest for data relating to the quantity and quality of the emissions to be considered confidential. The public has a right to know who is polluting the atmosphere and in what amounts."

We recommend that paragraph (g)(1) of the Corps' proposed regulation be amended by adding the following at the end thereof:

"The application for a permit and all other information furnished under this paragraph will be made available to EPA and other Federal agencies and to State, interstate, and local water pollution control agencies and to the public."

This amendment is similar to the public information provision included in EPA's voluntary industrial wastes inventory questionnaire.

IV. PERMIT CONDITIONS

Paragraph (o) specifies the conditions which will be in the permit "as a minimum." It also states that permits "shall be subject to" other conditions "determined by EPA to be necessary." There are several areas where this section of the regulation should be improved.

1. At the hearing on February 18, 1970, we discussed with Mr. Jordan a proposal to require that each permittee pay an effluent charge for discharging refuse into the public's waters. Such a charge would be an additional incentive to the permittee to meet effluent requirements of the permit. Mr. Jordan indicated that the proposal needed further consideration, but he did agree (transcript, p. 49) that the permit should include a condition which clearly "reserves [to the Corps] . . . the right to make changes in the future in the way we approach charges."

We recommend that paragraph (o)(1) be amended by adding the following subparagraph:

"(v) Provide for the establishment of effluent charges subsequent to the date of issuance of the permit, and for the payment of such charges."

2. The issuance of a Refuse Act permit will immunize a permittee from prosecution under the 1899 law for four to five years unless the permittee breaches a condition of the permit. We believe that this result should not be taken lightly. The public has a right to have assurances from its Government that when a Federal permit is issued the permittee will be under an obligation to clean up his discharges during the period. Thus, the Corps and EPA should require as a condition of the permit that the permittee provide the best system of pollution control available within an established timetable.

We recommend that there be added to paragraph (o)(1) the following subparagraph:

"(o)(1) . . . (vi) Require that the permittee shall install, use, and maintain one or more systems or methods which, using the best available technology, provide, within the shortest feasible time, for the elimination, or the maximum feasible reduction, of the refuse discharged or deposited by the permittee."

Adding this new subparagraph (vi) also requires adding the following new subparagraph to paragraph (d)(3) which authorizes EPA to give advice to the Corps on various matters relating to the permit conditions:

"(d)(3) . . . (vi) The permit conditions necessary to require the permittee to install, use, and maintain one or more systems or methods which, using the best available technology, provide, within the shortest feasible

time, for the elimination, or the maximum feasible reduction, of the refuse discharged or deposited by the permittee."

3. Paragraph (o)(2) does not require that all permits be conditioned to require periodic reports as to the composition, quantity, and frequency of refuse discharges or deposits. Rather, it merely says that EPA "may" require reports as to the "nature and quantity of discharges." Also, it does not require that these reports be available to the public.

Mr. Jordan testified on February 18, 1971, (transcript, p. 59) that periodic reporting on an annual basis for discharges and deposits "will be a requirement" of all permits. He said that if the discharge disclosed at the time the permit is issued is changed later, the reports will show this and that the Corps will act to reconsider the permit. He said that these "reports will also be available to the public" (transcript, p. 61).

To accomplish this, we recommend that paragraph (o)(1) be amended by adding the following subparagraph:

"(vii) Require periodic reports as to the points of discharge or deposit and the composition, quantity, and frequency of the discharge or deposit and treatment thereof and other relevant information, and such reports will be made available to EPA and other Federal agencies and to State, interstate, and local water pollution control agencies and to the public."

4. Paragraph (o)(1)(iii) states that the permits shall provide that in case of a breach of any permit condition the permit may be suspended or revoked.

We believe that this statement is misleading. The Corps' remedies, in the case of any breach of a permit provision, are not limited to a suspension or revocation of the permit.

For example, section 13 of the 1899 Act provides that the conditions of any permit "shall be strictly complied with, and any violation thereof shall be unlawful." Thus, the Corps or the U.S. Attorney could enforce any breached condition without suspending or revoking the permit. Criminal or civil actions, or both, are possible where the condition is breached. Moreover, the Government certainly is entitled to sue, on the basis of contract law, to enforce a condition which is essentially contractual because the permittee agreed to comply with it when he accepted the permit. Indeed, the permittee, having agreed to the condition, would probably be estopped to challenge its enforceability.

We recommend that paragraph (o)(1)(iii) be revised to read as follows:

"(iii) Provide for possible suspension or revocation of the permit, or suit for specific enforcement of the condition, in the event that the permittee breaches any condition of the permit."

5. Paragraph (o) of the proposed regulation does not include a provision requiring monitoring discharges or deposits made under a Refuse Act permit. The provisions for "periodic demonstrations of compliance" and for "site and sampling accessibility" in paragraph (o)(2) are not requirements, but merely "may" be required by EPA, and thus do not adequately protect the public interest. Mr. Jordan testified on February 18, 1971 (transcript, p. 17) that monitoring "to ensure compliance with water quality standards and permit conditions will be conducted."

We recommend that there be added to paragraph (o)(1) the following subparagraph:

"(viii) Provide that the permittee (a) install, use, and maintain such monitoring systems and sample such discharge or deposit at periodic intervals and provide information thereon in periodic reports required by this paragraph, and (b) provide, at reasonable times, entry to, upon, or through any premises in which a discharge or deposit source is located by authorized personnel to inspect such discharge or deposit and such

systems and to take samples of such discharge or deposit and copy any records relating thereto."

In view of the foregoing new subparagraphs added to paragraph (o) (1), we believe that paragraph (o) (2) becomes superfluous and should be deleted.

V. PUBLIC NOTICE

Paragraph (j) of the proposed regulation provides that all "public notices" shall contain a statement similar to the language of paragraph (d) (2) of the Corps' proposed regulation.

Earlier in this letter we recommended a revision of paragraph (d) (2). Accordingly, we recommend that the statement set forth in paragraph (j) of the proposed regulation be revised as follows:

"The decision as to whether a permit authorizing a discharge or deposit will or will not be issued under the Refuse Act will be based in all cases on an evaluation of the impact of the discharge or deposit [on (1) anchorage and navigation, (2) water quality standards and related water quality considerations as determined by State authorities and the Environmental Protection Agency, and (3) in cases where the Fish and Wildlife Coordination Act is applicable (where the discharge for which a permit is sought impounds, diverts, deepens the channel, or otherwise controls or similarly modified the stream or body of water into which the discharge is made), the impact of the proposed discharge or deposit on fish and wildlife resources.] on all factors affecting the public interest, including, but not limited to, navigation, anchorage, fish and wildlife, water quality, economics, availability of technology for pollution control, conservation, aesthetics, recreation, water supply, ecosystems and, in general, the needs and welfare of the people. No permit shall be issued unless, in the judgment of the person authorized to make the decision, its issuance will be in the public interest. Permits will not be issued until the certification required under section 21(b) of the Federal Water Pollution Control Act has been obtained or has been waived."

VI. WATER QUALITY DETERMINATIONS

Paragraph (d) (6) of the Corps' proposed regulation provides that where a Corps' District Engineer disagrees with the "advice" of the Regional Representative of EPA, he shall forward the matter to the Secretary of the Army who shall then "consult" with the Administrator of EPA. After such consultation, it provides that the Army Secretary "shall accept the findings, determinations, and conclusion of the Administrator as to water quality standards [including such intrastate standards] and related water quality considerations." This same provision is also set forth in paragraph (p) (7) (Procedures) of the Corps' proposed regulation. Prior to these provisions, the objections or comments of the Regional Representative of EPA to the Corps' District Engineers are merely advisory. Paragraph (p) (2) (Policies) provides that "the Corps shall accept such advice," but apparently this mandate is only intended to apply at the Secretarial level since the Corps' District Engineer can, as we said, disagree with EPA's Regional Representative and refer the matter to the Secretary.

We note that this mandate is derived from section 2(a) (2) of Executive Order 11574 of December 23, 1970.

When asked about the legal basis for transferring this authority from Army to EPA, Mr. Jordan testified (transcript, pp. 29-30):

"I realize that questions have been raised about this, that the permit program is a responsibility of the Department of the Army, but we feel this is appropriate on the legal side and we also believe it is the only practical way to make this program work on the pragmatic side. Somebody has to decide these questions.

"I would like to add that under our regulations, if a district engineer feels that the advice furnished by EPA at the regional level is inconsistent with the purposes of the program, he is given the option of bringing that particular permit case into Washington for resolution directly between the Secretary of the Army and the Administrator of EPA."

When there is a dispute and the case is referred to Washington, Mr. Jordan said the Army would "accept the Administrator's final determination" and that it "is unlikely . . . that there would be cases in which our views would be so strong" that Army would not "accept" that determination. (Transcript, p. 30). In such cases, he said that they would look to CEQ.

We agree with Mr. Jordan that the likelihood of EPA's advice not being accepted at the Secretarial level is remote. It is for this reason that we continue to believe it foolhardy for the CEQ to jeopardize the legal stability of the permit program by insisting in the Executive Order and the regulation that EPA's role be a final one, when the law provides otherwise.

Our House Subcommittee, in its letter of February 4, 1971, to CEQ urged that the Executive Order be revised to avoid this possibility. The letter states:

"* * * Whatever contentions might be advanced for putting the Corps' responsibility into EPA, the fact remains that existing law does not do so. That responsibility is now in the Corps and it is the Corps' duty to perform it. That duty can be changed only by Congress, not by Executive Order.

In *Zabel v. Tabb*, 430 F. 2d 199 (C.A. 5, 1970), the applicants for a Corps permit under section 10 of the 1899 law contended that the denial of a permit without a hearing before the Fish and Wildlife Service "is a deprivation of property without due process of law." The court, in that case said:

"Administrative law requires that before an agency can regulate a party, it must allow that party to be heard. Here, landholders were given such a hearing before the Corps of Engineers, the body empowered to grant or deny a permit. They were not entitled to a hearing before the Fish and Wildlife Service because it is not 'the one who decides.' *Morgan v. United States*, 1935, 289 U.S. 368, 481, 56 S. Ct. 906, 912, 80 L. Ed. 1288, 1295. They were allowed to rebut the findings and conclusions of the Fish and Wildlife Service before the deciding body and thus were not denied due process for lack of a hearing."

An applicant for a Corps permit under section 13 of the 1899 law may well raise this same contention because, under the Executive Order, he cannot "rebut the findings and conclusions" of EPA "before the deciding body." Under the order, the Corps must "accept the findings, determinations, and interpretations" of EPA. In regard to water quality matters, the Corps is merely a conduit. Where water quality is a significant reason for denial of a permit, the applicant, under the Executive Order, will not be afforded the opportunity for a hearing before EPA. Indeed, under the restrictive provision of the Executive Order, neither the public, nor other Federal or State agencies, would be able to rebut EPA's findings in any hearing before the Corps.

We believe that only Congress and not an Executive Order can "govern the scope of the Army's power to decide."

We recommend that the third sentence of paragraphs (d) (6) and (p) (7) of the proposed regulation be revised as follows:

"Following such consultation, the Secretary shall, if the Administrator advises that the proposed discharge or deposit [accept the findings, determinations, and conclusions of the Administrator as to] is inconsistent with water quality standards and related water quality considerations and should not be permitted or, if permitted,

should be conditioned, act in accordance with the policy established in paragraph (d) (2) above and shall promptly forward the case to the District Engineer with instructions as to its disposition."

We recommend that the following sentence in paragraph (p) (2) (Policies) be deleted:

"[The Corps shall accept such advice on matters pertaining to water quality standards and related water quality considerations as conclusive and no permit shall be issued which is inconsistent with any finding, determination or interpretation of a Regional Representative with respect to such standards or considerations.]"

VII. REFUSE ACT ENFORCEMENT

Paragraph (d) (1) of the proposed Corps' regulations states that ". . . the mere filing of an application requesting permission to discharge or deposit into navigable waters or tributaries thereof will not preclude legal action in appropriate cases for Refuse Act violations.

We believe that this statement will not be very persuasive to a court since it relates only to "legal action in appropriate cases," and does not adequately inform either the applicant or the court as to what are these "appropriate cases."

Assistant Attorney General Shiro Kashiwa on December 21, 1970 testified before the House Subcommittee on Fisheries and Wildlife Conservation that he will bring such "legal action" where "dangerous toxic substances are present in an industrial discharge." Moreover, Mr. Ruckelshaus, at the White House press conference of December 23, 1970, said that the permit program ". . . is not a moratorium on polluters complying with the implementation schedule" established under applicable water quality standards. He then said: "Just because somebody has applied for a permit does not mean he is, therefore, free to go ahead and pollute not pursuant to any implementation schedule that he has been put on."

We recommend that there be added to paragraph (d) (1) of the proposed regulation, the following:

"Notice is hereby given, that the Government may institute civil or criminal proceedings, or both, under 33 U.S. Code 407 even though an application for a permit is pending before the Corps, to vigorously enforce the Refuse Act where the Government believes that the applicant's discharge or deposit (1) is not in compliance with applicable water quality standards, including implementation plans, or (2) is hazardous to the public health, safety or welfare, or (3) is otherwise contrary to the public interest."

VIII. PUBLIC HEARINGS

Paragraph (k) (1) of the proposed Corps' regulation sets forth the Corps' policy concerning the holding of public hearings by the Corps in connection with Refuse Act permit applications. When this public hearing policy is compared with the hearing policy for other Corps' permits under sections 1, 10, and 14 of the 1899 law, we find, as Mr. Jordan stated, in his letter of January 19, 1971 to our House Subcommittee, that "there has been a shift in emphasis" by the Corps.

The Corps' policy for non-Refuse Act permit applications is that "public hearings are helpful and will be held . . . whenever there appears to be sufficient public interest" therein or "when responsible Federal State, or local authorities, including Members of Congress, request that a hearing be held and it is likely that information will be presented" that will aid "in determining whether the permit" should be issued. (Italics supplied). This eminently sound policy of the Corps has been in existence for some time for applications for landfills, dredging, and other works, and in May, 1970 the Corps, pursuant to the recommendation in the report of the House Government Operations Committee of March 18, 1970 (H.

Rept. 91-917), extended this hearing policy to "applications for the establishment or modification of harbor lines" under the 1899 law (35 F.R. 8280, May 27, 1970).

Paragraph (k) (1) of the Corps' proposed regulation establishes the policy for Refuse Act permits that such hearings "may be helpful and will be held . . . whenever, in the opinion of the District Engineer such hearing is advisable." In forming this opinion, the District Engineer, under the proposed regulation, must give "consideration . . . to the degree of interest by the public in the permit application, requests by responsible Federal, State or local authorities, including Members of Congress, . . . and the likelihood that" the information gained will aid "in determining whether the permit applied for should be issued." Further, the proposed regulation provides that a "public hearing will not generally be held" if there has been a prior hearing on the proposed discharge, "unless" the hearing is "likely" to develop "significant new information."

We appreciate the fact that the Corps and EPA want to avoid unnecessary duplication and expense and to minimize delays in processing Refuse Act permits. We share that goal. But, in our opinion, the Corps' public hearing policy, in existing regulations governing sections 1, 10, and 14 permits and the establishment and modification of harbor lines, allows sufficient flexibility to accommodate that goal. It provides that, where "it is likely that information be presented" at a public hearing that will help in deciding whether or not a permit should be issued, then it "will be held." Presumably, the Corps construes the existing language as providing it with sufficient flexibility to decline to hold hearings in connection with non-Refuse Act permit applications when there has been a prior hearing and no new information is expected to develop at a second hearing.

Indeed, the statement in paragraph (k) (1) of the proposed regulation that a "hearing will not generally be held" where there was a "prior" local, State or Federal hearing means that the Corps (and EPA) will decide on granting or denying a permit without ever giving the applicant or the public an opportunity for a hearing before the agency which decides an issue of water quality. Such failure would certainly render the permit program vulnerable to legal attack on grounds of denial of due process, particularly where the denial results in forcing an existing discharger to close his facility.

We recommend that paragraph (k) (1) of the proposed regulation be amended as follows:

"It is the policy of the Corps of Engineers to conduct the civil works program in an atmosphere of public understanding, trust, and mutual cooperation and in a manner responsive to the public interest. To this end, [a public hearing may be] public hearings are helpful and will be held in connection with an application for a permit involving a discharge or deposit in navigable waters or tributaries thereof whenever there appears to be sufficient public interest to justify the holding of a public hearing or when responsible Federal, State, or local authorities, including Members of the Congress, request that a hearing be held and it is likely that information will be presented at the hearing that will be of assistance in determining whether the permit applied for should be issued. [whenever, in the opinion of the District Engineer such a hearing is advisable.]"

We also recommend that the third and fourth sentences of paragraph (k) (1) be deleted since they are not necessary in light of the above amendments.

IX. EPA REVIEW

A. Paragraph (1) (1) of the proposed Corps' regulation provides that when a permit application is received, a copy "will be promptly forwarded . . . to the Regional Representa-

tive of EPA." Paragraph (1) (2) states that if the "required certification" does not accompany the application then the applicant must be "advised that no action will be taken on his application until" it is received or until "a year" expires and that the application "will be processed only to the extent of sending a copy" to EPA.

Section 615.11 of EPA's proposed regulation of February 5, 1971 (36 F.R. 2516) states that when a licensing or permitting agency receives both an application and a certification, that agency "shall immediately notify" EPA.

We believe that the Corps' regulation is better because it allows EPA time to review the application while the certification request is pending at the State level. But the two regulations should be reconciled. Further, we believe that the proposed regulation should give the Interior and Commerce Departments the same period as EPA does to review the application.

We recommend that the words "and to the Regional Representatives of the Fish and Wildlife Service and NOAA" be inserted before the period at the end of paragraphs (1) (1) and (2).

B. Paragraph (1) (4) states that if EPA fails to act within 45 days after receiving a completed permit application, the Corps' District Engineer shall consider that the "advice furnished by a State or other certifying authority" is also EPA's advice, unless EPA ask for an extension of time. This provision causes no difficulty where the State refuses to certify, because the Corps would then simply deny the permit. But if the State either certifies, or fails to act on, the application, and EPA does not act or fails to ask for an extension, then paragraph (1) (4) compels the Corps to approve the permit even though neither EPA or the Corps has investigated or reviewed the water quality effects of the proposed discharges. Indeed, Mr. Quarles testified on February 19, 1971 (transcript, p. 389) that "Our policy will be to review all of the permit applications . . . within the limits of the manpower resources which we have." We believe this policy is in the public interest. But, in view of EPA's admittedly inadequate staff to handle the large number of applications which will be filed in the near future, it is not likely that EPA will act to carry out this policy within 45 days after a State acts. This time limitation then is unduly short. We believe that, at least for the first year of the permit program, the regulation should not place any time limitations on EPA's ability to carry out this policy.

We recommend that the third and fourth sentences of paragraph (1) (4) be deleted, and that the second sentence of that paragraph be amended, as follows:

"The Regional Representative of EPA will be asked to review the application and to (1) advise the District Engineer within 30 days whether the proposed discharge or deposit may affect the quality of waters of another State (as required by section 21(b) (2) of the Water Quality Improvement Act of 1970), and (2) provide the other information identified in paragraph (d) (3) of this section [within 45 days] as soon as possible."

X. SCOPE OF REFUSE ACT

The second sentence of paragraph (d) (7) of the proposed Corps' regulation states:

"No permit will be issued for discharges or deposits of harmful quantities of oil, as defined in section 11 of the Federal Water Pollution Control Act since primary permit and enforcement authority for all oil discharge is contained in that Act. (Italics supplied)."

The phrase italicized above, implies that oil discharges are not subject to control under the Refuse Act.

The courts have repeatedly ruled that oil is "refuse matter" within the meaning of section 13 of the Refuse Act. *United States v.*

Alaska Southern Packing Co. (The La Merced), 84 F. 2d 444 (C.A. 9, 1936); *United States v. Ballard Oil Co. of Hartford, Inc.*, 195 F. 2d 369 (C.A. 2d 1952). Similar rulings with respect to oil discharges under the Act of June 29, 1888 (25 Stat. 209, 33 U.S. Code 441) which prohibits discharge of "refuse" into New York Harbor were made in *The Albania*, 32 F. 2d 727 (D.C. S.D., N.Y. 1928); *The Columbo*, 42 F. 2d 211 (C.A. 2, 1930). Indeed, the Supreme Court, in *United States v. Standard Oil Co.*, 384 U.S. 224, 230 (1966), a case which involved the discharge of petroleum products into a navigable waterway, expressly stated:

"The word 'refuse' includes all foreign substances and pollutants apart from those 'flowing from streets and sewers and passing therefrom in a liquid state' into the watercourse."

Section 24 of the Federal Water Pollution Control Act, as amended, specifically provides that it "shall not be construed as . . . affecting or impairing the provisions of sections 13 through 17" of the River and Harbor Act of 1899.

Section 11 was added to the FWPC Act by the Water Quality Improvement Act of 1970 (Public Law 91-224, April 3, 1970). There is nothing in section 11 or the 1970 Act which in any way modifies or affects the disclaimer provision of section 24 of the FWPC Act just quoted.

We note that in his letter of January 19, 1971, to us, Mr. Jordan said he "would have no objection to the deletion" of the above underlined words in the second sentence of paragraph (d) (7). We urge that those words be deleted.

The points discussed in this letter cover the principal areas of our concern. Some additional points have been mentioned in our letters of January 26, 1971 to General Clarke of the Corps and of February 16, 1971 to Mr. Jordan; and in Mr. Jordan's testimony of February 18, advising us that the Corps will make other changes which will also improve these regulations.

As we said at the close of the hearings on February 19, the staff of our subcommittees stand ready to discuss these issues further with your agency, the Corps, and EPA and to help wherever possible to get this program under way early next month.

We are sending a copy of this letter to the Secretary of the Interior, the Secretary of the Army, the Chief of the Corps, the Administrator of EPA, and the Administrator of NOAA.

Sincerely,

HENRY S. REUSS,

Chairman, Conservation and Natural Resources Subcommittee.

WASHINGTON, D.C., February 26, 1971.

Hon. WILLIAM D. RUCKELSHAUS,
Administrator, Environmental Protection Agency, Washington, D.C.

DEAR MR. RUCKELSHAUS: Enclosed for your information, review, and comment is a copy of a letter we have today sent to Chairman Train of the Council on Environmental Quality concerning the Corps of Engineers proposed 1899 Refuse Act program.

I

We understand that your agency has entered into contracts with at least 16 research firms to collect data and establish effluent levels for 20 or more industries and to provide reports to you within the next few months. These studies, we are told, will be used by EPA to develop advisory guidelines for the treatment of industrial effluents by each of these industries.

We understand that EPA contemplates appointing several committees—one for each industry category—to review these reports and give industry a voice in the establishment of these advisory guidelines. We also understand that EPA intends to apply these

guidelines in the Refuse Act permit program where the refuse is discharged into an interstate waterway.

We are concerned that EPA in the process of developing these advisory effluent guidelines, has not indicated what procedure it will follow to insure that the public participate in the development of these advisory guidelines.

We believe that such public participation can be insured only if each of the advisory guidelines are published in the Federal Register and the public is given ample time to consider and comment on them before they are finally adopted.

We would also like to review each of these advisory guidelines before they are adopted by EPA.

Also, we urge that EPA broaden the makeup of each of these committees reviewing these advisory guidelines to include effective representation by State Water Pollution Agency representatives and public interest groups.

We would also appreciate your providing to us:

(1) A copy of each of the reports submitted by these research firms when they are available to your agency.

(2) A list of all the interstate waterways in each State showing (a) those for which water quality standards have been fully approved, and (b) those for which water quality standards have been partially approved, under the Federal Water Pollution Control Act; and showing for each State the percentage of its waterways which are interstate waterways under that Act.

(3) A copy of all comments received by EPA concerning the permit program, proposed regulations and memoranda of understanding, under the 1899 Refuse Act.

Please also advise us whether, and the extent to which, you propose to apply the advisory guidelines to industrial effluents discharged into intrastate waters.

II

On February 5, 1971 EPA published a proposed regulation (36 F.R. 251) concerning state certifications under section 21(b) of the Federal Water Pollution Control Act. We believe that section 615.13 of EPA's regulation is inconsistent with the Corps' proposed permit program regulation, and should therefore be revised.

Section 615.13 states that EPA "shall review applications and certification" to determine if "there is reason to believe that a discharge may affect the quality of the waters of any State or States other than the State in which the discharge occurs." EPA then has 30 days to notify the affected State. Under the proposed EPA regulation, this is the only review function EPA has. However, paragraph (d)(3) of the Corps regulations states that EPA will advise the Corps on the "meaning and content of water quality standards" established under the FWPC Act, the "application of water quality standards to the proposed discharge or deposit," the "permit conditions required to comply with water quality standards," and on other matters. If the permitting or licensing agency requests such advice, EPA must under section 21(c) of the FWPC Act provide it. Nowhere are these functions mentioned in EPA's February 5 regulation, which merely authorizes EPA to provide "determinations, definitions, and interpretations" with regard to various water quality matters. Further, we fail to understand why EPA's proposed regulations do not provide that it must provide such advice to the Corps on dredging and fill and outfall sewer permits and to the FPC on the licenses which the FPC issues and to the Interior Department on the licenses or permits (as that term is broadly defined in section 615.1(a) of EPA's proposed regulation) which that Department issues. Certainly, the water quality considerations

of these permit or license applications are no less important than those of the Refuse Act permit applications.

In his testimony of February 19, Mr. Quarles recognized that these steps "have not yet been spelled out." (Transcript, p. 406.)

III

On January 12, 1971 you entered into a Memorandum of Understanding with the Secretary of the Army concerning investigations of violations of the Refuse Act (33 U.S. Code 407). That document was published in the *Federal Register* on February 17, 1971 (36 F.R. 3074) without an opportunity for public comment, although it "incorporated . . . and made a part" thereof another proposed EPA-Army memorandum which was published as proposed rule making on January 21, 1971 (36 F.R. 983).

We believe that it was inappropriate for EPA and Army to publish this document as final without an opportunity for public comment since it affects enforcement (a) of the Refuse Act by U.S. Attorneys under new guidelines that are still in draft form, and (b) of Refuse Act permits which will be issued under a Corps' regulation that is not yet in final form.

The February 17 Memorandum of Understanding, in paragraphs IV, A and B, provides that EPA shall have "primary Federal responsibility for identifying and investigating" Refuse Act violations "which have an adverse impact on water quality," and that, when a District Engineer learns of such violations, he will inform the Regional Representative of EPA who "will make such investigation as he deems appropriate and shall advise" the Corps "whether in his opinion a violation of the Refuse Act having an adverse impact on water quality has or may have occurred."

We strongly object to these provisions for the following reasons:

First, Mr. Quarles testified on February 19 that EPA's "resources are not going to be broad enough to cover this problem," and that a "sizeable increase" in EPA's personnel will be needed. He noted that the "President will shortly be transmitting a supplemental budgetary request" for this purpose (Transcript, p. 401).

This testimony makes it doubtful that EPA will be able to carry out the mandates of the memorandum in the near future. Money must first be requested by the President and appropriated by Congress. Further, EPA must then hire and train the needed personnel. In the meantime, the Corps and U.S. Attorneys who refer Refuse Act cases to EPA will get little action on them and our waterways will continue to be polluted.

Assistant Attorney General Shiro Kashiwa inserted in the Hearing on February 19 (Transcript, pp. 61-262) a letter dated February 17, 1971, from Mr. David J. Cannon, U.S. Attorney for the Eastern District of Wisconsin, in which he said he referred 131 violations of the 1899 Act in Wisconsin to EPA early last year and that he had not yet "received any report from" EPA. He said:

"I would appreciate it if you (Mr. Kashiwa) would use the power of your office to prod the Federal Water Pollution Control Administration people to follow through with their investigations as they promised last June." (Underlining supplied.)

Second, the memorandum makes no distinction between Refuse Act violations and violations of Refuse Act permit conditions.

In the former case, Mr. Kashiwa testified (Transcript, pp. 282-289) that the only evidence needed was (a) proof that the discharger did not have a Corps permit, (b) a sample of the upstream water, and (c) a sample of the refuse discharge.

In the latter case, there must be evidence that, in fact, a violation of the permit occurred.

In both cases, these involve a technical review. Yet under the memorandum EPA must also advise on the "nature and seriousness of the" violation and its impact "on water quality"; on the "existence" of State or local "pollution abatement proceedings;" on the "applicability of the Federal Water Pollution Control Act;" and whether any "administrative or judicial proceeding is being taken" or, indeed, is merely being "contemplated," under that Act.

As we have said time and time again in regard to the July 10, 1970 Justice Department Guidelines on enforcement of the Refuse Act, the existence or non-existence of such actual or contemplated State, local, or Federal "proceedings" has no bearing on whether or not enforcement of the Refuse Act should be undertaken. Although the new draft Justice Department guidelines have removed this objectionable feature in the July 10 Guidelines, the guidelines are now made dependent entirely on EPA's review and EPA's advice concerning the above mentioned matters. We can only assume that if such "proceedings" exist there would be no enforcement of the Refuse Act or its permit conditions. It is imperative that the memorandum be revised to eliminate this barrier to effective enforcement of the Refuse Act and the permits thereunder.

Sincerely,

HENRY S. REUSS, *Chairman.*

WASHINGTON, D.C., February 26, 1971.

HON. SHIRO KASHIWA,

Assistant Attorney General, Department of Justice, Washington, D.C.

DEAR MR. KASHIWA: Enclosed is a copy of a letter we have today sent to the Administrator of the Environmental Protection Agency concerning enforcement of the 1899 Refuse Act (33 U.S. Code 407).

I

During the hearing on February 19, 1971 before the Senate Subcommittee on the Environment and Members of our Subcommittee, you testified that you would provide to us "a list of all of the complaints of violations" of the 1899 Refuse Act "that have been filed" with the Justice Department since January 1, 1970 and "the action taken." We enclose a table to aid you in preparing this list.

We understand that you will draw upon the assistance of the other divisions in the Justice Department and the U. S. Attorneys in preparing this list.

II

On October 16 and December 18, 1970, we wrote to you asking several questions concerning enforcement of the 1899 Refuse Act by the Justice Department in the 10 mercury discharge cases. A copy of each letter is enclosed.

Your letter of January 25, 1971 did not reply to several of these questions on the basis that the "cases were not settled."

Since all of the questions we asked related to matters made public by your Department and the Interior Department, and since each of the mercury complaints and stipulations are printed in Appendix 9 (p. 181) of this subcommittee's hearing on September 17, 1970 entitled "The Establishment of A National Industrial Wastes Inventory" (copy enclosed), we believe your Department has an obligation to explain to this subcommittee the matters raised by our questions. We therefore again request that you promptly respond to each of our questions in the enclosed letters so that we may evaluate the effectiveness of enforcement under the 1899 Refuse Act in these cases.

In our letter of December 18, 1970, we asked for a copy of each of the mercury defendant's "plans to reduce" their mercury discharges. Three plans are required to be filed under each of the stipulations entered into between the Government and 9 of the 10 defendants.

In your reply of January 25, 1971, you said that the Justice Department is "obliged to withhold" these documents, since "disclosure would not be appropriate."

We believe that you are "obliged" not to "withhold" these documents, but to make them available for public scrutiny. These plans were filed pursuant to court approved stipulations. We therefore believe they are public documents. Moreover, they have been made available to other Federal agencies by your Department. We therefore again request that you promptly provide to us a copy of each of these plans.

In your letter of January 25 you replied to one of our questions as follows:

In question 5(b) you ask whether mercury discharges must be limited to a maximum of 8 ounces per day or an average of 8 ounces per day. Paragraph 2 of the Stipulation I forwarded to you refers to "the average total net discharge of mercury," which is to be limited to no more than "the equivalent of (8) ounces per day . . ." Paragraph 3 provides for computing this average on the basis of a 21 consecutive day period. Computing the discharges on an average basis was considered essential since a variety of factors, such as a heavy rain, can cause considerable daily variations in the mercury discharge levels.

1. We would appreciate your explaining to us in greater detail how such factors "as a heavy rain" could "cause considerable daily variations in the mercury discharge levels" which, presumably, are measured at the point source of the discharge where "rain" could not be a factor.

2. Please indicate to us (a) what other factors are considered in measuring "mercury discharge levels," and (b) whether these factors are related to the discharge or to the conditions of a particular waterway into which the discharge is made.

Sincerely,

HENRY S. REUSS, Chairman.

WASHINGTON, D.C., March 1, 1971.

HON. RUSSELL E. TRAIN,
Chairman, Council on Environmental Quality,
Washington, D.C.

DEAR MR. CHAIRMAN: The Subcommittee on the Environment was fortunate to have received testimony from so many highly qualified Administration witnesses during our Refuse Act hearings of February 18 and 19, May I, through you, express thanks and appreciation for their participation. I believe the Administration's program received a thorough and productive airing.

You are aware, I am sure, that the hearings served to pinpoint certain areas of disagreement between the Administration and some of us on the Congressional side of the table. I have read Congressman Reuss' letter of February 26 to you which discusses these points, and, as you might expect, I am in general agreement with its contents. I would like to underscore what I regard to be some of the most important of his suggestions and to elaborate somewhat on my reasons for supporting them.

First of all, it appears to me that the Administration will jeopardize unduly a potentially valuable program if, in the absence of a reorganization plan, it leaves the final determination on water quality matters to the Environmental Protection Agency. Whereas, as a matter of policy, I would agree that the final say ought to be there, the legality of the proposed methods of placing it there seems to me highly questionable.

However one phrases what is being done by the program, it amounts to the transfer of a function, or at least a part of a function, which was conferred on the Secretary of the Army by the Refuse Act. The Executive Reorganization Act by its express terms prescribes an exclusive procedure for the transfer of any function or part thereof from one agency of government to another. That procedure, a formal reorganization plan, has not

been complied with in this instance. I would suggest that the Administration send up a plan at the earliest possible date transferring all water pollution responsibilities under the Refuse Act to EPA. Alternatively, it might consider the option of leaving the final say on water quality in the Corps, though I would regard this as less desirable.

My major concern regarding the program, however, relates not to its questionable legality, but rather to its failure in one particular respect to go as far as the law permits. At the hearings, the Administration witnesses told us that, under the program, intra-state waters would remain unprotected by federally-approved standards. They further stated that, subject to some exceptions, the federal permitting authorities would not question the adequacy of state standards in the granting of permits for discharges into intra-state waters. Mere compliance with these admittedly deficient standards would thus provide the basic condition for approval of such permits.

Whereas the witnesses admitted that this would be an unfortunate result, some of them expressed the view that in the absence of new legislation, they were without legal authority to prevent it. I cannot agree with this position. The Refuse Act authorizes the Secretary of the Army to permit the deposit of refuse "within limits to be defined and subject to conditions to be prescribed by him." It would thus by its language appear to authorize the Secretary to set standards for all navigable waters—including those now unprotected by federally-approved standards—as conditions for Refuse Act permits. *Bass Anglers Sportsman's Society of America v. U.S. Plywood-Champion Papers Inc.* (C.A. No. 70-H-1004, Feb. 10, 1971), where the United States District Court for the Southern District of Texas in a *dictum* referred to the Secretary's "adequate authority . . . to develop and implement general standards for a permit system", provides additional support for this view.

Nothing in any of the recent water quality legislation would appear to remove this authority from the Secretary. As pointed out in the hearings, all of that legislation is subject to the savings clause of Section 24 of the Federal Water Pollution Control Act which expressly leaves the operation of the Refuse Act intact. Whereas some have argued that Section 21(b) of the Water Pollution Control Act deprives him of this authority, the words of the statute do not support this view. Even if one ignores the language of Section 24, which would leave the Refuse Act totally unaffected by Section 21, 21(b) speaks in terms of necessary and not sufficient conditions for the granting of permits. Its certification requirement thus ought not to be read to exclude the establishment of additional permit requirements by the Secretary.

Finally the National Environmental Policy Act supports an expansive reading of the Refuse Act. To the extent that there is any doubt about the Secretary's standard-setting authority, the Policy Act, which requires that "to the fullest extent possible . . . public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act", would appear to resolve that doubt in his favor.

All of this is not to say that those in Congress who passed either the Refuse Act, the Water Pollution Control Act or the Policy Act actively envisioned federal standards protecting all navigable waters from pollution. It is to say, however, that in light of the language of the statutes and cases relating to water pollution control, a court would almost certainly uphold federal standards promulgated under the Refuse Act.

At the hearings, it was argued that even if such standards could legally be adopted, it would nonetheless be impractical to administer them. The tremendous additional

burden that would be placed on the federal government was cited as cause for concern.

While admittedly lacking a thorough familiarity with the administration of the water pollution control program, I would not agree with this line of argument. Neither the setting nor the enforcement of federal standards would, on the face of it, seem to create the sort of burden which is feared. My understanding is that EPA is currently working out effluent guidelines interpreting for some 22 industries what is meant by "secondary or equivalent treatment" and that no permit for discharges into interstate waters will be issued unless those guidelines are met. It would seem to impose no additional burden to determine that such guidelines would apply to intra-state as well as inter-state waters. If a reorganization plan were adopted transferring Refuse Act authority for water pollution control to EPA, the Administrator could promulgate these directly as standards. If not, EPA could advise the Corps to do so.

As far as administration of these standards is concerned, again the additional federal participation would not appear to be overly demanding. We received testimony that EPA is already planning to review state certifications to ensure (1) that the applicant's discharge will in fact comply with state standards, (2) that federal hazardous substances standards will be complied with, and (3) that fish and wildlife resources will be protected. If this review is meant seriously—and we were given every indication that it is—a rather extensive federal role on intra-state waters is already in the offing. Far from vastly extending this role, the adoption of federal effluent standards might simplify the review process. Comparing a discharge to an effluent standard would appear far easier than determining whether that discharge will exceed a state's receiving water standard. Moreover, imposing adequate federal standards would seem much simpler than deciding time after time that discharges in compliance with inadequate state standards will not protect fish and wildlife.

If despite this analysis, the additional burden would be substantial, I would argue that we must nevertheless assume it. The alternative is to continue to let our waters deteriorate when it is within our power to protect them. The response that we will protect them after Congress acts six months, one year, or two years from now I find unacceptable. It is my hope that you will not accept it either.

Sincerely yours,

PHILIP A. HART,
Chairman.

[From the Washington Post, Feb. 28, 1971]

GIVING MUSCLE TO THE REFUSE ACT

Until a few years ago, the 1899 Refuse Act lay on the books virtually unnoticed and unused. It was one of many environmental protection laws written long before the recent awakening to the fact that our environment is endangered. Then, about a year ago, Rep. Henry Reuss of Wisconsin happened onto the law and saw that it was as fresh as this morning's bread. Specifically, the 1899 Refuse Act forbids any person or corporation to discharge any "refuse matter of any kind or description whatever" into the nation's navigable waters without a permit from the Corps of Engineers. On the exact meaning of refuse, the Supreme Court, in two decisions, said that the term referred to virtually all forms of industrial pollution; violating the Refuse Act was a federal crime.

The law has one major hitch, however. Conditions for granting permits is left in the hands of the Secretary of the Army; he reviews an application from, say, XYZ steel company and decides whether or not to permit it to dump its waste into a given river, and in what quantities. Nothing is said in the 1899 Act about how the Corps of Engi-

neers establishes standards for measuring pollution; in other words, the act forbids pollution, but it authorizes the Corps of Engineers to determine what in fact pollution is.

Late last year, the administration, urged on by the new Council on Environmental Quality, announced it would use the Refuse Act to create a new permit program. It is now clear, however, that the program proposed by the administration does not flex all the muscle that could be used. A major concern is that not all of America's navigable waters will be protected by federally approved standards. That only some waters are protected, and not all, is due to the administration's reliance on the limited authority of the Water Pollution Control Act. The Refuse Act, however, extends not only to rivers, watercourses and streams that cross or form state lines (interstate), but to waters that run within a state's boundary (intrastate). The latter are being dirtied, perhaps ruined, by being the receptacle of a large part of this country's industrial waste. If the administration used the full power of the Refuse Act, these waters would be protected also.

Last week, in hearings before Senator Hart's Subcommittee on the Environment, the administration's proposed permit program received a close look from such conservation groups as the Natural Resources Defense Council, the Audubon Society and the National Wildlife Federation. Perhaps because of the administration's haste to get involved, its first efforts are understandably timid and narrow. The administration deserves credit for its interest in backing the Refuse Act; currently, it has a proposal before Congress allowing its water program to reach intrastate waters. But why wait for this authority when the Refuse Act already gives it?

Now that it has joined Representative Reuss, Senator Hart and others, the administration might as well go all the way beyond the Water Pollution Control Act by covering all navigable waters, not just some; and by considering all the environmental risks of permitting water pollution. With the wastes from thousands of factories and plants involved, not to mention the very life of our waterways, the Refuse Act is anything but a useless vestige of the last century.

SUSPENDING THE BACON-DAVIS ACT

The SPEAKER pro tempore (Mr. PEPPER). Under previous order of the House, the gentleman from Michigan (Mr. O'HARA) is recognized for 20 minutes.

Mr. O'HARA. Mr. Speaker, the President's action in suspending the Bacon-Davis Act, as an anti-inflation move, is strangely inappropriate. As part of a pattern of action by which the President seeks to reduce wage scales generally and to undercut free collective bargaining, it is more understandable, but still indefensible.

The President and his spokesmen have sought to make several points in their barrage of "justifications" for the suspension of Bacon-Davis.

First, they have alleged that the Bacon-Davis Act requires construction wages on Government contracts to be pegged to the highest wages for comparable work, or at least pegged to the union scale.

This is incorrect. The Bacon-Davis Act merely requires that Government contractors agree to pay the prevailing wage in the area—union or nonunion—and not less than the minimum wage. It was

passed, not to boost construction wages, but to prevent Government contracts from being used to depress existing wages, by prohibiting wage undercutting in Government construction. Nothing in the act requires the payment of wages at an artificially high rate. It does and it should require the Government to avoid doing business with cut-rate, fly-by-night contractors.

In suspending the act, the President clearly means to suggest that the Government will begin to do business with contractors who are paying less than the prevailing wage to the detriment of reputable established contractors and their employees. This is, of course, wholly contrary to public policy, and if the President is determined to do it, he should first find someone to introduce a bill repealing Bacon-Davis. It would not pass, and it should not pass, but this approach would have the refreshing novelty of directness.

Another "justification" for this action which was apparently offered by the President himself was the amazing contention that the construction industry benefits from a unique statute in Bacon-Davis.

This too is incorrect. Government supply contractors and Government service contractors, like construction contractors, are also bound to pay their workers the prevailing wages and not to go below the minimum wage. Once again, in these two areas, as in construction, the basic principle that the United States should not be a party to catching workers between the fire of unemployment and the frying pan of substandard wages governs our contracting. That the President has chosen construction as the unique target of his abandonment of this longstanding policy is bad enough. But to assert that the policy he has abandoned applies uniquely to construction is worse.

A third argument in favor of the President's action is the repeated contention that wages are the inflationary component of construction costs. Mr. Speaker, I find it unbelievable that any public official who has seen where interest rates have gone, during and with the blessing of this administration, could have the gall to suggest that construction workers' wages are inflationary, but that bankers' profits are not. Wage increases can cause inflation, Mr. Speaker, if they are out of line with productivity. But artificially inflated interest rates are inflation pure and simple and the fact that they have now begun reluctantly and belatedly to inch downward, simply indicates that the Nixon hard-money policy had driven interest rates even beyond the profit point for the bankers.

In summary, Mr. Speaker, the President's action suspending Bacon-Davis and the silence of this administration with respect to the inflationary contributions of their banker friends does give us cause for grave concern.

HEARINGS ON LOBBYING BILL

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, as chairman of the Committee on Standards of Official Conduct, I take this means of calling attention to hearings which the committee is scheduled to open March 16 on H.R. 5259, the Legislative Activities Disclosure Act, a bill which would repeal the 1946 Regulation of Lobbying Act and replace it with a completely new body of law.

With Representative JACKSON E. BETTS, of Ohio, ranking Republican member of the committee, as cosponsor, I introduced the bill on March 1 in response to House Resolution 1031 of the 91st Congress, second session. That resolution directed our committee to study the need for new legislation in the areas of lobbying and campaign finances. The committee subsequently conducted public hearings on both subjects. H.R. 5259 is a result of our study of lobbying.

Now we are seeking to submit that bill to a broader cross-section of opinion. We solicit the views of all who want to be heard concerning its provisions. While this announcement is intended primarily for Members of Congress who are interested in giving us the benefit of their views concerning the bill, we are equally interested in gaining the opinions of others, including those who would be subject to it.

We invite anyone desiring to testify concerning the bill to get in touch with the committee staff in room 2360, Rayburn House Office Building, so that a schedule may be arranged for their appearances. We also invite statements for the record of those who are interested in the bill but who may not be able to appear before the committee.

SUPERSONIC PROTOTYPES

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, under unanimous consent to extend my remarks I would like to include the following statement of my colleague, the gentleman from Ohio, CLARENCE J. BROWN, before the Transportation Subcommittee, Committee on Appropriations, U.S. House of Representatives, on the development of the two supersonic transport prototypes.

STATEMENT BY CONGRESSMAN CLARENCE J. BROWN, OF OHIO, BEFORE THE TRANSPORTATION SUBCOMMITTEE, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, MARCH 3, 1971

Members of the Appropriations Committee: Why should the United States complete the development of two prototype airplanes of the supersonic transport? I believe there are three good reasons: economic, environmental and social. And I shall discuss each in brief factual detail.

There has been an unfortunate tendency on the part of the opponents of completion of the American SST prototypes to use demagogic "scare" charges and to continue to use such attacks even after they are outdated or disproved. I have had the opportunity to debate the question of completing the SST funding with such opponents and have been shocked to hear them use the report of an Ad Hoc Task Force of Cabinet officials which President Nixon named when he first became President. The op-

ponents of the SST indicate that this first cursory study by the Administration indicated SST development was deferrable—but they do not indicate that the predicate of the study was that there would be no British-French Concorde or no Russian TU-144. I should like to submit with my testimony today an article on the Concorde which appeared in the February 8, 1971, issue of Aviation Week and Space Technology and a copy of an advertisement from the December 28, 1970, issue of the same publication advertising the Russian TU-144 on display and ready to be sold soon.

Distortion of facts by SST opponents has become common. When the Joint Economic Committee did its study last year on the SST, the chairman of the subcommittee making that study wrote Under Secretary of Transportation James Beggs and the members of his 1969 administration ad hoc study committee on the SST and asked for 1970 updated comments on their 1969 viewpoints. The responses favoring the SST and based on more accurate information than was available in 1969 were ignored in the Committee's final report. Specifically, the chairman wrote to Dr. Lee DuBridge, the President's science advisor, urging him to be sure and respond by May 1 so that his latest views could be included in the Joint Economic Committee's final report. Dr. DuBridge did reply on April 22, 1970, and his rather lengthy letter concluded with this comment, "Thus, on the whole, I would strongly recommend that your Committee endorse the President's proposal that the United States proceed with the SST project." But the Committee report chose to ignore those views and proceeded to report on page 15 "the Director of the Office of Science and Technology concluded that the Government should not be subsidizing a device which has neither commercial attractiveness or public acceptance."

The Joint Economic Committee's August 1970 report also distorts the views of the Under Secretary of the Treasury for Monetary Affairs in the same way by quoting from his 1969 statement which assumed no commercially viable foreign SST and then further distorted his views by proof-texting from his 1970 letter. Ignored by the Joint Economic Committee report is the conclusion of the Treasury Under Secretary's 1970 letter which says, "I am therefore not in a position to provide you with a up-to-date assessment of the commercial prospects for his plane. Nor have I personally kept in touch with recent efforts to solve the various environmental problems raised by the SST aircraft."

The opponents of the SST do not consider significant the fact that on December 7, 1970, every department of the federal government which could be remotely considered appropriate for commentary reported favorably on the development of the two SST prototypes and that the President's Council on Environmental Quality has recommended that the prototypes be completed so that the studies they will make possible may be undertaken.

In a televised debate just the other night, an opponent of the SST charged that a National Academy of Science report, supposedly representing the views of many eminent scientists, had concluded that SSTs would cause skin cancer. Apparently Dr. James E. MacDonald, a senior physicist at the Institute of Atmospheric Physics of the University of Arizona and an authority on Unidentified Flying Objects, also repeated this charge before this Committee yesterday. I asked that the matter be checked out through the National Academy of Science and the following is the reply received late yesterday:

Final telegram to be wired this afternoon 3/1/71.

To: William Magruder, Director, SST Development.

In response to your inquiry with respect to reports that the National Academy of Science has issued a statement that the SST

could increase the incidence of skin cancer. I want to advise you that the NAS has not issued such a statement. I am chairman of the NAS review subgroup on weather and climate modification which is presently updating its 1966 report. The review subgroup is analyzing a number of tentative conclusions and will publish this report after these conclusions have been subjected to the normal NAS procedure of a thorough scientific review to insure their validity.

Dr. THOMAS MALONE,
Chairman, National Academy of Science
Review Subgroup on Weather and Climate Modification.

The fact is that a number of Americans have been misled about the nature of the competition the American aerospace industry faces from the French-British and Russian developments—and some of it has been purposeful. I also am submitting to the committee a copy of a transcript of a wireless interview I had on August 19, 1970, with John Hosken of the British Broadcasting Corporation immediately following the issuance of the report on its hearings on federal transportation policy and the SST by the Joint Economic Committee. In that interview Hosken asked, "On Concorde itself, why was no first-hand evidence sought from the Anglo-French technicians. It seems to me to be a very grave loss here." He goes on to observe, "But I understand the committee only took evidence on Concorde first-hand from a British journalist; it strikes me as being a rather slap-happy way of coming to such a damning conclusion."

The fact of the matter is, Mr. Chairman, a lot of the conclusions damning the SST have been arrived at in a slap-happy manner. But the perpetuation of such conclusions on the part of public officials and responsible journalists is inexcusable and is a grave disservice to American national interests. For instance, the criticisms of take-off and landing noise of the SST by Dr. Richard Garwin are based on outdated information, but it is still liberally quoted while the recent reports of Dr. Leo Beranek of the recognized firm of acoustical experts, Bolt, Beranek and Neuman are ignored.

Similarly, the opponents of the completion of the SST prototypes are fond of quoting from the study of a work group on climatic effects of the SST at the Massachusetts Institute of Technology 1970 Summer Study of Critical Environmental Problem meeting at Williamstown, Massachusetts; but they overlook a follow-up statement by Dr. Will Kellogg, associate director of the National Center for Atmospheric Research and chairman of that work group, which says "I am very much disturbed over recent gross exaggerations and scientific misstatements regarding the SST's potentially harmful effects upon the atmosphere and man's environment. Last August a group of top scientists at the MIT Summer Study stated that there are indeed environmental uncertainties, caused in no little part by gaps in available information, which require additional research in order that they may be resolved. I pointed out at that time and want to strongly reaffirm that there is no environmental reason however to delay construction of the two prototype U.S. SST's."

"It is my profound hope that the U.S. Congress will not be misled by these exaggerations or by scientific misstatements."

And within the past couple of weeks there was a page one story in the Washington press quoting a story in the London Observer to the effect that neither the British Overseas Aircraft Corporation nor Air France felt the Concorde could be operated economically. The next day a story appeared in which BOAC denied the earlier report, but this follow-up appeared on page nine.

Such has been the effort to mislead this Congress by those who would see us discard the project which has already received \$860 million in federal funds and \$140 million

from prime contractors (Boeing and General Electric), subcontractors and 26 airline companies in the United States. In addition to this billion dollars of investment which would be lost if the project is not completed, another \$100 million would be needed to terminate the federal obligation in orderly fashion. So we are talking about a total of \$1.1 billion if we quit now as opposed to current total estimated costs of \$1.68 billion to complete the prototype phase. The government's share of this completion total would run \$1.3 billion; the prime and subcontractors will have put in an estimated \$300 million; and the airlines will have an estimated \$80 million invested.

Thus, you should really be thinking today about \$340 million of federal funds—the difference between \$1,300 millions of federal funding to complete the prototypes and the federal cost of at least \$960 million to terminate the project as of March 31, 1971. Total liability could run as high as \$1,100 millions, of course, if we stop now.

The precedents are clear for spending this kind of money on the development of the nation's transportation resources and technology. Just as the U.S. airlines have enjoyed federal subsidies for development, so the commercial aircraft industry itself has been the recipient of airplane technology from development of military aircraft for both wartime and peacetime uses. Subsonic commercial jets like the Boeing 707 and the DC-8 were made possible by the federally funded research which developed the Air Force's B-47 and B-52. The DC-3, the first plane to make commercial air travel economical and convenient, was originally developed as a military project for World War II use. And, of course, the very titanium technology which will make it possible for the American SST to be bigger, stronger and faster than foreign SSTs made of aluminum was originally developed for U.S. military planes now flying supersonically at altitudes even higher than the prospective cruising range of the commercial SST.

It should be unnecessary for me to list examples of the historic commitment of our U.S. government to the development of faster, more convenient and safer transportation. Such federal funding or subsidization includes the early post roads and canal systems which leaped the Appalachian Mountains, the railroads which opened the American West, the Panama Canal which linked two oceans, and the incomparable interstate highway system on which \$36 billion has been spent to reduce the cost of delivery of consumer products to every corner of our nation. American bargelines have their rights-of-way built and maintained by federal funds and our oceanic merchant marine fleet has been the recipient of ship-building subsidies for years to maintain some small measure of competition with the flag vessels of other nations.

As a matter of fact, during the same period of time our federal government has been spending a potentially recoverable \$860 million on the development of two SST prototypes, it has invested over two billion dollars on oceanic shipbuilding in an effort to try to restore the U. S. fleet to the competitive position it once held.

Similarly, more federal funds (over one billion dollars in all) have been spent in the last decade trying to maintain and develop urban mass transit in the United States and \$3.1 billion in federal funds have been committed to this effort over the next five years. Even such a highly specialized problem as vertical and short take-off and landing for the benefit of military and domestic commercial airplanes has been the recipient of over half a billion dollars of federal funds in recent years.

But the SST project is different from all these in that the federal government will receive all of its direct investment back in royalties by the time an estimated 300 planes

have been sold and it will receive an extra billion dollars in royalties if 500 of the projected 500 to 800 sales materialize by 1990.

The SST project is also different in that we are not trying to develop a new transportation industry (as we once were with intercontinental railroads) or revive one that has collapsed (as we are with the merchant marine or urban mass transit). In our investment in the development of SST prototypes, we are merely continuing the development of an industry which is one of the great contributors to the nation's economic well-being.

The aerospace industry, one of our nation's most technology-intensive, supplies 85 percent of the world's markets for new aircraft equipment and parts and thereby contributes to a favorable balance of U. S. trade, an amount which has varied between one and two-and-a-half billion dollars annually during the past decade. It is to such technology-intensive industries that America must look in future years for a preservation of our balance of trade, according to recent testimony by Commerce Secretary Maurice Stans before the Joint Economic Committee on which I serve. In 1970 our trade balances were negative by \$6.1 billion in non-technology-intensive manufactured products and by \$2.3 billion in raw materials. We were only enjoying a \$1.5 billion favorable trade balance in agricultural products. But in the technology-intensive industries, our favorable trade balance in 1970 was \$9.6 billion—enough to offset the other categories by \$2.7 billion. The significance of the over two billion dollars favorable balance contributed by the current competitive advantage enjoyed in world markets by our aerospace industry, therefore, cannot be overstated. It is from these favorable balances that we will get or hold onto some of the resources with which we can pay for the social and ecological programs which we will need in the years ahead.

The most modest estimate of the advantage we will derive from the availability of an American SST in world trade is \$22 billion between now and 1990 with a possibility that this could go as high as \$45 billion. Conversely, it is clear that if we lose the advantage we now enjoy in world markets we could lose as much in the next 20 years.

There is a tendency on the part of all customers to purchase from the supplier who can offer them a "family" of products and this capability will shift to the British-French and to the Russians if America eschews the opportunity to maintain its present competitive advantage by deciding not to build an SST. The European manufacturers are offering shuttle aircraft, the short-range jet and air buses in addition to the S.L.T. Each meets a certain market need from the standpoint of economics. The SST is designed to serve the developing trans-oceanic travel market which is expected to triple by 1985 from its present level of 100 billion revenue passenger miles per year.

While the economics of the Concorde and the TU-144 are still shrouded in secrecy, the projected figures for the American SST indicate that it will be able to make something more than two trans-oceanic trips while a subsonic Boeing 747 or jumbo jet, carrying about the same payload, covers the same distance. Thus, even though the SST may cost more to own and operate, it can still be more economical at carrying passengers than current jets. It will, in fact, cost more to buy; but it will require less labor to care for passengers on flights of less than three hours to Europe than is required to serve passengers on flights taking more than seven hours on subsonic jets. With such economic advantages in view, the SST is expected to pay itself out in five years at a projected 1970 cost of about \$40 million per plane—essentially the average payback time as planes now in subsonic service (including the 747, which costs \$22 million per plane).

The assumption has been that the smaller-

seating-capacity (125 vs. 300) and somewhat slower (1,400 mph vs. 1,800 mph) European SSTs will be in service commercially between 1972 and 1974 and our SST will not be available before 1978. Such time frames could permit the European SSTs to develop enough sales to recover their development costs and be retired without economic loss to airlines using them before American SSTs, with a better product, win the market which is expected to develop in the 1980s and afterward. The British-French have estimated the total market through 1990 at somewhere between 1,200 and 1,600 SST sales worldwide. Such figures are based on projected increases in trans-oceanic traffic volume and relate to plane load capacity and flight speed. Another way to look at this is to compare the number of planes it would take to carry the passenger miles in a certain year if new planes had not been developed. For example, all of 1971's traffic could be carried in 786 flying 747s, but the same revenue passenger miles would have required 2,188 707-100s or 8,378 Constellations or 47,416 DC-3s. By 1980, the estimate is that 500 SSTs can replace 819 747s or 6,700 707s or 145,000 DC-3s which would be required to carry the same traffic estimated in that year.

If the impact of these figures is not impressive with reference to the economics of the future of aviation, they should certainly be impressive from the ecological standpoint. The prospect of 145,000 DC-3s polluting the lower atmosphere ten years from now versus 500 SSTs gives some impact to the argument that the SST has the lowest pollution rate per passenger mile of any modern mode of transportation. One SST carrying 298 passengers at 1,780 miles per hour will spew out less unconsumed fuel pollutants than three automobiles traveling at 60 miles per hour.

Another comparable estimate is that the whole SST fleet will emit less water vapor in the stratosphere daily than the average thunderstorm and there are between 3,000 and 6,000 thunderstorms in the world each day. Contrails also do not form at SST altitudes—as established by the fact that present military aircraft have been able to do reconnaissance unobserved from those heights for years.

To dismiss ecological concerns in a new area about which so little is known would be as irresponsible as the use of Sunday-supplement "scare tactics" about the possible dangers to the environment from supersonic flight. Certain early concerns about SSTs and the ecology have been disproved by research in our space program and by research activities undertaken within the SST budget itself. The completion of the two prototypes will make possible further research in all areas of ecological concern. With an estimated \$82 million of the federal expenditure on the SST project dedicated to research into environmental considerations and in the face of the current American concern about the environment, I feel certain that all environmental hazards will be resolved before any possible harm could be done. Two independent advisory committees have been established by the Department of Transportation to assure the availability of the best scientific advice and counsel in the country on noise and environmental research. The membership includes such people as Dr. Harold Rossi, professor of radiology physics at Columbia University.

To the suggestion that SSTs will deplete ozone in the stratosphere and thus affect ultraviolet radiation at the Earth's surface, as an example, the Environmental Science Services Administration and its consultants and the MIT study group have concluded that any variation that might occur would be barely detectable and would be small compared to the daily variations found between two places on earth such as Washington and Albuquerque. These effects, along with the "greenhouse", concerns about emissions of dust, gases and water vapor, all

will be fully investigated before 1978 when production of SSTs for sale and flight is now scheduled. Should we consider flight by any SSTs harmful to the world environment, we should certainly want to undertake international negotiation on this score from a thorough grounding in scientific research and facts. (As a matter of fact, the question of landing rights for SSTs is a matter negotiated between governments and our hand in this regard, no matter what our position, will be strengthened by facts developed by valid research.) But such investigation as has been made by recognized authorities has so far indicated nothing that would call for a termination of the project to build two U.S. SST prototypes.

A noise level of the American SST at the measuring points one mile from landing, three-and-a-half miles from take-off and 0.35 miles from the sideline path of the plane which would be comparable to or less than currently flying subsonic jets is considered achievable by Dr. Beranek and his SST Community Noise Advisory Committee. Because larger intakes in the SST engine reduce the shrill whine, the take-off and landing EPNdB levels for the SST are currently below the 108 level of subsonic jets. And because the SST is expected to land more sharply and take-off more steeply, this sound is expected to be audible on the ground for a shorter period of time. A year ago the sideline EPNdB figure was assumed to be 124 for the SST. But it is now clear that 118 has been reached and 108 is attainable, according to the experts on Dr. Beranek's team.

As to sonic booms, the SST will not be permitted to fly at supersonic speeds over land masses according to an enunciated regulation of the Federal Aviation Administration. Such regulations have the force of law, but should anyone in or out of Congress feel the need to enact permanent legislation to re-emphasize such a regulation, I shall be happy to join them even though I feel it is unnecessary. The fact is that American military aircraft have been flying supersonically over various populated parts of the world for years and the number and degree of damage objections have been minimal. And perhaps it is worth noting that almost all claims have been lodged as a result of pre-announced tests. It has been reported to me that prior to such announced tests of the Concorde in England recently, approximately three hundred complaints of damage from supersonic boom were lodged before the plane had taken off for the tests.

The impact of the SST has been mostly from the headlines to date—except for the effect of the dollars expended. Estimates are that 14,000 Americans are directly employed in the program to make the two experimental American models and that this represents some 40,000 other jobs in collateral employment. The production employment estimate is 50,000 jobs directly and 150,000 indirectly. I would not defend the development of a supersonic transport as a "make-work" project.

But similarly I find it difficult to understand the logic that wants to terminate this potentially constructive project and the economic benefits which can flow from it and yet would substitute for it some kind of non-productive job retraining or federal dole for those out of work in the aerospace industry. The ultimate social benefits to be derived from productive labor would always seem to exceed those derived from non-productive labor. A dole or retraining program would be a consumer of tax dollars which must be generated from some other productive enterprise. But estimates on the taxes to be derived from a commercially saleable U.S. SST run in excess of six billion dollars during the decade of the 1980s. While this distinction may appear to be only economic, its social ramifications cannot be overlooked.

Similarly the social ramifications of a method of closing the distance gap in the

world should not be ignored. The history of mankind is filled with efforts to shorten the distance between nations and cultures. After Marco Polo returned from China, the European effort to find shorter trade routes to the Indies resulted in Vasco DaGama's voyage around Africa and the discovery of America by Columbus. But the development of geographic routes soon gave way to the mechanical methods of increasing speed to shorten distance. The clipper ships gave way to steam and the ship itself has given way to air transportation within our lifetime. As a friend of mine who works for a domestic airline commented succinctly the other day, "No one ever comes up to my counter and asks how he can take the long way to get there." Everyone wants to save time in travel whether that time is to be used for pleasure or more serious pursuits.

And six million Americans who travel abroad by air now and the estimated 25 million who will be traveling by air internationally in 1985 will not all be "jet set pleasure seekers." Twenty-six percent of those who go to Europe and 50 percent of those who fly the Pacific are traveling on business today. As that time is cut to one-third by supersonic planes, the amount of travel will be encouraged. Business with Europe will then be conducted with the same travel speed with which it can be conducted between Boston and St. Louis and the barriers between people and nations will be lowered yet a little more. As the underdeveloped countries are developed, the economic differences which threaten world peace will also be reduced as the intercourse of trade expands. Fatigue studies have indicated that the average passenger on a plane recognizes a perceptible deterioration in his comfort after three hours on a plane. Who can say that happier intercontinental relationships between America and Europe will not be beneficially impacted by that small fact alone?

But whatever our judgment on the SST, it should be made on the basis of facts and not unprovable claims and suspicions. Those of us who favor the SST have attempted to be diligent with both the facts and the logic which flows from facts. I think the facts are persuasive as to the merits of our position. I recognize valid doubts and feel that these doubts must be answered as the program develops. But none of those doubts is substantial enough to justify abrupt termination of this program now.

I must also concede to a certain emotional bias in favor of improving air travel. The men who gave it its first lift off the ground are from the area of the Congressional District I have the honor to represent in Congress. They have done much to lighten the burden of mankind by making it possible for him to spend less time traveling to and from and more time in productive efforts in the various locations where those efforts are to be undertaken. The contribution is not unlike the discovery of the wheel, the domestication of the horse or the development of the steam engine. But within a week before the Wright Brothers flew for the first time at Kittyhawk, no less an eminent source of fact and logic than the New York Times editorially advised Samuel Langley, one of their competitors, to turn his talents to "more useful employment." I don't know what Samuel Langley did, but I am glad such advice was not pursued by the Wright Brothers and I would hope it would not be followed by the Appropriations Committee or the Congress.

TRANSCRIBED FROM A RECORDING BY RADIO DIRECTION TELEPHONE UNIT "EXTRACT FROM NEWSDESK"—"CONCORDE." JOHN HOSKEN/ CONGRESSMAN BROWN TRANSMISSION: 19TH AUGUST, 1970

HOSKEN. Congressman, why did this report concern itself with Concorde at all.

BROWN. Because the question of how many sales of any SST around the World would be

made will affect whether or not the American Government will be repaid for whatever investment it might make in the development of an SST to compete with the Concorde.

HOSKEN. They said categorically that the Concorde is going to be a commercial flop, now how much damage can this report do to Concorde.

BROWN. Well I assume that it could damage the acceptance of Concorde in the British and French Governments but my guess is that it will not dissuade them from the development of the Concorde because even on this side of the Atlantic the U.S. Airline Companies, all of them, have indicated their interest in some kind of Supersonic Transport Plane. Now the issue really is whether or not for us, for the American Congress, whether or not funds from American taxes should be used by the American Government to develop an American plane competitive with the Concorde.

HOSKEN. How much notice is going to be taken of this report in any case in America. I understand that Senator _____ chairman is . . . had a big bias before he really started and that two members took no part in the report and that you wrote a rebuttal. So what . . .

BROWN. Well, I think Senator _____'s views are . . . were there before the hearings were ever held and before the report was ever written. The fact of the matter is the logic and the facts . . . the facts and report are controversial and the logic is not altogether sound. However, there will be great attention given to the report because while this Committee has no legislative jurisdiction it is a prestigious advisory committee with reference to Federal Economic Investment of tax money. Now my difference simply with the Senator is that I think that a Supersonic Transport will soon be flying in the World. I feel that the United States should make every effort to see that it is a more efficient American-made SST, that it will solve the environmental problems which the SST has been accused of having. To abandon the field, that is for Americans to abandon the field of foreign competition as Senator _____'s report suggests will be an assured economic loss for American taxpayers who've already invested a good deal of money in the study of an American SST and a much greater environmental risk because if the Concorde flies, whatever it does to the environment of the world will certainly also be done to the American environment.

HOSKEN. On Concorde itself why was no first-hand evidence sought from the Anglo-French technicians. It seems to me to be a very grave loss here.

BROWN. Well, I think it should have been definitely, although I am not sure in view of the fact that this is a highly competitive circumstance that they would have wanted to advise a committee of the American Congress about what progress had been made in . . . in the development of the Concorde because perhaps they were just _____ to see the Americans abandon their interest in building their own SST.

HOSKEN. But I understand the committee only took evidence on Concorde first-hand from a British journalist, it strikes me as being a rather slap-happy way of coming to such a damning conclusion.

BROWN. I think that's quite correct and I think that if one knows the viewpoint of the British journalist involved one would have to conclude that the testimony was almost assuredly going to be against any SST.

STATEMENT BY DR. WILL KELLOGG, CHAIRMAN, WORK GROUP ON CLIMATIC EFFECTS, AT THE MIT SUMMER STUDY OF CRITICAL ENVIRONMENTAL PROBLEMS ASSOCIATE DIRECTOR, NATIONAL CENTER FOR ATMOSPHERIC RESEARCH

I am very much disturbed over recent gross exaggerations and scientific misstate-

ments regarding the SST's potentially harmful effects upon the atmosphere and man's environment. Last August a group of top scientists at the MIT Summer Study stated that there are indeed environmental uncertainties, caused in no little part by gaps in available information, which require additional research in order that they may be resolved. I pointed out at that time and want to strongly reaffirm that there is no environmental reason however to delay construction of the two prototype U.S. SST's.

It is my profound hope that the U.S. Congress will not be misled by these exaggerations or by scientific misstatements.

Dr. Ed. David's statement last Sunday which Dr. Walter Roberts and I strongly endorse, says it well, let's not suppress technological advances but through research, development and experimentation make sure that those advances are obtained without undesired side effects. I strongly support a vigorous environmental research program in parallel with prototype SST construction. Don't downgrade the ability of American scientists and engineers to apply their genius to the successful resolution of uncertainty."

Dr. Will Kellogg is a widely known atmospheric scientist. He is Associate Director of the National Center for Atmospheric Research in Boulder, Colorado. Last August, Dr. Kellogg chaired a working group, which examined the SST's possible effects upon the environment, during the Summer Study of Critical Environmental Problems sponsored by MIT at Williamstown, Massachusetts. Dr. Roberts, referred to in Dr. Kellogg's statement, is Director, National Center for Atmospheric Research.

CONGRESS MUST REVIEW THE ALASKA OIL PIPELINE PROPOSAL

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, late in January, the Department of the Interior released an "Environmental Impact Statement" regarding the Trans-Alaskan Pipeline. The conclusion of that statement incorporated a "green light" recommendation for the construction of the pipeline—in spite of the dangers to the environment shown in the Department's own evaluation. It is not uncommon for the Government to "find" one thing and recommend another, but rarely has the evidence against a proposed action been publicly stated so strongly and then followed by a contrary recommendation.

The situation created by the Trans-Alaskan Pipeline proposal by the Department cries out for congressional concern, scrutiny, and ultimate sanction. To achieve this end, a number of our colleagues in the Senate introduced a measure which would prohibit the desecration of the Alaskan environment without specific authorization of the Congress of the United States.

On February 25, several of our colleagues joined me in introducing a companion bill in the House, H.R. 5059: Congressmen DINGELL, VANDER JAGT, O'HARA, and WILLIAM D. FORD of Michigan, REUSS and KASTENMEIER of Wisconsin, UDALL of Arizona, ECKHARDT of Texas, LEGGETT and MOSS of California, GUDE of Maryland, FRASER and QUIE of Minnesota, HARRINGTON of Massachusetts, RONCALO of Wyoming, and BRADEMANS of Indiana.

The President of the United States has sounded what can be considered the

clarion call for the protection of our environment, and in terms of the current situation with the Alaskan oil pipeline situation, his words are extremely appropos. He said:

The step I have taken today (re, Cross-Florida Canal) will prevent a past mistake from causing permanent damage. But more important, we must assure that in the future we take not only full but also timely account of the environmental impact of such projects, so that instead of merely halting the damage, we prevent it.

Mr. Speaker, never before has the *raison d'être* for the bill we are introducing been stated so succinctly. It is a statement worth constant repetition and a statement worth careful thought by Members of this House.

My colleagues and I are hopeful that other Members will introduce bills similar to ours in order to emphasize the seriousness of the potential danger to the Alaskan environment should the Congress fail to act. A copy of our bill is reproduced below:

H.R. 5059

A bill relating to the construction of an oil pipeline system in the State of Alaska

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall not issue any permit, grant any right-of-way, provide for the sale of forest products or mineral materials, or take any other action involving or in connection with the construction, operation, or maintenance of any oil pipeline system for use in transporting oil from fields in northern Alaska to any deep water port or other place, unless such action is first authorized by legislation enacted by the Congress subsequent to the date of the enactment of this Act.

REPRESENTATIVE DINGELL OUTLINES "SYSTEMS APPROACH" FOR ENVIRONMENTAL PROBLEMS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the magazine, *Catalyst* for Environmental Quality, devoted its fall 1970, issue to the environmental views of distinguished legislators and political leaders. Among the articles appearing in this issue of *Catalyst* was one by my good friend and colleague, Congressman JOHN D. DINGELL of Michigan.

As one of JOHN's friends from the other side of the political aisle but the same side of the conservation aisle, I considered his article on systems and the environment particularly noteworthy. You will recall that our colleague from Michigan was the principal author of the National Environmental Data System bill, H.R. 17436, which passed the House during the 91st Congress.

Congressman DINGELL's list of awards and achievements as a conservationist is too long to repeat in detail but I would like to remind our colleagues of the highlights of his distinguished career as one of the first of the congressional environmentalists.

In 1958, he received the National Award for Distinguished Service to Conservation presented by the Izaak Walton

League of America, National Parks Association, National Wildlife Federation, Sport Fishing Institute, Wilderness Society, and the Wildlife Management Institute. In 1965, the Michigan Outdoor Writers Association gave him its Founders Award for outstanding contribution to the cleansing, preservation, and wise use of America's woods, waters, wildlife, air, water, and the land itself. In 1967, Congressman DINGELL received the Award for National Distinguished Service in Conservation presented by the National Wildlife Federation and also an award from the American Scenic and Historic Preservation Society for outstanding contribution in the field of conservation and preservation of our American heritage.

During 1968, he received a Special Award of Merit by the American Association for Conservation Information and in 1970, he received the Distinguished Service Award given for work on conservation by Women's International League for Peace and Freedom, plus an award from the United Automobile Workers for his lifelong fight for his fellow man in the fields of antipollution and conservation.

I think it is clear from the brief listing of his awards that Congressman DINGELL is well qualified as a "distinguished expert" in the fields of conservation and environment. His article entitled, "Systems Approach Needed for Environmental Problems," follows:

SYSTEMS APPROACH NEEDED FOR ENVIRONMENTAL PROBLEMS

(By JOHN D. DINGELL, Congressman from Michigan)

In 1976 the United States will celebrate its bicentennial—200 years of population growth, land development, agricultural and industrial expansion, and tremendous technological advance.

I am certain that if Thomas Jefferson or Benjamin Franklin could return to celebrate with us this anniversary they would be appalled and outraged by the hideous ruin that Americans have wreaked on this beautiful land in 200 short years.

Even with heroic measures taken by all levels of government—and with the most active participation of industry, agriculture and ordinary citizens—it is a certainty that the United States, like other nations of the world, will find itself confronted in 1976 with greatly increased environmental degradation and more severe problems of the three Ps—pesticides, pollution and population.

The warnings of scientists, conservationists and ecologists and the almost universally shared vague apprehensions of the citizenry, which have finally hardened into mass concern over environmental degradation in America, have found clear utterance in the first report of the President's Council on Environmental Quality.

That report, speaking with the prestige of the office of our Chief Executive, chronicles a real chamber of environmental horrors—past, present, and future. Practically no aspect of American Life escapes well justified criticism of its adverse impact on environmental quality.

Poor land use and planning; pollution of land, water, and air; litter; solid wastes; squandering of precious resources; noise; crowding and squalor in our cities—all are the subject of grave warnings. Unchecked population growth, new and exotic perils such as mercury and the other, perhaps even more deadly, heavy metals are discussed with apprehension.

This report, hastily compiled in a seven months' rush to meet statutory deadlines, had available to it the full resources of the

Federal Government. It is noteworthy in many regards.

While clearly and admittedly incomplete, it lays to rest for the first time any thought that all is well with nature in the United States.

The prestige of the Council and the resources to which it has access make it impossible to whitewash over the problems, as certain interests have sought to do in the past, with platitudes that the environment is doing nicely and no Federal intervention is needed.

Reading this report brings to mind the warnings in "Silent Spring" by the gentle Rachel Carson, and makes one recall the vicious and devastating attack upon her and her work by industry apprehensive over loss of profits. One wonders whether publication of this Council report will evoke similar response. I think not.

Noteworthy, in spite of the high ability and dedication of the Council members and the immense resources available to them in preparing the report, is the obvious lack of real knowledge of the environmental problems besetting us. Equally noteworthy is the repetition of statements on the lack of complete information and indicators.

The need for environmental indicators—to know where we are, where we have been, which way and how fast we are going—is also stressed.

This lack of environmental knowledge on all levels of activity, both public and private, has been a matter of concern to me for some while. Intimately related is the need to systemize our relationship and approach to the environment and to the use and reuse of our resources.

To begin moving this country to a systems approach on environmental matters I introduced on February 17, 1969, H.R. 6750, to create a Council on Environmental Quality, to establish a national policy on the environment, and to require an annual environmental report. Shortly thereafter, similar legislation was introduced in the Senate by Senator Jackson as S. 1075.

Our joint efforts brought to fruition the Environmental Policy Act of 1969. This legislation, which was signed by the President on January 1, 1970, contained all of the above provisos and the requirement that proposed statutes and administrative actions by the Federal Government provide a clear statement of environmental effect.

This legislation constitutes an important first step toward a systems approach to the resolution of man's problem of living with his environment.

The development of such an approach, sound in purpose and practice, is, in my opinion, the most important problem faced by mankind in the world today. For to fail in this undertaking will mean increasing degradation of the quality of life, followed by probable extinction.

As a second step toward achieving a systems approach in man's activities that affect the environment, I am moving forward with my bill, H.R. 16848, to create a National Environmental Data Bank. With all our abilities and concern for data storage, retrieval, and dissemination, and with the immense numbers of Federal activities related to the environment, it is a continuing source of surprise to me that nothing of this kind has yet evolved.

The Data Bank legislation would require all Federal agencies having computers storing environmental data to take all reasonable steps to make them compatible to the maximum feasible degree.

Encouragements would be afforded to Federally financed researchers to have their computer systems as compatible as possible. Inducements to inter-relate Federal and Federally financed private computer systems would be included. A National Data Bank Board would have authority to lay down re-

quirements for maximum storage of properly evaluated, collated, *useful* information and data on the environment obtained under Federal and Federally financed programs.

These steps would be coupled with a requirement that data and information be made available free of charge to governmental agencies—Federal, State and local—and be available on a modest "recovery charge" to others.

Following this, by law, the Environmental Data Bank Board would begin to create valid environmental quality indicators and to provide a continuing evaluation both of the indicators and monitoring of environmental events. The Board would also commence creation of a capacity for, and the actual initiation of, predictive environmental models or predictive ecological models, so that we might begin looking not only to the past and the present but also to the future.

This last tool would enable us to use mathematics, the computer, and present scientific data to gauge the impact of man and his activities on the environment of the future.

Given these things, we would be more capable of moving forward, albeit haltingly and imperfectly, with the sorely needed systems approach to the environment. Our tools would be the Council on Environmental Quality, its annual report, and the capacities of the Environmental Data Bank.

Much more will be required, perhaps the most important of which will be bringing environmental policy together with monetary and economic policy on an equal basis. Initiation of this relationship between environment and economics has begun in meetings held by the Council on Environmental Quality and the Council of Economic Advisers.

The President runs the Executive paying close heed to his Council of Economic Advisers, the Treasury and the Federal Reserve Board.

If real progress in preserving a quality environment is to be attained, advisers, policies and goals in the environmental area must have equal, even superior, importance in government to those in the economic field.

The Environmental Policy Act requires full equality, even though neither the subject of environmental quality nor the Council on Environmental Quality itself is now being given that dignity by the Executive.

If I were President for one day, I believe granting this equality between environmental concerns and economic concerns would be the most important single step I could take.

I would also assure that the Council on Environmental Quality achieved full parity with the economic advisers of the Executive.

It appears clear to me that from this kind of reform would flow an abundance of other needed reforms in the environmental field.

If the economic advisers do their jobs as well as they should, and the Council on Environmental Quality carries out its responsibility as stated in the Environmental Policy Act, and if the two national goals and systems of advisers function well on an integrated basis, it is plain to me that the major environmental policy problems will be on the way to resolution.

A glaring example of one of the problems that could be resolved is that of waste which becomes pollution of the land, the air, and the water. We try to bury it, dump it in our waters, burn it, fill holes in the ground, and still it continues to pile up, produced by the most efficient industrial system and distribution system in the world.

If we operated our households the way we operate the Nation, our backyards would be filled with litter, our fishponds and swimming pools would be full of the products of our home sewage system, the air above our

houses would stink from burning waste and exhaust fumes of our autos. And our unhappiness would be fearful to behold.

It becomes plain to any intelligent student of our system of production and distribution that recycling of waste back into the system of production and distribution is the only intelligent way of solving the problem of environmental degradation.

It is also, perhaps, the best way of recovering waste which, instead of being a blight and a curse, is potentially one of our most precious natural resources.

Recycling, then, is plainly a matter of dire environmental and economic necessity. Pollution is the costly product of failure to properly recycle and recover valuable products, and under an intelligent systems approach would be found to be totally without justification on either an environmental or economic basis. Until we commence recycling our wastes of all kinds to the maximum degree, there will be no real solution to the pollution problems of this nation.

Under a crude systems approach, recycling would have many benefits. Soil-building nitrates and phosphates can be recovered from municipal sewage or delivered directly to irrigators to enrich agricultural soils. Old cars, tin cans and waste metals can provide metallic supplies for a mineral-short America. Garbage can be converted into compost, fertilizers, and fuel and lubricating oils. Waste paper properly recycled can save millions of trees and thousands of acres of recreation lands. Solid wastes can provide low pollution fuels for the generation of electricity.

Assuming that our national goals are environmental as well as economic in character, the best tax structure would seek to achieve minimum pollution and maximum recycling through incentives and penalties.

The incentives should be held down and particular attention given to legal penalties and requirements of law, and legal standards on pollution of air and water. Tax penalties would have to be heavy enough to encourage polluters to conform with the national goals and not be a license to pollute.

The concerns and activities of environmentalists embrace the entirety of man's existence. Polluted air and water filled with sewage and industrial wastes are no less degrading to the quality of life than crowded, noisy, deteriorating cities ridden with despair and crime. The language of the Environmental Policy Act of 1969 tells us that all of these matters are a part of man's environment, and the Council on Environmental Quality is directed by law to comment on all of them.

In this kind of hard circumstance one always seeks encouragement. I can offer none except the simple realization that man, who created atomic power and sent some of his kind to the moon and back, has the technological capacity to clean up the fearful mess he has created—if he but manifests the will.

The cost in human resources and money will be high: according to recent estimates \$54 billion for water pollution, \$3.1 billion for air pollution, and upwards of \$4.2 billion for solid waste disposal. The cost in failure to try or succeed will be immeasurably higher.

Air pollution, for example, costs every American \$65 per year. According to John Middleton, Commissioner of the National Air Pollution Administration, clear air can save the United States \$13.5 billion per year for a total expenditure of only \$2.6 billion per year. This comes to a net saving of almost \$11 billion per year. Try that for a cost benefit ratio, America!

Although I have seen no recent studies of benefits of water pollution control, there must be a substantially similar cost benefit ratio in the preservation of fisheries, easy availability of water-related recreation, recovered by-products, reduced water treat-

ment costs, and reduction in waterborne diseases and mortality.

An old saying has it that for every man chopping at the root of the tree of evil there are a thousand men hacking at its branches. In our attack on this monstrous tree of environmental degradation, let us begin at its taproot by creating an effective systems approach, rather than hacking at the myriad branches by a disjointed and often counterproductive attack on the symptoms of environmental problems.

H.R. 5060—TO PROHIBIT THE "HUNTING" OF WILDLIFE BY AIRBORNE HUMAN PREDATORS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, Congressman OBEY and I, together with 20 other concerned conservationist Members, introduced in this session a bill to prohibit the hunting of wildlife from an airplane.

Our proposal would amend the Fish and Wildlife Act of 1956 by providing a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft. It is pathetic in this sophisticated day and age to note that there are human beings so devoid of compassion, so unsportsmanlike, so eager for killing, that they must use a vehicle designed for transportation in order to prey on the Nation's wildlife. One is reminded of the 1800's when "gentlemen sportsmen" slaughtered great herds of buffalo from train platforms.

That despicable era of our history of misdeeds for indigenous wildlife is reincarnated in today's lazy "sportsman" or greedy bounty hunter who has been seen and photographed herding and killing wildlife with the use of airplanes. I am sure you recall the poignant television documentary, "The Wolf Men," wherein the practice was dramatically presented. That program was responsible for the introduction of our bill in the 91st Congress, H.R. 15188, which would have outlawed the incredible practice. The program was also responsible for the greatest outpouring of public sentiment for a conservation bill that I have witnessed in my years in Congress. Had it not been for the obstructionist tactics of certain Members of the other body, I am confident that the bill would now be public law. The House of Representatives, to its eternal credit, did its part by unanimously passing H.R. 15188. As it stands now, we must begin again.

It has been a long time since "The Wolf Men" television show; since the introduction of our first bill; since the public hearings; and, since House passage of the bill. Nevertheless, the public's interest in the legislation has not flagged in the least. I cannot begin to count the letters which I have received concerning the fate of the old bill and plans for a new measure.

Although we are starting the legislative process again with H.R. 5060, we are assured that the public's interest in the issue has remained high. Indeed, I would venture a guess that interest has been heightened for the simple reason that it is obvious that cowards who hunt from airplanes will continue the practice right

up to the very minute when a Federal public law becomes enforceable. One would have thought the public's outcry would have ensured an immediate cessation of the practice. Such was not the case; we are dealing with a blood-hungry, two-legged animal whose profit depends solely upon the depletion of America's wildlife population.

Mr. Speaker, the time has come to put a stop to the disgraceful practice of hunting wildlife from an airplane. H.R. 5060 will do just that and I hope the public expresses its support of the new legislation by contacting their individual representatives in the House and Senate. We are confident of early consideration and passage of the bill in the House and look forward to equally quick action in the U.S. Senate.

THE CHANGING BASIS FOR "PROTECTIONISM"

(Mr. BETTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BETTS. Mr. Speaker, in spite of the fact that there seems to be a lull in any discussion of trade policy, the fact remains that the situation has changed very little from the position it was in during the consideration of the trade bill last year. As a reminder of the continuing problems, Mr. O. R. Strackbein, president of the Nationwide Committee on Import-Export Policy has thoroughly reviewed the whole subject in a speech before the Mid-America Trade Conference on February 24 of this year. I am inserting it at this point in the RECORD with the sincere hope that it will be read and studied by all who feel there is a genuine need for some action in this area:

THE CHANGING BASIS FOR "PROTECTIONISM"

While the terms, "protectionism" and "free trade" are increasingly deemed as obsolete forms of semantics, the evolution of this obsolescence has not been sufficiently uncovered.

The principles of free trade, as elaborated by Adam Smith circa 1775, assume a minimum of governmental interference with the market forces both within a country and with its external trade. The term *laissez-faire* (leave alone) has been applied to the economic philosophy of Adam Smith. It underlay the so-called free enterprise system of our own country until the severe depression of the early thirties. Essentially it meant minimum interference by Government with business and commerce.

Protectionism, on the other hand, which does represent such interference, was recognized early in our history, particularly after the War of 1812, as necessary if we were to build an industrial nation. Otherwise we faced a future of economic subordination to Britain as a supplier of raw materials and an importer of manufactured goods. The earliest avowed protectionist tariff was the Tariff of 1816.

Thereafter the tariff became a political football, kicked back and forth until 1934. Generally, until then, the Southern States were identified with free trade or a "tariff for revenue only," while the Northern industrial States preferred a protective tariff.

From 1934 to 1967 we engaged in a series of tariff-cutting international conferences and reduced our tariff an average of approximately 80%. Today our tariff on dutiable items is about 10% compared with a little

over 50% in the early thirties. If the collected duties are averaged over all our imports, including those free of duty (some 38% of the total) our average duty is between 6% and 7%. The final reduction of the Kennedy Round will be made January 1, 1972.

THE GREAT DEPARTURE: ACCEPTANCE OF NATIONAL PLANNING, EXIT LAISSEZ-FAIRE

The decade of 1933-42 marked a sharp economic-political departure in this country from much that had gone before. *Laissez-faire* economists were driven from respectability into the cemetery of fallen and discredited heroes. National planning of industrial and commercial activity was enthroned as the new god of economic thought. The free enterprise system was de-spurred and tamed. The fame of the British economist, John Maynard Keynes, who had explicit ideas on governmental management of the economy, rose like a shining star over the horizon.

Where *laissez-faire* proscribed or frowned forbiddingly on state intervention in wages, hours of work, working conditions, collective bargaining and similar economic considerations; and was no less appalled over price support of agriculture, reduction of crop acreage and direct payment for non-production, the "New Deal" turned these prejudices upside down, and did not stop there. It insisted, in addition, on regulating banks, the stock exchange, railroads, and countering the harshness of the marketplace in displacing workers from their jobs. Unemployment insurance, old age pensions and similar social welfare operations were accepted as legitimate concerns of the Government. Later, public education and medical care became additional claimants for governmental attention. No longer was the marketplace to be the arbiter. *Laissez-faire* economics itself was pickled in formaldehyde and transferred in a bottle to the museum of historical monstrosities.

There was one exception. That was free trade! This theory had so beguiled all who beheld it and all who were exposed to it in all innocence in our universities, that it was divorced by main force from the otherwise blanket condemnation of *laissez-faire* economics where it belonged. Free or freer trade was caressed, adored, smiled upon, cherished, fought for and baptized as a part of the national-planning dogma. "Pale-mouthed prophets" endorsed it and nothing raised the hackles of academic economists more surely than suggestions that a philosophy that had accompanied the development and growth of our economy to the point of world industrial leadership (i.e., protectionism) could not be all bad. Even now 5,000 economists, fair and true, jump to the ramparts when they detect a movement in the dark, which, according to them, is the natural habitat of protectionists. They fire into the forbidding dark at will, which means instantaneously, hoping to inflict mortal wounds on the remnants of the Dark Ages. Recently over 5,000 of them tilted, predictably, against the Mills Trade bill.

FREE TRADE AT ODDS WITH NATIONAL PLANNING

How free trade could survive the tidal wave that swept all other fragments of *laissez-faire* like straw before it, has never been intelligibly or even humorously explained. This phenomenon must stand as a high monument to the cultural lag of the brightest stars in the Milky Way.

Unfortunately for national planning, national planning can be no better than its enforcement. Good plans are discredited and collapse if they are not carried out. Putting them into effect means warding off countervailing forces and turning aside intrusions from the outside that would subvert them.

In this respect the basic barriers to international free trade are today more formidable by far than was the Hawley-Smoot Tariff Act of 1930—that "monstrosity" fathered by selfish interests, a veritable denigration of

the Adam Smith *laissez-faire* economic philosophy. This style of denigration must be left strictly to the selection of the national planners who can distinguish between good and evil *laissez-faire*. (Protectionism is, of course, anti-*laissez-faire*, and should have been dear to the national planners, but it is of the wrong kind.) It is necessary to be endowed with a special or even mystical insight to detect the distinction. Governmental interference, we must suppose, is of the highest good, so long as it proceeds from the planning centers. Protectionism, although itself an interference, is evidently bad because it comes from the wrong source.

Governmental control of the banks is good. Governmental control of the stock-market is good; so also is control of the utilities, establishment of minimum wages; and also control of monopolies, intervention in agriculture, in education, in social welfare.

Times change in all fields and the change, it is held, justifies a modified attitude. A complicated society, it may be agreed, can no longer trust market forces. Selfish interests have insufficient regard for the public good. Therefore they must be regulated: That is to say, all but import trade. Apparently import trade is automatically good and unselfish, and therefore in the public interest.

THE PLANNERS' DILEMMA

Yet, with the advent and far-extension of economic planning, the economic flanks must be controlled if planning is to succeed. If we provide price support for cotton, wheat, dairy products and other farm output the purpose would fail if we did not protect the program on the seaward flank. At one time our Government purchased millions upon millions of pounds of domestic cheese in order to reduce the pressure on prices, only to see it mount in higher and higher tiers in our warehouses, because imported cheese could be bought cheaper. Had this flank not then been protected by import restrictions, the planned rescue of our dairy industry would have collapsed. Therefore these particular restrictions could be justified, particularly by the planners.

Seemingly it was a good interference with the marketplace to help our dairy farms to survive, and this objective justified the bad interference embodied in the restriction of imports. Thus, while protectionism was abominable, it was not the worst thing in the world.

The same observation may be made of our import quotas on raw cotton and on wheat and wheat flour. If the rescue of the farmers was justified, was it an evil act to restrict imports to prevent their upsetting the plan of rescuing agriculture? World cotton and wheat acreage was sufficient to swamp our market with cotton and wheat and depress prices to levels from which we sought strenuously to rescue our growers. Was the one governmental interference good, and the other evil?

In 1946 Congress enacted what has been called the Full Employment Act. It set a goal, a national plan, making the state of employment a national concern.

It follows that if as a nation we adopt a goal of full employment we cannot at the same time be indifferent to forces that if left alone would defeat the plan, whether these be of foreign or domestic origin. To carry out the purpose of the Act the Government has over a period of time utilized the power of taxation, control of money-volume, interest rates and the shaping of the budget as instruments of the policy.

Unfortunately for the success of these various controls, the United States is not an economic island free from foreign influences.

We compete internationally in some sectors sufficiently to be affected internally by the competitive factors of trade. If import competition is not taken into account hand-in-hand with other items in our balance of pay-

ments, efforts at tuning the national economy to desired ends may encounter severe turbulence and even overt disruption.

The common disturbing factor from this external source will be found to be the discrepancy in unit cost of production here and abroad.

Our high wage levels are underwritten by escalating minimum wage laws and obligatory collective bargaining. These assurances of a high consumer purchasing power were proposed by our national planners and were adopted in the Congress by heavy majorities by the representatives of the electorate over the past thirty-five years. Hand-in-hand with farm price supports, reduced hours of work, and minimum wages, accompanied by high defense expenditures, and, lately, high outlays in the public sectors of social security, education and medicine, we have inevitably increased costs of producing goods in this country at a pace beyond the capacity of our technology to counteract by way of rising productivity. The result was higher prices.

Meanwhile other industrial countries adopted our system of mass production. Their productivity grew rapidly. However, mass production is only half of the American system. Long ago Henry Ford discovered that mass production faced defeat if it were not balanced by mass consumption. Higher wages became inseparably associated with mass production.

The other countries have seemingly not yet learned this lesson. They produce at a volume that is beyond the capacity of the mass purchasing power at home to absorb. This surplus production creates a dependence on foreign markets, as Karl Marx foresaw. The United States is the largest single market in the world and therefore looms as an object of cultivation. Because of the cost discrepancy in a wide range of goods in favor of foreign industry we offer an attractive target for surplus disposal. This is especially true of many varieties of manufactured goods. The foreign cost advantage is magnified in these goods, the more so as the application of labor is extensive. In raw materials the advantage is of lesser degree because less of the lower-wage labor is applied. This fact explains the trend of the post-war mix of our imports. These have gravitated heavily to finished and semi-finished goods as distinguished from raw materials.

With very few exceptions our foreign trade in manufactured goods is conducted with a growing and appalling deficit. Our principal export advantage lies in machinery and transport equipment; and even in that sector it is shrinking.

If we were to revert to a near *laissez-faire* economy, we must first dismantle not only what is left of our tariff but also our minimum wage laws, farm price supports, bank deposit guaranties, social security, stock-exchange control, obligatory collective bargaining, control of interest rates, restrictions on immigration, medicare, regulation of utilities, subsidies of all kinds, including those on aircraft, merchant shipping, shipbuilding and other forms of transportation; but that is not all: other countries must do the same. Not only we but they too must relinquish national economic planning and the network of industrial and commercial controls that support the planning. Not only we but they too must eliminate import quotas, exchange controls, import licensing—and they must renounce currency devaluations, which represent a fertile source of hidden protection, frequently utilized by our overseas competitors.

Of course, even to suggest such a course of action is to underline its absurdity. The trend is toward more controls and regulation, not a relaxation. The interdependence of controls is too well established in experience to sustain any notion of a piecemeal reversion to *laissez-faire*. As an example, full em-

ployment depends on the institution of a whole array of other controls.

Industries burdened with rigid costs, as American industry is burdened today, are left with the most limited margin for independent action. If they are exposed to a flanking competition that is not similarly burdened, they are in overt danger of being driven from their home market by imports.

COST OF GREATER EFFICIENCY

If such exposure is widespread any notion of full employment may as well be discarded. The very base of employment is eroded by the need to become more efficient in order to remain competitive. In realistic terms greater efficiency can be achieved only by reducing the work force per unit of production. Employee compensation represents some 80% of production cost, up and down the line (in the absence of windfalls or bonanzas) and therefore greater competitive efficiency can only be achieved at the expense of employment; and this is not the road to full employment when competitors on the outer flank rob the domestic cost reducer of the greater sales he might expect if the external competition were not there, or were neutralized.

Insistence on freer access of imports bearing prices distinctly below our own to our market is, to repeat, at odds with the full-employment objective. Other countries know this and act accordingly, through higher tariffs or currency devaluation or other devices to defend their national economies under similar circumstances.

A supreme example of the meaning of the greater efficiency that is constantly urged on our industries as a means of remaining competitive or regaining a competitive position, is found in the experience of the coal industry. From 1950, when the industry was beset by lethal competition from oil and natural gas, to 1965 the coal industry displaced over two of every three coal miners in a desperate effort to become competitive, thus effectively cutting the cost per ton. The industry succeeded at the human cost of 334,000 jobs of coal miners of a total of 482,000.

Should the steel industry, the textile industry, the foot-wear industry and many others, such as glass, electronics, beef, typewriters, bicycles, small hardware, toys, athletic goods, fruits and vegetables, petroleum, musical instruments, handbags, etc.: should all these and others follow suit in desperate efforts to become competitive with imports, we would be swamped with unemployment. The goal of full employment would fade beyond hope of resurrection.

Let us examine the likely results in the steel industry alone. This industry was accused of a technological lag in the early nineteen-sixties. It began spending at a high rate and averaged \$2 billion per year in the second half of the decade on capital expenditures. In 1970 nearly half of the steel output was produced by the oxygen process, a more efficient process than the old open-hearth method.

Nevertheless the advance did not succeed in achieving competitiveness, even though in 1969 seven thousand fewer steel workers produced 54.2% more steel per year than in 1965.

To become competitive with imports the steel industry must come much closer to the achievement of the coal industry in point of worker-displacement, as a means of reducing costs; 644,000 was the full employment of the so-called steel industry in 1969. This number, however, produced only 44% of the total value of shipments (if 1967 was a fair sample, the last year of our census of manufactures). This meant that about 56% of the final value had already been produced in the iron and coal mines, transportation services, production of supplies, banking and insurance institutions, etc.

In other words, an additional 720,000 workers derived their employment from contribution to steel-making, of a total of about 1,340,000.

A cost reduction of 20% would displace 260,000 workers. This falls short of the sacrifice in the coal industry, in which, as we have said, some 334,000 miners lost their jobs to higher efficiency.

This calculation provides some idea of the mathematics of rising efficiency in terms of employment. It could be said that these displaced workers will find employment elsewhere. *But where is elsewhere?* If many other industries are equally beset by imports, how is employment to be found for the combined victims of greater efficiency?

Since we still lead the world in productivity per man-hour, with few exceptions it is clearly not superior foreign efficiency that plagues our industries, but their lower wages. Our lead in productivity is indeed narrowing rapidly and we are no longer far enough ahead to offset the lower foreign wages.

Where we in the *laissez-faire* economy, we would let "nature" take its course. We would put no restrictions on imports but neither would we make federal outlays for the unemployed since to do so would interfere with the free play of market forces. The displaced workers would be forced onto their own resources. Imports would reduce prices to consumers. In a far roundabout way a variety of jobs would open up, some of which the displaced workers might fill. Wages in this country would be allowed to fall as the supply of workers exceeded the demand. Consumers would get the further benefit of lower prices. In a few years of adjustment we would have full employment again—that is, if we also took down all the other controls that interfere with the free interplay of the market forces.

The politics of this course of action would, of course, be disastrous to any public leader proposing such a course; and this fact would be known; and the idea would die aborning.

THE REALISM OF PRAGMATIC ECONOMICS AND POLITICS

It is bootless to spin out the theory of free trade because it is a nonexistent entity and lies beyond even the remotest hope of realization. Therefore it is necessary to adjust trade policy to the political realities. These have been enthroned by a generation of legislative effort that turned its back irrevocably on the free market concept in favor of a planned economy.

Some of the realities may be mentioned. This country's share of world exports has shrunk in recent years. From 1960-69 our imports of manufactured goods have risen twice as rapidly as our exports.

With few exceptions (machinery, including aircraft and computers; and chemicals) nearly all other manufactured goods are in a deficit position, and the surplus in machinery is shrinking. The "others" include steel, textiles, footwear, motor vehicles, petroleum, toys, meat, fish, bicycles, pottery, glass, athletic goods, radio and TV sets, nuts and bolts, plywood, tomatoes, mushrooms, strawberries, flowers, crabmeat, copper, etc.

These are the realities we must look in the face as we reshape our trade policy.

As long as we insist on proceeding economically as if two split-levels of disparate competitive forces, one high, one low, can co-exist and trade freely between them, without barriers and controls, we discredit both the planning and the future hopes of free trade.

HORTON MARKS 130TH ANNIVERSARY OF THE MACE OF THE HOUSE OF REPRESENTATIVES

(Mr. HORTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, this year, 1971, is an historic year not only for the events which will take place, but also for those past occurrences which 1971 commemorates.

Mr. Speaker, I should like to invite my distinguished colleagues' attention to the year 1841—130 years ago—and to an event which has direct relevance upon the workings of Congress today. I refer to the creation of the present mace which serves as the symbol of authority for the Sergeant at Arms.

The first session of the First Congress, which convened in New York on March 4, 1789, adopted a resolution on April 14 providing that—

A proper symbol of office shall be provided for the Sergeant at Arms, of such form and device as the Speaker shall direct, which shall be borne by the Sergeant when in the execution of his office.

The symbol approved by the first Speaker, Frederick A. Muhlenberg of Pennsylvania, was the mace.

The mace, Mr. Speaker, was originally used as a weapon and consisted of a staff with a heavy ball, sometimes studded, at one end. It was, no doubt, a fearsome weapon in battle and refinements, such as spikes and axe heads, developed over the years as weapons systems improved.

With the establishment of the Roman Republic, however, the mace acquired a more symbolic and civic role. Roman consuls were attended in public by 12 servants, each of whom bore an axe bound in a bundle of rods. This mace symbolized the consul's authority to flog and put to death. This symbol was used by provincial magistrates as well, and used to restore order in the courts, as well as to carry out the punishments for which it was designed.

As more sophisticated weapons were developed, the mace became more and more a symbol of authority and power.

The Romans brought that symbol to the British Isles and, hundreds of years later, the mace was used in the House of Commons as the symbol of the King's authority and his consent to the meetings of the members.

It was from this great tradition of English parliamentary procedure that our own House of Representatives authorized the creation of a mace, to symbolize the authority of the Sergeant at Arms to restore order.

The first mace used by the House, from 1789 to 1814, was destroyed when the British army burned the Capitol. A second mace, made of wood, served for the next 25 years. In 1841, however, a reproduction of the original mace was made by William Adams of New York, for which he was paid a nominal sum.

The mace is an exceptionally fine example of the silversmith's art. It is 46 inches in height and consists of 13 thin ebony rods, representing the original 13 States of the Union, bound together at the bottom and at the top by engraved silver rings, 2¼ and 1½ inches, respectively. Two crossing strips of silver wind helically from the bottom to the top. From the uppermost ring protrudes a 4½-inch-in-diameter the silver globe

with a detailed engraving of all seven continents and showing the degrees of longitude. The Western Hemisphere is toward the front. The globe is surmounted by an eagle with outspread wings, engraved from solid silver, standing on a silver perch affixed at the South Pole and encircling the antipodes. This circlet is engraved to indicate the degrees of latitude on the globe. In a statement of the expenditures from the contingent fund of the House of Representatives from December 1, 1841, to December 1, 1842, an item reads, "William Adams, a mace for hall, H.R., \$400.00." Today, its value, real and intrinsic, far exceeds that sum.

Since 1841, the same mace has served Congress and is the one presently displayed and serving the 92d Congress. On several occasions it was "presented" before an unruly Member by the Sergeant at Arms, at the direction of the Speaker. On every such occasion, order was promptly restored.

INSTANCES OF USE OF MACE

In the annals of the House of Representatives, which go back to 1789, there are very few recorded instances of the use of the mace to restore order on the floor of the Chamber. No index of the times it has been used for such purpose has ever been made and the instances cited here are taken from books of reminiscences and personal recollection of Capitol attachés of more than 50 years' experience in the House.

Whenever, as seldom happened, an individual Member became turbulent and seemed beyond the Speaker's control, the Sergeant at Arms, on order of the Speaker, lifted the mace from its pedestal and "presented" it before the offending person. Order was promptly restored, so great was the respect for the mace as a symbol of legislative authority. Thus the Members of the House, who are themselves lawmakers, very properly set an example for the whole country of respect for discipline.

In Poor's Reminiscences there is an account of a turbulent scene preceding the election of Representative Robert C. Winthrop, a Massachusetts Whig, to the speakership of the 30th Congress in 1847. Slavery was the all-absorbing issue before the country, and it caused an acrimonious debate participated in by Representatives "Bob" Toombs, of Georgia, William Duer, of New York, and Thomas Henry Bayly and R. K. Meade, both of Virginia, during which Mr. Duer denounced Mr. Meade as a "disunionist." "It is false!" shouted Mr. Meade; "You lie, sir!" retorted Mr. Duer, and there was pandemonium until Sergeant at Arms Nathan Sargent seized the mace and quickly quelled the tumult. Mr. Winthrop was elected Speaker and the Sergeant at Arms elevated the mace, which had so recently quieted the uproar, to the pedestal at the side of the new Speaker, who proceeded to swear in new Members.

In 1880 the Speaker undertook to quell an incipient fight between two Representatives, William A. J. Sparks, of Illinois, and J. B. Weaver, of Iowa, when they used such menacing words and threatening actions toward each other that many Members rose to separate them. Where-

upon the Sergeant at Arms moved about the House with the mace and order was restored.

Another blustery scene occurred in the House on February 17, 1885. Representative John D. White, of Kentucky, who was a thorn in the side of Speaker Carlisle and frequently used abusive language, was called to order by the Speaker and commanded to take his seat. Mr. White disregarded the order and refused to sit down. When confronted by the Sergeant at Arms bearing the mace he promptly took his seat.

In the 53d Congress Representative John A. Heard, of Missouri, engaged in a heated colloquy with Representative W. C. P. Breckenridge, of Kentucky. A brief scuffle ensued. The Sergeant at Arms, with the mace in hand, approached both men and brought them before the bar of the House. Subsequently, each apologized to the House and to each other, thus ending the incident.

In the 55th Congress Representative Charles L. Bartlett, of Georgia, threw a volume of United States Statutes at Representative James M. Brumm, of Pennsylvania, but further trouble was averted by the intervention of the Sergeant at Arms with the mace. Mr. Bartlett, who was a fiery but able Member, figured in another stormy incident in the House during the 60th Congress. Representative George Southwick, of New York, was aggrieved at the failure of the Committee on Accounts in the closing hours of a session to provide an increase of compensation to a House employee, and made some caustic remarks which Mr. Bartlett, ranking minority member of the committee, construed as meant for himself. He rushed at Mr. Southwick, brandishing a knife, but was intercepted in the main aisle by a number of Members. The Sergeant at Arms appeared on the scene with the mace and order was restored.

During the famous World War I Congress, the 65th, ugly words passed between Representative Tom Heflin, of Alabama, and Representative Patrick Daniel Norton, of North Dakota. Mr. Norton approached Mr. Heflin belligerently, but before damage could be done the Sergeant at Arms came between them with mace. Mr. Heflin figured in another incident with Representative John L. Burnett of his own State during the same hectic session. Mr. Heflin, a leading advocate of war with Germany, had made some remarks which were construed as casting aspersion upon the patriotism of Members opposed to the passage of the resolution which took America into World War I, whereupon Mr. Burnett inquired why his colleague did not go to war himself. The mace was required to restore order.

In the 73d Congress, during a rollcall, an encounter between Representative Eltse, of California, and Representative Deen, of Georgia, was narrowly averted by the prompt action of the Sergeant at Arms and Members of the House. Speaker Rainey, who was presiding, ordered the mace presented, but in the hubbub his voice was not heard and the incident

passed over without presentation of the mace.

There were, formerly, a good many instances of disorder on the floor of the House when, by direction of the Speaker, the Sergeant at Arms passed up and down the aisles, mace in hand. It happened frequently during the boisterous 51st, known as the "Reed Congress."

In the history of the United States, Mr. Speaker, there have only been 30 Sergeants at Arms. Twenty-six of those men have carried out their responsibilities with the mace we see before us today, including Zeake W. Johnson, Jr. of Tennessee, the present Sergeant at Arms.

Those who have had the privileges of this office and the guardianship of the mace of the House are:

Joseph Wheaton of Rhode Island: May 12, 1789, to October 27, 1807—First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth Congresses.

Thomas Dunn of Maryland: October 27, 1807, to December 5, 1824—Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, and Eighteenth Congresses.

John O. Dunn of District of Columbia: December 6, 1824, to December 3, 1833—Eighteenth, Nineteenth, Twentieth, Twenty-first, Twenty-second, and Twenty-third Congresses.

Thomas B. Randolph of Virginia: December 3, 1833, to December 15, 1835—Twenty-third and Twenty-fourth Congresses.

Roderick Dorsey of Maryland: December 15, 1835, to June 8, 1941—Twenty-fourth, Twenty-fifth, Twenty-sixth, and Twenty-seventh Congresses.

Eleazar M. Townsend of Connecticut: June 8, 1841, to December 7, 1843—Twenty-seventh and Twenty-eighth Congresses.

Newton Lane of Kentucky: December 7, 1843, to December 8, 1847—Twenty-eighth, Twenty-ninth, and Thirtieth Congresses.

Nathan Sargent of Vermont: December 8, 1847, to January 15, 1850—Thirtieth and Thirty-first Congresses.

Adam J. Glossbrenner of Pennsylvania: January 15, 1850, to February 3, 1860—Thirty-first, Thirty-second, Thirty-third, Thirty-fourth, Thirty-fifth, and Thirty-sixth Congresses.

Henry W. Hoffman of Maryland: February 3, 1860, to July 5, 1861—Thirty-sixth and Thirty-seventh Congresses.

Edward Ball of Ohio: July 5, 1861, to December 8, 1863—Thirty-seventh and Thirty-eighth Congresses.

Nathaniel G. Ordway of New Hampshire: December 8, 1863, to December 6, 1875—Thirty-eighth, Thirty-ninth, Fortieth, Forty-first, Forty-second, Forty-third, and Forty-fourth Congresses.

John G. Thompson of Ohio: December 8, 1875, to December 5, 1881—Forty-fourth, Forty-fifth, Forty-sixth, and Forty-seventh Congresses.

George W. Hooker of Vermont: December 5, 1881, to December 4, 1883—Forty-seventh and Forty-eighth Congresses.

John P. Leedom of Ohio: December 4, 1883, to December 2, 1889—Forty-eighth, Forty-ninth, Fiftieth, and Fifty-first Congresses.

Adoniram J. Holmes of Iowa: December 2, 1889, to December 8, 1891—Fifty-first and Fifty-second Congresses.

Samuel S. Yoder of Ohio: December 8, 1891, to August 7, 1893—Fifty-second and Fifty-third Congresses.

Herman W. Snow of Illinois: August 7, 1893, to December 2, 1895—Fifty-third and Fifty-fourth Congresses.

Benjamin F. Russell of Missouri: December 2, 1895, to December 4, 1899—Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses.

Henry Casson of Wisconsin: December 4, 1899, to April 4, 1911—Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth, Sixty-first and Sixty-second Congresses.

Ulysses S. Jackson of Indiana: April 4, 1911, to June 22, 1912—Sixty-second Congress.

Charles F. Riddell of Indiana: July 18, 1912, to April 7, 1913—Sixty-second and Sixty-third Congresses.

Robert B. Gordon of Ohio: April 7, 1913, to May 19, 1919—Sixty-third, Sixty-fourth, Sixty-fifth, and Sixty-sixth Congresses.

Joseph G. Rogers of Pennsylvania: May 19, 1919, to December 7, 1931—Sixty-sixth, Sixty-seventh, Sixty-eighth, Sixty-ninth, Seventieth, Seventy-first, and Seventy-second Congresses.

Kenneth Romney of Montana: December 7, 1931, to January 3, 1947—Seventy-second, Seventy-third, Seventy-fourth, Seventy-fifth, Seventy-sixth, Seventy-seventh, Seventy-eighth, and Seventy-ninth Congresses.

William F. Russell of Pennsylvania: January 3, 1947, to January 3, 1949—Eightieth Congress.

Joseph H. Callahan of Kentucky: January 3, 1949, to January 3, 1953—Eighty-first and Eighty-second Congresses.

William R. Russell of Pennsylvania: January 3, 1953, to July 7, 1953—Eighty-third Congress.

Lyle O. Snader of Illinois: July 8, 1953, to September 15, 1953—Eighty-third Congress.

William R. Bonsell of Pennsylvania: September 15, 1953, to January 5, 1955—Eighty-third Congress.

Zeake W. Johnson, Jr., of Tennessee: January 5, 1955—Eighty-fourth Congress and is serving at the present time.

During the last 130 years, the distinguished men who held this position presented the mace to restore order when tumult threatened the House.

Those years were not always peaceful ones, Mr. Speaker. Our Nation suffered a civil war and reconstruction. Crucial decisions were made in this House on the industrial revolution, big business, the labor movement, and progressive social legislation. Heated debate preceded our entry into world affairs and world wars.

Often this debate got out of control, at which time the Sergeant at Arms would present the mace, order was restored, and the process of Government continued.

Mr. Speaker, the mace of the House of Representatives and the Sergeant at Arms have thus played a vital role in the conduct of Congress. The Sergeant at Arms and the mace deserve much of the credit for the survival of our Government and Nation. They have helped control the convulsive debates in good times and bad, during years of prosperity and years of depression and despair.

Today, the mace stands on its pedestal, with all the dignity and magnificence of its 130 years of service. It stands as a symbol of strength and perseverance through difficult times.

Mr. Speaker, in these days one reads of divisions, hatred, and cynicism; of urban decay and the steady destruction of our resources, moral as well as natural. I find in the mace, however, a reassurance and reminder that Congress can again confront the problems of our Nation, if it so chooses.

Mr. Speaker, I salute the mace on its 130th year of service and I salute the distinguished Sergeant at Arms, Zeake W. Johnson, Jr., of Tennessee, on his 16 years of impressive service.

SHARING U.S. OFFSHORE INCOME

(Mr. BOGGS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOGGS. Mr. Speaker, Louisiana is blessed with some of the largest oil and gas reserves in the world. Much of our production occurs offshore on the sea bottoms which form the outer and inner continental shelves.

For decades now, the income from this production has been the subject of a dispute between Louisiana and the National Government. At the moment, more than \$1.6 billion is in escrow, awaiting a final resolution of this controversy.

It has long been the policy of the National Government to share revenues from its lands within State boundaries. Louisiana, however, which bears the expense of providing the public services which make offshore production possible, is unjustly denied a share of these revenues.

This was the topic of a recent editorial in the New Orleans Times Picayune. I am inserting it in the RECORD and calling it to the attention of my colleagues.

SHARING U.S. OFFSHORE INCOME

So the oil and gas income in the disputed seaward areas off Louisiana continues to grow as federal government puts off a decision on offshore policy and the escrowed funds—totaling \$1.627 billion at the outset of this year.

Why the indecision on a settlement which has dragged for years? Federal government has a long-honored formula covering the sharing of revenues from federal lands within state boundaries.

Since 1920, states have received 37.5 per cent of the revenues from oil and gas production from United States-owned lands in the respective states. Alaska, an exception, shares 90 per cent. Louisiana is one of the states benefitting from this 1920 Mineral Leasing Act.

Three states, Montana, Utah and New Mexico, share 25 per cent of federal revenues from U.S. grazing lands. And other Western states draw 12.5 per cent of federal grazing lands income. In those states in which timber is cut from federal lands, the states draw 25 per cent of such income.

In other words, federal sharing of revenues from oil, gas, grazing and lumber generated from federal lands is a well-established practice dating back many years.

Now for the justice of it: Louisiana pays heavily on the cost of providing governmental services for those who work in the federal offshore and for their families. Yet no severance taxes—so important to the Louisiana treasury—come in from these "outside" areas. Nor does Louisiana share in the bonuses, lease payments and royalties.

Louisiana is in the position of footing the bill for services of public education, roads, police and fire protection, soil and water conservation, library service, local flood control, anti-pollution programs, agricultural service, health service—the whole roster.

Wherein the differentiation lies between federal revenue sharing on federal lands within states and federal revenue sharing on federal lands alongside states is difficult to see. From the services-rendered standpoint, there is no difference.

What we are talking about when we consider federal policy for Louisiana, of course, is federal policy for all seaboard states.

Federal government should realize that its oil-rich continental shelf is drawing investment away from public and private lands in Louisiana. Oil and gas production in the federal area where there are no sever-

ance taxes adds attractiveness to the richness of the federal area's potential.

Seaward flight of our oil and gas industry presents a clear and present danger to Louisiana's financial condition and makes imperative agreement which should have been reached years ago.

INTRODUCING HIGHER EDUCATION FUNDING BILL

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, today I am introducing a higher education funding bill to assist parent-taxpayers to meet the high costs of sending their children to institutions of higher learning.

Escalating college costs are putting an unconscionable financial strain on middle income taxpayers who must personally pay for their children's college education, and this bill is designed to alleviate the burden. I intend to continue my work to strengthen and expand existing Federal student loan programs for children from low-income families, but, at the same time, I will push for enactment of this program to bring needed relief to middle-income taxpayers who bear the greatest burden of financing the Federal Government.

Fashioned after the Self-Employed Individuals Tax Retirement Act, this bill will allow parents to make tax-deductible contributions to qualified higher education funds established for the sole purpose of financing the higher education of dependents. Under the terms of my bill, a qualified education fund is one established pursuant to a written plan for the purpose of defraying the cost of room, board, and tuition at an institution of higher learning. Parents will be allowed to contribute up to \$500 per year for each beneficiary, but total tax deductible contributions will not be allowed to exceed 10 percent of the taxpayer's gross annual income per year, and in no event to exceed \$2,500 in 1 year. Contributions can be made to the fund any time from the birth of the child up to his 19th birthday, and the tax deduction will be available to persons in all tax brackets.

The program established by this bill will greatly increase the amount of funds available to finance college costs, and it will not do this at the expense of existing Federal educational loan programs. I think this is a most equitable measure, and I urge my colleagues to join me in working for its passage.

H.R. —

A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Higher Education Funding Act of 1971."

SEC. 2. ALLOWANCE OF DEDUCTION.

(a) **GENERAL RULE.**—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to deductions for individuals) is amended by redesignating section 218 as section 219, and by inserting immediately after section 217 the following new section:

"SEC. 218. DEDUCTION FOR CONTRIBUTIONS TO QUALIFIED HIGHER EDUCATION FUND.

"(a) **ALLOWANCE OF DEDUCTION.**—In the case of an individual, there shall be allowed as a deduction amounts determined under subsection (b), which are contributed to a qualified higher education fund described in subsection (c).

"(b) **AMOUNT DEDUCTIBLE.**—The amount allowable as a deduction under subsection (a) shall be limited to contributions to a qualified fund having as its beneficiary an individual described in section 151(e)(1)(B) (relating to additional exemption for dependents) and shall not exceed the lesser of—

"(1) The product of \$500 times the number of qualified beneficiaries.

"(2) Ten percent of the taxpayer's adjusted gross income for the taxable year (determined without regard to this section), or

"(3) \$2,500.

For purposes of the preceding sentence, dependents of the taxpayer shall include only those who are living at the end of the taxable year.

"(c) **QUALIFIED HIGHER EDUCATION FUND.**—

"(1) **GENERAL RULE.**—For purposes of this section, a qualified higher education fund is a fund established pursuant to a written plan described in paragraph (2), but only if the fund meets the requirements of paragraph (3).

"(2) **PLAN.**—A plan referred to in paragraph (1) is a plan established by the taxpayer—

"(A) solely for the purpose of defraying the cost of room, board, and tuition at an institution of higher education of one or more eligible beneficiaries,

"(B) which provides that no distribution shall be made by the fund (except upon termination thereof) other than to, or on behalf of, eligible beneficiaries for the purpose specified in subparagraph (A),

"(C) which provides that upon termination of the fund all assets of the funds shall be distributed to the taxpayer or to his estate,

"(D) which prohibits contributions to the fund in excess of amounts deductible under subsection (a), and

"(E) under which the taxpayer consents to the income tax treatment upon termination of the fund provided in subsection (e)(2).

For purposes of this section, costs of room and board shall not include the cost of furnishing such items in the taxpayer's household.

"(3) **FUND.**—A fund meets the requirements of this paragraph only if—

"(A) it constitutes a custodial account described in section 401(f) (without regard to paragraph (1)(A) thereof), or

"(B) it is a trust.

For purposes of subparagraph (A) the reference in section 401(g) to a trust described in 401(a) shall be deemed to be a reference to a trust to which this section applies. In the case of a trust referred to in subparagraph (B) the trustee must be a bank, but a person other than a bank may be granted, under the trust instrument, the power to control the investment of the trust funds either by directing investments (including reinvestments, disposals, and exchanges) or by disapproving proposed investments (including reinvestments, disposals, and exchanges). The preceding sentence shall not apply to the extent provided by regulations

prescribed by the Secretary or his delegate to a trust which uses annuity, endowment, or life insurance contracts of a life insurance company exclusively as the funding media of the trust, if the life insurance company supplies annually such information about trust transactions as the Secretary or his delegate shall by forms or regulations prescribe. For purposes of this section, the term 'bank' shall have the meaning ascribed to it by the last sentence of section 401(d)(1).

"(d) **DEFINITIONS.**—

"(1) **ELIGIBLE BENEFICIARY.**—

"(A) **GENERAL RULE.**—Except as provided in subparagraph (B), for purposes of this section the term 'eligible beneficiary' means a person having the relationship to the taxpayer or his spouse specified in paragraph (1), (2), (3), or (6) of section 152(a). Such a person shall cease to be an eligible beneficiary—

"(i) if payments by the fund to him, or on his behalf, for the purposes specified in subsection (c)(2)(A) do not commence within 5 years after the date on which such person was graduated or separated from secondary school, or

"(ii) after the expiration of 10 years from the date of such graduation or separation.

"(B) **SPECIAL RULE.**—If on any day the fund ceases to have an eligible beneficiary who is a child (within the meaning of section 151(e)(3)) of the taxpayer or his spouse, no person shall be an eligible beneficiary for purposes of this section unless—

"(i) distributions by the fund to, or on behalf of, such person for the purposes specified in subsection (c)(2)(A) had begun before such day, or

"(ii) the taxpayer designates such person as a beneficiary of the fund by notice in writing to the Secretary or his delegate within the period of 120 days after such day in accordance with regulations prescribed by the Secretary or his delegate.

An eligible beneficiary designated pursuant to clause (ii) means a person having the relationship to the taxpayer or his spouse specified in paragraph (1), (2), (3), or (6) of section 152(a) determined without reference to the support test described in paragraph (a) of section 152.

"A person who is an eligible beneficiary by reason of a designation pursuant to clause (ii) shall cease to be an eligible beneficiary not later than 10 years after the day on which such designation is made.

"(2) **INSTITUTION OF HIGHER EDUCATION.**—For purposes of this section, the term 'institution of higher education' means an educational institution (as defined in section 151(e)(4))—

"(A) which regularly offers education at a level above the twelfth grade;

"(B) contributions to or for the use of which constitute charitable contributions within the meaning of section 170(c);

"(C) which is legally authorized to provide and does provide a program of postsecondary education; and

"(D) which is accredited by a nationally recognized accrediting agency or association listed by the United States Commissioner of Education.

"(e) **TERMINATION OF FUND.**—

"(1) **EVENTS CAUSING TERMINATION OF FUND.**—A qualified higher education fund shall terminate if—

"(A) a contribution is made to the fund in excess of the amount allowable as a deduction under subsection (a);

"(B) a distribution is made by the fund other than to, or on behalf of, an eligible beneficiary for the purposes specified in subsection (c)(2)(A);

"(C) subject to paragraph (B)(ii) of subsection (d)(1) of this section, the plan ceases to have an eligible beneficiary; or

"(D) in the absence of a testamentary disposition to the contrary, upon the death of the taxpayer.

"(2) INCOME TAX TREATMENT UPON TERMINATION.—

"(A) Upon termination of a fund under paragraph (1) (A) because of an excess contribution, the taxpayer shall include in his gross income for his taxable year during which such contribution is made an amount equal to twice the value of the assets of the fund on the day on which such contribution is made.

"(B) Upon termination of a fund under paragraph (1) (B), the taxpayer shall include in his gross income for the taxable year during which the terminating distribution occurs an amount equal to twice the value of the assets of the fund immediately before such distribution.

"(C) Upon termination of a fund because of the happening of the event specified in paragraph (1) (C) or (D), an amount equal to the value of the assets upon termination, reduced by any portion of that amount which is attributable to the proceeds of life insurance contracts which are excluded from gross income by section 101(a), shall be included in gross income of the taxpayer or his estate for the taxable year during which the termination occurs. The limitation of tax provided in subsection (n) of section 72 shall apply with respect to the amount included in gross income under the preceding sentence as if such amount were an amount received to which that subsection applies.

"(f) INCOME TAX TREATMENT OF CREATOR OF A QUALIFIED HIGHER EDUCATION FUND.—Except as provided in subsection (e) (2), no amount shall be included in the gross income of a taxpayer who establishes a qualified higher education fund because of any income realized by the fund or because of any payment by the fund to, or on behalf of, an eligible beneficiary for the purpose specified in subsection (c) (2) (A)."

(g) RELATED AMENDMENTS.—

(1) AMENDMENT OF SECTION 62.—Section 62 of such code (relating to definition of adjusted gross income) is amended by adding after paragraph (8) the following new paragraph:

"(9) QUALIFIED HIGHER EDUCATION FUND.—The deduction allowed by section 218."

(2) AMENDMENT OF SECTION 501.—Section 501(a) of such code (relating to exemption from tax on corporations, certain trusts, etc.) is amended by striking out "401(a)" and inserting in lieu thereof "401(a)" and inserting in lieu thereof:

"Sec. 218. Deduction for contributions to qualified higher education fund.
"Sec. 219. Cross references."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall be effective for taxable years beginning after the date of enactment of this Act.

HELICOPTER HEROES

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I am proud to bring to the attention of my colleagues the courage and heroism of helicopter pilot Robert F. Sidonio, a citizen of Ridgefield in my district of Connecticut.

As a member of one of our many crack helicopter teams in Southeast Asia, Robert Sidonio has distinguished himself for his bravery and skill. His actions speak for themselves. In all, his helicopter and

its three teams were credited with saving 30 outposts which might have otherwise fallen. After being shot at several times, Sidonio and his helicopter, which was given the name "Tiger Surprise," were downed during some night fighting. Fortunately, Sidonio and his copilot escaped fatal injury. For his service to his country, Sidonio has received the Purple Heart and two air medals.

The exploits of the "Tiger Surprise" have become so well known across Vietnam that the Army has outfitted another helicopter to be named "Tiger Surprise" to honor the tradition and accomplishments of the original.

We are all aware of the risks that our helicopter teams must take in Southeast Asia on every flight. We can all be proud of the courage of such men as Robert Sidonio. He and others such as he are serving their country admirably and deserve our highest tribute and thanks.

I would like to place in the RECORD at this point two newspaper articles which describe the actions of Robert Sidonio as a member of the "Tiger Surprise" team. I urge all my colleagues to read these articles as testimony to the skill and courage of our Armed Forces in Indochina.

RIDGEFIELD PILOT—HERO PROMOTED

RIDGEFIELD.—Robert F. Sidonio, 21, son of Mr. and Mrs. John Sidonio of Ramapoo Road, has been promoted to chief warrant officer.

He is on duty with the 101st Airborne Division (Airmobile) in Vietnam, about 30 miles south of the demilitarized zone. The 101st is known as "The Screaming Eagles" and is considered a crack outfit.

The Ridgefielder has received the Purple Heart and two Air Medals, second one of the latter award in November.

Seeing a picture of his old helicopter, "Tiger Surprise," in a copy of the magazine, "Uplight." The helicopter was the one in which he and his copilot, W/O Edward Scouza, were shot down.

The story accompanying the picture described the details of the crash, explosion, subsequent rescue and hospitalization of the two men.

The article states: "In a war which has created few legends, the 'Tigers' can lay claim to a helicopter famous throughout the Mekong Delta. The story of the 'Tiger Surprise' is known by aviators wherever they gather.

"The legend began in 1968 when the copter, which had been used to lay smoke screens during ground assaults, was converted to a night fighter.

"The copter and its three teams of a pilot and a co-pilot has been credited with saving 30 outposts which may have otherwise fallen."

A second helicopter has been outfitted and named "Tiger Surprise" to carry on the tradition of its predecessor and its pilots.

Sidonio and his co-pilot, W/O Scouza were shot down during night fighting in the early hours of April 1, 1970. Scouza lost his toes on both feet while Sidonio, who had zippers sewed in his boots instead of laces, was able to get the boots off quicker and escaped injury to his feet. However, he did receive first and third degree burns on his arms and neck.

A wristwatch he was wearing deflected shrapnel just enough to keep it from hitting an artery. His mother said that the watch is being repaired and preserved for a keepsake.

Mr. and Mrs. Sidonio have received a letter from Major Henry T. Brown, Jr., commanding officer, attesting to the enemy fire their son had been under and his complete recovery from injuries.

Sidonio attended St. Mary School and Christ the King Preparatory Seminary in Westport, from which he graduated. He had planned to enter the priesthood.

He attended Western Connecticut State College in Danbury for one year before entering the armed services.

HIT BY GUNFIRE 3 STRAIGHT DAYS—RIDGEFIELD HELICOPTER PILOT DODGES DEATH

(By Michael Putzel)

KHE SANH, Vietnam (AP).—Maj. Jim Newman and the pilots were sitting around their briefing room—a big metal supply container—talking about Sidonio and his little bird's latest brush with death.

CWO Robert Sidonio, 21, Ridgefield, Conn., had been shot at three times in two days over Laos and was hit twice but his tiny OH1 observation helicopter had made it back both times.

Conversation broke off as the radio crackled, Lt. Martin "Slim" Pickens, Orlando, Fla., was coming in weak, but he seemed to be saying "air burst" and "maybe a chopper blowing up."

Newman jumped for the radio and his pilots for the door. Pickens came on again to report a big CH47 Chinook supply helicopter had exploded in the air, and gave the map coordinates.

Newman raced for his command ship and the Cobra gunship pilots dashed past him, and in what seemed like seconds, Charlie Troop, 2nd Battalion, 17th Air Cavalry of the 101st Airborne Division, was on the way.

There are no Chinooks in the cavalry, so it wasn't one of their own. But that didn't make any difference. Laos, in a week and a few days, has been a nightmare for everyone's helicopters.

Within minutes they were over Laos. Sidonio—skittering in over the treetops in his agile little observation craft—reported an enemy shell burst in the air near him. He thought he wasn't hit but it turned out he was—his ship riddled with holes for the third straight day.

The Cobras turned to attack the North Vietnamese gun positions and fired all of their rockets before they reached the burned spot on the ground that had been the Chinook.

A crash like that—followed by fire—offers little hope of any survivors, but Newman, 36-year-old troop commander from Fayetteville, N.C., wanted to be sure.

So they escorted Sidonio back to Khe Sanh, rearmed the Cobras and put a platoon of Vietnamese troops—the Black Panthers of the 1st South Vietnamese Division—aboard UH1 Slicks.

These jungle-wise troops are being used to secure downed helicopters and recover the crews, alive or dead. The cavalry has its own platoons for that, but they're not allowed in Laos. So they stay at Khe Sanh, filling sandbags and griping about the Army using crack troops—themselves—for menial chores.

In a few minutes, back over Laos, Charlie Troop's ships dodged between the locations of known .51-caliber and 37mm guns and the Black Panther, or Hac Bao in Vietnamese, went into the crash site by helicopter.

Vietnamese probed the ashes and recovered the remains of five of the six Americans who had been aboard the Chinook.

On the way home, the Cobras spotted an enemy truck loaded with ammunition, destroyed it, and shot up four enemy gun positions.

Not a bad day for Charlie Troop. Not as bad, for instance, as the three days earlier, when four Cobras and four Slicks went down, two Cobras destroyed, two pilots missing and two hospitalized.

That was the day when Newman couldn't find a clearing big enough to land and pick up his wounded gunship pilots, so he went into the jungle instead, clipping the treetops

with his rotor blades, while a cable was lowered, then nursing the damaged ship back to Khe Sanh with the wounded men aboard. The next day Capt. Chuck Vehlow, a 25-year-old West Pointer from Waukesha, Wis., took a .51-caliber slug in his Cobra's rocket pod and they had to call the demolition squad to disarm his pod.

That day also, CWO Robert Pascoe, Phoenix, Ariz., was flying scout for the Cobras and both radios went silent. Back at * * * to the troop to start a search just as Pascoe swooped onto the Khe Sanh airstrip, skidded to a stop and leaped out with his fire extinguisher.

"I thought I was in flames," he said sheepishly as his colleagues surrounded the helicopter, dropping to their knees to inspect the jagged hole in the main frame. Pascoe had made it, but the chopper was finished and would be shipped back to the States for repairs.

Charlie Troop has had more experience than any other air cavalry unit in the rugged border country of the northern region of South Vietnam, where the enemy gunners fire from concealed positions in the jungle-covered mountains.

The air defenses in Laos are a variety of guns designed to deal with the Air Force and Navy supersonic jets that pound the Ho Chi Minh trail. For the skilled enemy gunners, the frail slow choppers are not even good target practice.

Officials confirm 15 American and two South Vietnamese helicopters have been shot down and destroyed since the Laos incursion began. But the actual figure, including those only damaged and recovered, is higher. Still more have been shot down along the border, but on the Vietnamese side.

The pilots don't like all this and they don't pretend to. After that one bad day, a few even talked about not going back to Laos. But nobody has refused to go.

"I think the first few days were the worst," said Capt. John Stolp, 25, Bisbee, Ariz., a classmate of Vehlow at West Point.

"At one point we had only nine airplanes flying out of 27. But now the North Vietnamese know that if they shoot at us they give away their position, and it brings the whole world down on them.

"I think it's going to get better now."

ENFIELD, CONN., SELECTED AS ALL-AMERICA CITY FOR 1971

(Mrs. GRASSO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mrs. GRASSO, Enfield, Conn., a town of 50,000 residents in the Sixth Congressional District, has been selected by Look magazine and the National Municipal League as an all-America city for 1971. This yearly award designation is limited to 11 cities throughout the Nation which have brought about major improvements to their community through vigorous civic action. The distinguished panel of Government, foundation, and business leaders selected Enfield from among thousands of cities and towns throughout the Nation as an example of what involved and concerned citizens can do to improve their community.

This award is a considerable source of pleasure to me as I have seen Enfield grow from a small suburb of 20,000 to a burgeoning regional commercial center of 50,000. Many communities have experienced such growth and found that the outmoded governmental structures and municipal services were incapable of

handling the increased size. A number of years ago Enfielders recognized the coming crisis and acted. A citizens government reform group convinced the community to adopt a modern council-manager plan based on the National Municipal League model. The school system, once adequate for a small community, was expanded for \$23 million to include 10 new schools. An \$18 million sewer construction program, a drug advisory council and a mental health center were also established.

These costs are high, but the citizens of Enfield recognized that the investments of money and energy made now would pay the dividend of a livable community in the future.

I join my colleagues in saluting Enfield, Conn., the all-America city.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HOLIFIELD (at the request of Mr. PRICE of Illinois), for 60 minutes, on March 10, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. KEMP) to revise and extend their remarks and include extraneous matter:)

Mr. PRICE of Texas, for 15 minutes, today.

Mr. QUILLEN, for 15 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. DENHOLM) to revise and extend their remarks and include extraneous matter:)

Mr. REUSS, for 20 minutes, today.

Mr. O'HARA, for 20 minutes, today.

Mr. JAMES V. STANTON, for 15 minutes, on March 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HALL, and to include pertinent matter.

Mr. WYMAN, immediately following the remarks of Mr. BURKE of Massachusetts, today.

(The following Members (at the request of Mr. KEMP) and to include extraneous matter:)

Mr. PRICE of Texas, in two instances.

Mr. TERRY.

Mr. SCHERLE in 10 instances.

Mr. McCLURE.

Mr. HOGAN.

Mr. ROBISON of New York.

Mr. STEIGER of Wisconsin.

Mr. BROWN of Ohio.

Mr. WYMAN in two instances.

Mr. ZWACH.

Mr. SPENCE.

Mr. McCLORY in two instances.

Mr. DERWINSKI in two instances.

Mrs. DWYER in five instances.

Mr. BOB WILSON.

Mr. POWELL.

Mr. MINSHALL in four instances.

Mr. WHITEHURST in two instances.

Mr. ARENDS.

Mr. FORSYTHE.

Mr. HILLIS in two instances.

Mr. ASHBROOK in two instances.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. WILLIAM D. FORD in three instances.

Mr. LONG of Maryland.

Mr. McCORMACK in five instances.

Mr. ASPIN in two instances.

Mr. CORMAN in five instances.

Mr. EDWARDS of California.

Mr. BADILLO.

Mr. BERGLAND in three instances.

Mr. JACOBS.

Mr. NIX.

Mr. REES in two instances.

Mr. RANGEL.

Mr. JAMES V. STANTON.

Mr. MATHIS of Georgia in two instances.

Mr. WOLFF.

Mr. RYAN in three instances.

Mr. MIKVA in six instances.

Mr. BINGHAM.

Mr. BRUNKLEY.

Mr. KLUCZYNSKI in two instances.

Mr. FOUNTAIN.

Mr. OBEY in eight instances.

Mr. PATTEN in two instances.

Mr. JONES of Tennessee.

Mr. MADDEN in three instances.

Mr. DRINAN in two instances.

Mr. HUNGATE.

Mr. MILLER of California.

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on March 8, 1971, present to the President, for his approval, joint resolutions of the House of the following titles:

H.J. Res. 16. Joint resolution to authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War/Missing in Action"; and

H.J. Res. 337. Joint resolution authorizing the President to proclaim the second week of March 1971 as "Volunteers of America Week."

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 25 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 10, 1971, at 12 o'clock noon.

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. CELLER: Committee on the Judiciary. H.J. Res. 223. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older (Rept. No. 92-37). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules.

H. Res. 276. Resolution providing for the consideration of H.R. 4246, a bill to extend until March 31, 1973, certain provisions of law relating to interest rates, mortgage credit controls, and cost-of-living stabilization (Rept. No. 92-38). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. H. Res. 277. Resolution providing for the consideration of H.R. 5432, a bill to provide an extension of the interest equalization tax, and for other purposes (Rept. No. 92-39). 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. ABBITT (for himself and Mr. WATTS):

H.R. 5732. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. ASPIN:

H.R. 5733. A bill to amend the Foreign Assistance Act of 1961 as amended; to the Committee on Foreign Affairs.

H.R. 5734. A bill to amend the Foreign Assistance Act of 1961, as amended, to prohibit any involvement or participation of U.S. Armed Forces in an invasion of North Vietnam without prior and explicit Congressional authorization; to the Committee on Foreign Affairs.

By Mr. BARRETT:

H.R. 5735. A bill to substantially reduce the personal dangers and fatalities caused by the criminal and violent behavior of those persons who lawlessly misuse firearms, by restricting the availability of such firearms for law enforcement; military purposes and for certain approved purposes including sporting and recreational uses; to the Committee on the Judiciary.

By Mr. CAREY of New York:

H.R. 5736. A bill to provide for the temporary suspension of duty on certain granulated and ground cork and on certain natural and composition cork cut or molded into rods; to the Committee on Ways and Means.

H.R. 5737. A bill to provide for the temporary suspension of duty on regranulated cork; to the Committee on Ways and Means.

By Mr. DELANEY:

H.R. 5738. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. DENT (for himself and Mr. GAYDOS):

H.R. 5739. A bill to amend the Social Security Act to increase OASDI benefits by 25 percent (with a \$100 minimum) and raise the earnings base, with subsequent adjustments as the cost of living rises, to provide various improvements in benefit computations, to provide full benefits for men at age 60 and women at age 55, to increase widows' and widowers' benefits, to pay wife's and widow's benefits without regard to age in disability cases, and to liberalize eligibility for disability benefits; to make disabled beneficiaries eligible for medicare without regard to age, to finance the medical insurance program entirely from general revenues, and to cover prescription drugs; to require the furnishing of drugs on a generic basis under the medicare and public assistance programs; and for other purposes; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 5740. A bill to amend the Emergency Rail Services Act of 1970 to authorize the Secretary of Transportation to purchase a railroad and its equipment in the event of a

default in the payment of principal or interest with respect to a certificate issued under that act; to the Committee on Interstate and Foreign Commerce.

By Mr. DOWNING:

H.R. 5741. A bill to authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs; to the Committee on Merchant Marine and Fisheries.

By Mr. FORSYTHE:

H.R. 5742. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

H.R. 5743. A bill to provide for improved employee-management relations in the Federal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FULTON of Pennsylvania:

H.R. 5744. A bill to amend the Internal Revenue Code of 1954 to provide that pensions paid to retired law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 5745. A bill to amend title 39, United States Code, to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to improve the protection of the right of privacy by defining obscene mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GIBBONS:

H.R. 5746. A bill to amend title II of the Social Security Act to increase, in certain cases where an individual entitled to a widow's or widower's insurance benefit remarries, the portion of such benefit which such individual may continue to receive after the remarriage; to the Committee on Ways and Means.

H.R. 5747. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

H.R. 5748. A bill to amend title II of the Social Security Act to eliminate the 6-month waiting period for disability insurance benefits in cases of blindness or loss of limb and in certain other cases where the severity of the impairment is immediately determinable; to the Committee on Ways and Means.

H.R. 5749. A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; to the Committee on Ways and Means.

By Mr. GUDE (for himself, Mr. JOHNSON of Pennsylvania, and Mr. McCLELLY):

H.R. 5750. A bill to authorize the Secretary of the Interior to protect, manage, and control free-roaming horses and burros on public lands; to the Committee on Interior and Insular Affairs.

By Mr. HARSHA:

H.R. 5751. A bill to amend the Railroad Retirement Act of 1937 to provide that an individual's entitlement to retirement benefits under that act or the Social Security Act while he or she is entitled to dependent's or survivor's benefits under the other such act shall not operate to prevent any increases in his or her benefits under the 1937 act which would otherwise result under the so-called social security minimum guaranty provision; to the Committee on Interstate and Foreign Commerce.

By Mr. HELSTOSKI:

H.R. 5752. A bill Voluntary Military Service Act; to the Committee on Rules.

By Mr. JONES of North Carolina:

H.R. 5753. A bill to amend title XVIII of the Social Security Act so as to include among the health insurance benefits covered under part B thereof, coverage of certain drugs; to the Committee on Ways and Means.

H.R. 5754. A bill to amend title 38 of the United States Code to provide that monthly social security benefit payments shall not be considered as income in determining eligibility for pensions under that title; to the Committee on Veterans' Affairs.

H.R. 5755. A bill to amend the Internal Revenue Code to remove the limitations on the amount of medical and dental expenses which may be deducted, to permit taxpayers to deduct such expenses, to arrive at their adjusted gross income, and for other purposes; to the Committee on Ways and Means.

By Mr. KARTH:

H.R. 5756. A bill to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Education and Labor.

By Mr. LEGGETT:

H.R. 5757. A bill to terminate the authority of the President to suspend the Davis-Bacon Act; to the Committee on Education and Labor.

By Mr. McCLELLY:

H.R. 5758. A bill to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes; to the Committee on Public Works.

By Mr. McCLELLY (for himself and Mr. HANSEN of Idaho):

H.R. 5759. A bill to enable the Secretary of Agriculture to extend financial assistance to desertland entrymen to the same extent as such assistance is available to homestead entrymen; to the Committee on Agriculture.

By Mr. MIKVA:

H.R. 5760. A bill to prohibit the use of funds appropriated by Congress to support the use in combat zones of persons inducted under the Military Selective Service Act of 1967; to the Committee on Armed Services.

By Mr. MIKVA (for himself, Mr. BURTON, Mrs. CHISHOLM, Mr. CONYERS, Mr. MATSUNAGA, Mr. RYAN, and Mr. CHARLES H. WILSON):

H.R. 5761. A bill to protect the political rights and privacy of individuals and organizations and to define the authority of the Armed Forces to collect, distribute, and store information about civilian political activity; to the Committee on Armed Services.

By Mr. MIKVA (for himself, Mr. ADAMS, Mr. ANNUNZIO, Mr. BINGHAM, Mr. BRASCO, Mrs. CHISHOLM, Mr. DIGGS, Mr. WILLIAM D. FORD, Mr. FRASER, Mrs. HANSEN of Washington, Mr. HARRINGTON, Mr. HATHAWAY, Mr. MOORHEAD, Mr. PODELL, Mr. RODINO, Mr. ROSENTHAL, and Mr. HALPERN):

H.R. 5762. A bill: National Public Employee Relations Act; to the Committee on Education and Labor.

By Mr. MOORHEAD:

H.R. 5763. A bill to amend title II of the Social Security Act to provide a 10-percent across-the-board increase in benefits thereunder, with a minimum primary benefit of \$100, and to increase to \$2,400 a year the amount of outside earnings a beneficiary may have without loss of benefits; to the Committee on Ways and Means.

By Mr. MOSS (for himself, Mr. REID of New York, Mr. GALLAGHER, Mr. BROOMFIELD, Mr. ZABLOCKI, Mr. MONAGAN, Mr. MORSE, Mr. HORTON, Mr. MACDONALD of Massachusetts, and Mr. GUDE):

H.R. 5764. A bill to amend chapter 4 of part I of the Foreign Assistance Act of 1961

to provide additional authorization in supporting assistance for the national land reform program enacted March 26, 1970, by the Government of Vietnam; to the Committee on Foreign Affairs.

By Mr. NELSEN (for himself and Mr. Fuqua):

H.R. 5765. A bill to extend for 6 months the time for filing the comprehensive report of the Commission on the Organization of the Government of the District of Columbia; to the Committee on the District of Columbia.

By Mr. NELSEN (for himself, Mr. CARTER, and Mr. HASTINGS):

H.R. 5766. A bill to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5767. A bill to amend the Public Health Service Act so as to provide for new health manpower educational initiatives, increase the level of financial assistance to health professions schools and other institutions training health personnel, improve the distribution and increase the supply of health personnel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Texas (for himself, Mr. ANDERSON of Illinois, Mr. ARCHER, Mr. BLACKBURN, Mr. COLLINS of Texas, Mr. GIBBONS, Mr. HARRINGTON, Mr. HOSMER, Mr. JOHNSON of Pennsylvania, Mr. KUYKENDALL, Mr. MANN, Mr. MAYNE, Mr. MICHEL, Mr. RAILSBACK, Mr. RARICK, and Mr. BOB WILSON):

H.R. 5768. A bill to establish a commission to review U.S. antitrust laws; to the Committee on the Judiciary.

By Mr. STEED:

H.R. 5769. A bill for the relief of persons who suffered damages as a result of the sonic boom test over Oklahoma City, Okla., in 1964; to the Committee on the Judiciary.

By Mr. STEELE:

H.R. 5770. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Wisconsin:

H.R. 5771. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contribution Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. TEAGUE of California:

H.R. 5772. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin:

H.R. 5773. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. VANIK:

H.R. 5774. A bill to provide for a national inventory of mineral deposits, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 5775. A bill to prohibit the use of

enzymes in detergents; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITTEN:

H.R. 5776. A bill to provide for determination through judicial proceedings of claims for compensation on account of disability or death resulting from disease or injury incurred or aggravated in line of duty while serving in the active military or naval service, including those who served during peacetime, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5777. A bill to protect funds invested in series E U.S. savings bonds from inflation and to encourage persons to provide for their own security; to the Committee on Ways and Means.

By Mr. WIDNALL (for himself, Mr. GERALD R. FORD, Mrs. DWYER, Mr. JOHNSON of Pennsylvania, Mr. J. WILLIAM STANTON, Mr. BLACKBURN, Mr. BROWN of Michigan, Mr. WILLIAMS, Mr. WYLIE, Mrs. HECKLER of Massachusetts, Mr. CRANE, Mr. MCKINNEY, Mr. LENT, Mr. FRENZEL, Mr. REUSS, Mr. ASHLEY, Mr. STEPHENS, Mr. GETTYS, and Mr. ANNUNZIO):

H.R. 5778. A bill to authorize insurance in connection with loans for the preservation of residential historic properties; to the Committee on Banking and Currency.

By Mr. YATRON:

H.R. 5779. A bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITTEN:

H.J. Res. 447. Joint resolution proposing an amendment to the Constitution of the United States providing for the election of President and Vice President; to the Committee on the Judiciary.

H.J. Res. 448. Joint resolution to establish the Commission for Re-establishing Constitutional Principles; to the Committee on the Judiciary.

H.J. Res. 449. Joint resolution providing that the United States shall not participate in any civil action except as a party to such civil action; to the Committee on the Judiciary.

By Mr. CONTE:

H. Res. 278. Resolution to authorize the Military Operations Subcommittee of the Committee on Government Operations to conduct an investigation and study of any alleged military surveillance of Members of Congress and other public officials; to the Committee on Rules.

By Mr. DULSKI (for himself and Mr. CORBETT):

H. Res. 279. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 217; to the Committee on House Administration.

By Mr. STEED:

H. Res. 280. Resolution to create a Select Committee on Aging; to the Committee on Rules.

By Mr. WAGGONER:

H. Res. 281. Resolution to amend the rules of the House to abolish joint sponsorship of bills, memorials, or resolutions; to the Committee on Rules.

H. Res. 282. Resolution providing pay comparability adjustments for certain House employees whose pay rates are specifically fixed by House resolutions; to the Committee on House Administration.

By Mr. WHITTEN:

H. Res. 283. Resolution creating a select committee of the House to conduct a full and complete investigation of all aspects of the energy resources of the United States; to the Committee on Rules.

By Mr. CHARLES H. WILSON:

H. Res. 284. Resolution to amend the rules of the House to abolish joint sponsorship of

bills, memorials, or resolutions; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

53. By the SPEAKER: A memorial of the Senate of the State of Kansas, relative to humane treatment for American prisoners of war/missing in action in Southeast Asia; to the Committee on Foreign Affairs.

54. Also, a memorial of the House of Representatives of the State of Kansas, relative to humane treatment for American prisoners of war/missing in action in Southeast Asia; 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. ALBERT:

H.R. 5780. A bill for the relief of Leda Morassutti; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H.R. 5781. A bill for the relief of Carmine Corrado; to the Committee on the Judiciary.

H.R. 5782. A bill for the relief of Giacomo F. Pettito; to the Committee on the Judiciary.

By Mr. BURTON:

H.R. 5783. A bill for the relief of CWO Gordon C. Knight; to the Committee on the Judiciary.

By Mr. CAREY of New York:

H.R. 5784. A bill for the relief of Lucrezia Adragna and her children, Gioacchino Adragna and Luciano Adragna; to the Committee on the Judiciary.

H.R. 5785. A bill for the relief of Dr. Edgardo S. Alday; to the Committee on the Judiciary.

H.R. 5786. A bill for the relief of Iginio Cammarota; to the Committee on the Judiciary.

H.R. 5787. A bill for the relief of Salvatore Carollo and his wife, Antonina Carollo; to the Committee on the Judiciary.

H.R. 5788. A bill for the relief of Salvatore Gambino; to the Committee on the Judiciary.

H.R. 5789. A bill for the relief of Florence Amanda Green; to the Committee on the Judiciary.

H.R. 5790. A bill for the relief of Maria Luchi; to the Committee on the Judiciary.

H.R. 5791. A bill for the relief of Judith Novella Matthew; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 5792. A bill for the relief of Santo and Serafina Accurso; to the Committee on the Judiciary.

H.R. 5793. A bill for the relief of Maria Ciccone; to the Committee on the Judiciary.

H.R. 5794. A bill for the relief of Leandro Napoleone; to the Committee on the Judiciary.

H.R. 5795. A bill for the relief of Lydia and Salvatore Santarella; to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 5796. A bill for the relief of Mrs. Amy M. Allen Haqq; to the Committee on the Judiciary.

H.R. 5797. A bill for the relief of Bruna Molinari; to the Committee on the Judiciary.

By Mr. THOMPSON of New Jersey:

H.R. 5798. A bill for the relief of Giuseppe Cordaro; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 5799. A bill for the relief of the estate of Katharine A. Seaward; to the Committee on the Judiciary.